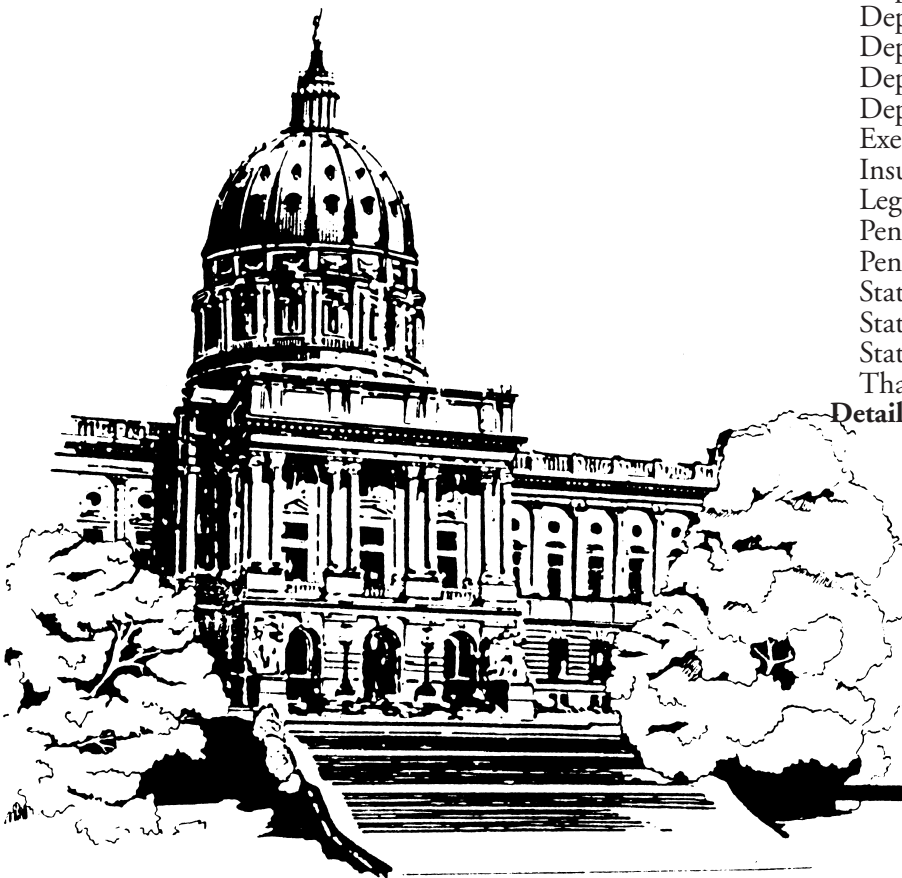


# PENNSYLVANIA BULLETIN

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41 ..... 2204  
 43 ..... 2204  
 45 ..... 2204  
 51 ..... 1939  
 53 ..... 1939  
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 57 ..... 1939  
 59 ..... 1939  
 61 ..... 1939  
 63 ..... 1939  
 65 ..... 1939  
 67 ..... 1939  
 69 ..... 1939

**52 Pa. Code (Public Utilities)  
 Adopted Rules**

54 ..... 2707

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56 ..... 925  
 62 ..... 1657, 1870, 3461

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69 ..... 1676, 3471

**55 Pa. Code (Public Welfare)**

**Proposed Rules**

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 1187 ..... 4428  
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1223 ..... 1991  
 2600 ..... 26, 2346  
 3270 ..... 1011, 2347  
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 3290 ..... 1011, 2347  
 6000 ..... 3174  
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29 ..... 523  
 51 ..... 1860  
 53 ..... 1860  
 56 ..... 1860  
 61 ..... 1201  
 63 ..... 1860  
 65 ..... 1860  
 69 ..... 1859, 1860  
 75 ..... 1202, 1860, 3442  
 101 ..... 1860  
 113 ..... 1860  
 131 ..... 2791  
 139 ..... 2792  
 141 ..... 1110, 2798, 2800, 2801  
 143 ..... 1388, 1990, 2802  
 147 ..... 1205, 1388, 2802  
 401 ..... 2113  
 401a ..... 235, 2588, 3446  
 403a ..... 3446  
 405a ..... 3446  
 431a ..... 2588  
 435a ..... 2588  
 437a ..... 2588, 4891  
 439a ..... 1868, 2113  
 441a ..... 3451  
 443a ..... 21  
 451a ..... 2588  
 461a ..... 4338, 4422  
 463a ..... 4338, 4422

465a ..... 1868, 2113, 2588  
 491a ..... 3446  
 493a ..... 3446  
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 497a ..... 3446  
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 61 ..... 3455  
 73 ..... 3458  
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 101 ..... 1870  
 105 ..... 1870  
 109 ..... 1870  
 111 ..... 1870  
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 135 ..... 2811, 2812, 2951  
 139 ..... 1532  
 141 ..... 1391, 1392, 1393, 1668, 2809  
 143 ..... 1529  
 147 ..... 1529, 2809, 2813  
 401a ..... 2113, 3459  
 403a ..... 418  
 435a ..... 418, 3459, 4894  
 437a ..... 1003, 4894  
 439a ..... 1662, 2113  
 441a ..... 418, 3459  
 461a ..... 418, 423, 1662  
 463a ..... 423, 1662  
 465a ..... 418, 1662, 2113  
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**61 Pa. Code (Revenue)**

**Proposed Rules**

53 ..... 1209  
 151 ..... 1207  
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**67 Pa. Code (Transportation)**

**Proposed Rules**

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 231 ..... 999  
 233 ..... 4435  
 427 ..... 4104

**201 Pa. Code (Judicial Administration)**

**Proposed Rules**

40 ..... 1293  
 50 ..... 1293

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

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 81 ..... 1980, 3431  
 83 ..... 1846, 1980, 2193, 2318, 4737, 4887  
 85 ..... 4725  
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 89 ..... 4725  
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**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

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**210 Pa. Code (Appellate Procedure)  
Adopted Rules**

1 ..... 508, 1094  
 9 ..... 508, 1094  
 11 ..... 508, 1094  
 19 ..... 508, 1094  
 21 ..... 508, 1094  
 25 ..... 508, 1094  
 37 ..... 508, 1094  
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**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

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**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

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**Proposed Rules**

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 1000 ..... 4740  
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**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 829, 1106, 2434, 2567  
 4 ..... 8  
 10 ..... 2568

**Proposed Rules**

4 ..... 983, 2318, 2435, 4332  
 5 ..... 991  
 6 ..... 2324  
 7 ..... 983, 4332  
 9 ..... 2694  
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**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 4743  
 2 ..... 676  
 3 ..... 676, 4743  
 5 ..... 4743  
 8 ..... 1614  
 11 ..... 1614  
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3 ..... 3319  
 4 ..... 1850  
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**246 Pa. Code (Minor Court Civil Rules)**

**Proposed Rules**

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**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 189, 192, 830, 1199, 2327, 2571, 2929

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 994

**255 Pa. Code (Local Court Rules)**

Unclassified ... 10, 16, 306, 306, 513, 514, 517, 520, 679, 680, 832, 833, 835, 994, 995, 1107, 1199, 1200, 1386, 1478, 1522, 1523, 1524, 1525, 1526, 1527, 1621, 1857, 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699, 2703, 2705, 2929, 2946, 3040, 3041, 3165, 3321, 4096, 4102, 4337, 4419, 4420, 4749, 4889

# 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 029</b>					
029	Jul 30	SB0536	PN0543	Immediately	Conveyance—Commonwealth property in Mount Joy Township, Lancaster County

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

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

[Pa.B. Doc. No. 09-1451. Filed for public inspection August 14, 2009, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[ 204 PA. CODE CH. 83 ]

### Amendments of Pennsylvania Rules of Disciplinary Enforcement 203, 214 and 216; No. 79; Disciplinary Rules Docket

#### Order

*Per Curiam:*

And Now, this 29th day of July, 2009, Rules 203, 214 and 216 of the Pennsylvania Rules of Disciplinary Enforcement are amended to read as set forth in Annex A.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect in thirty days.

PATRICIA NICOLA,  
Chief Clerk  
Supreme Court of Pennsylvania

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 203. Grounds for discipline.

\* \* \* \* \*

(b) The following shall also be grounds for discipline:

(1) Conviction of a crime [ **which under Enforcement Rule 214 (relating to attorneys convicted of crimes) may result in suspension** ].

\* \* \* \* \*

#### Rule 214. Attorneys convicted of crimes.

\* \* \* \* \*

(d)(1) Upon the filing with the Supreme Court of a certified copy of an order demonstrating that an attorney has been convicted of a serious crime, the Court may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension, which rule shall be returnable within ten days.

\* \* \* \* \*

(5) At any time before a plea or verdict or after a guilty plea or verdict of guilt in the criminal proceeding, Disciplinary Counsel and the respondent-attorney may file with the Court a joint petition for temporary suspension of the respondent-attorney on the ground that the respondent-attorney's temporary suspension is in the best interest of the respondent and the legal system.

(e) A certificate of conviction of an attorney for a [ **serious** ] crime [ **filed under subdivision (b) or (c)** ] shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based upon the conviction.

\* \* \* \* \*

#### Rule 216. Reciprocal discipline.

(a) Upon receipt of a certified copy of an order, **judgment or disciplinary directive of another court, a federal government agency or a military tribunal** demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, [ **or** ] disbarment, **or revocation of license or pro hac vice admission, or has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation** in another jurisdiction, the Supreme Court shall forthwith issue a notice directed to the respondent-attorney containing:

(1) a copy of said order, **judgment or directive** from the other [ **jurisdiction** ] **court, federal government agency or military tribunal**; and

\* \* \* \* \*

(b) In the event the discipline imposed in the other [ **jurisdiction** ] **court, federal government agency or military tribunal** has been stayed there, any reciprocal discipline imposed in the Commonwealth shall be deferred until such stay expires.

\* \* \* \* \*

(e) An attorney who has been disciplined **in another court or by a federal government agency or a military tribunal**, by suspension, [ **or** ] disbarment, **or revocation of license or pro hac vice admission, or who has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation** in another jurisdiction, shall report the fact of such suspension, [ **or** ] disbarment, **revocation or resignation** to the Secretary of the Board within 20 days after the date of the order, **judgment or directive imposing or confirming the discipline**.

[Pa.B. Doc. No. 09-1452. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Title 237—JUVENILE RULES

[ 237 PA. CODE CH. 16 ]

### Order Amending Rule 1613 of the Rules of Juvenile Court Procedure; No. 476; Supreme Court Rules Docket

#### Order

*Per Curiam:*

Now, this 29th day of July, 2009, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published before adoption at 38 Pa.B. 5592 (October 11, 2008), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 955, No. 1, October

10, 2008), and on the Supreme's Court web page, and an *Explanatory Report* to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rule 1613 of the Rules of Juvenile Court Procedure are adopted as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

#### PART B. PERMANENCY HEARING

#### Rule 1613. Termination of Court Supervision.

A. *Concluding Supervision.* Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

1) **the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;**

2) **the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;**

3) **the child has been placed with a ready, willing, and able parent [has come forward] who was not previously identified by the county agency ;**

[ 2 ] 4) **the child has been adopted and services from the county agency are no longer needed;**

[ 3) **the court has transferred jurisdiction to another court; ]**

5) **the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;**

6) **the child has been placed in the custody of a fit and willing relative and services from the county agency are no longer needed;**

7) **the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed;**

8) **the child has been adjudicated delinquent and services from the county agency are no longer needed;**

9) **the child has been emancipated by the court;**

[ 4 ] 10) **the child is eighteen years old and [no longer wants service] refusing further services from the county agency;**

11) **the child has died;**

12) **a court in another county of this Commonwealth has accepted jurisdiction; or**

13) **a court in another state has accepted jurisdiction.**

[ 5) **the court has found other reasons for termination of court supervision; or**

**6) a) the family has completed the terms of the family service plan or permanency plan; and**

**b) the child is returned to the guardian. ]**

B. *Ready, willing, and able parent.* When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to paragraph (A) [ 2 ] 3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to Pa.R.C.P.

C. *Objection.* Any party may object to a motion under paragraphs (A) and request a hearing.

D. *Hearing.* If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

E. *Cessation of services.* When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

#### Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

**For guidelines under paragraph (A), see [ See also, ] 42 Pa.C.S. §§ 6301(b) & 6351(f.1).**

**Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.**

**For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, 428 Pa. Super. 448, 631 A.2d 615 (1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.**

**Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3130.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).**

**The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993).**

**A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). See paragraph (B).**

**Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. 42 Pa.C.S. § 6351(a)(2.1). See also *Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988).**

**Official Note:** Rule 1613 adopted August, 21, 2006, effective February 1, 2007. **Amended July 29, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4889 (August 15, 2009).**

*Introduction*

The Supreme Court of Pennsylvania has adopted the proposed changes to Rule 1613. The changes are effective July 29, 2009.

**EXPLANATORY REPORT  
JULY 2009**

Rule 1613 has been modified to specify the reasons for terminating a case.

This change eliminates confusion as to how a dependency case can be terminated and prohibits judicial districts from improperly terminating run-away cases. The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa.Super. 439, 619 A.2d 758 (1993).

This will also enable the Administrative Office of Pennsylvania Courts to track dependency cases more effectively and the specific reason for termination.

The following paragraphs explain how the Committee compiled the list of reasons for termination.

Paragraphs (A)(1) and (2) are preferred permanency choices under the Juvenile Act. 42 Pa.C.S. §§ 6301(b) and 6351(f.1)(1).

Paragraph (A)(3) is addressed by *In re M.L.*, 562 Pa.646, 757 A.2d 849 (2000). A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. If this parent comes forward after the commencement of dependency proceedings, the court may terminate the dependency supervision and enter an order awarding custody to the parent. See paragraph (B).

Paragraphs (A)(4)–(7) are other permanency options provided for in the Juvenile Act. 42 Pa.C.S. § 6351 (f.1)(2)–(5).

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication so the child can obtain dependency services from the county agency.

The court may also decide to emancipate the child under paragraph (A)(9). See *Berks County Children and Youth Services v. Rowan*, 428 Pa. Super. 448, 631 A.2d 615 (1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42

Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3130.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).

The court may also transfer the case to another court. See paragraphs (A)(12) & (13).

[Pa.B. Doc. No. 09-1453. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BEAVER COUNTY

#### Beaver County Regional Booking Center Fund Fee; Criminal Division No. 59; AD 2009

#### Administrative Order

Upon the recommendations of the Criminal Rules Committee of the Beaver County Bar Association and the Beaver County Criminal Justice Advisory Board, and pursuant to authority granted at 42 Pa.C.S.A. § 1725.6, it is hereby Ordered and Directed that the Beaver County Regional Booking Center Fund Fee, as provided for at L.R. 552 (D), be increased from \$50.00 to \$100.00 for each booking of a defendant. Because the Beaver County Regional Booking Center has been in full operation since March, 2003, the Policy and Procedure Manuals, as amended, are readopted as the controlling policies for the continuing operation of the Center.

The fees collected pursuant to this Order shall be collected by the Beaver County Clerk of Court's Office and shall be made payable to Beaver County and deposited into a specially created and maintained Regional Booking Center Fund. Monies in the Beaver County Regional Booking Center Fund shall be used solely for the operation and maintenance of the Beaver County Regional Booking Center.

The Beaver County District Court Administrator is directed to publish this Order in the *Pennsylvania Bulletin* and on the Unified Judicial System's web site.

This Order shall be effective on the first Monday following thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN D. McBRIDE  
President Judge

[Pa.B. Doc. No. 09-1454. Filed for public inspection August 14, 2009, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 30, 2009, Reginald D. Greene is disbarred from the practice of law in this Commonwealth retroactive to June 5, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted

attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-1455. Filed for public inspection August 14, 2009, 9:00 a.m.]

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## SUPREME COURT

### Accreditation of the American Board of Certification as a Certifying Organization in the Area of Bankruptcy; No. 80; Disciplinary Rules Docket

#### Order

*And Now*, this 30th day of July, 2009, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the American Board of Certification is hereby accredited as a certifying organization in the area of Consumer Bankruptcy, Creditors' Rights and Business Bankruptcy for the period from November 30, 2009 until November 30, 2014.

RONALD D. CASTILLE,  
*Chief Justice*

[Pa.B. Doc. No. 09-1456. Filed for public inspection August 14, 2009, 9:00 a.m.]

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### Accreditation of the National Board of Trial Advocacy as a Certifying Organization in the Areas of Civil Trial Advocates and Criminal Trial Advocates; No. 81; Disciplinary Rules Docket

#### Order

*And Now*, this 30th day of July, 2009, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the National Board of Trial Advocacy is hereby accredited as a certifying organization in the areas of Civil Trial Advocates and Criminal Trial Advocates for a period of five years. The accreditation authorized by this order is retroactive to June 1, 2009, and shall expire on June 1, 2014.

RONALD D. CASTILLE,  
*Chief Justice*

[Pa.B. Doc. No. 09-1457. Filed for public inspection August 14, 2009, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 437a ]

#### Corrective Amendment to 58 Pa. Code Chapter 437a

The Pennsylvania Gaming Control Board has discovered a discrepancy between the agency text of 58 Pa. Code § 437a.2(b)—(d) (relating to vendor registration applications), as deposited with the Legislative Reference Bureau and published at 38 Pa.B. 2251 (May 17, 2008) and the official text currently appearing in the *Pennsylvania Code* MTS No. 404 (July 2008). When amendments set forth at 38 Pa.B. 2251 were codified, the text in subsections (b)—(d) was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Gaming Control Board has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 437a.2(b)—(d). The corrective amendment to § 437a.2 (b)—(d), is effective as of July 5, 2008, the date the defective text was announced in the *Pennsylvania Bulletin*.

The correct version of § 437a.2(b)—(d) appears in Annex A, with ellipses referring to the existing text of the section.

RICHARD SANDUSKY,  
*Director of Regulatory Review*

*(Editor's Note:* For a proposed rulemaking which proposes to amend § 437a.2, see 39 Pa.B. 4894 (August 15, 2009).)

### Annex A

#### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

#### CHAPTER 437a. VENDOR CERTIFICATION AND REGISTRATION

#### § 437a.2. Vendor registration applications.

\* \* \* \* \*

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

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

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

(c) An applicant for a vendor registration will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application.

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

[Pa.B. Doc. No. 09-1458. Filed for public inspection August 14, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[ 25 PA. CODE CH. 901 ]

### Proposed Amendments to the *Water Quality Regulations, Water Code* and *Comprehensive Plan* to Revise the Human Health Water Quality Criteria for PCBs in the Delaware Estuary, to Apply the PCB Human Health Water Quality Criterion to Delaware Bay, and to Provide for the Use of Compliance Schedules to Implement Stream Quality Objectives Established by the Commission

#### Summary

The Delaware River Basin Commission (DRBC or "Commission") will hold a public hearing to receive comments on proposed amendments to the Commission's Water Quality Regulations, Water Code and Comprehensive Plan to revise the human health water quality criteria for polychlorinated biphenyls (PCBs) in the Delaware Estuary (DRBC Water Quality Management Zones 2—5), extend application of the DRBC's PCB human health water quality criterion to Delaware Bay (DRBC Water Quality Zone 6) and provide for the use of compliance schedules where implementation of a stream quality objective established by the Commission requires a reduction of the pollutant concentration or loading of a discharge to Basin waters.

#### Dates

Two informational meetings will be held in late September 2009 on the proposed revised human health water quality criterion for PCBs and accompanying implementation plan. The exact locations and dates will be posted on the Commission's web site, DRBC.net, on or before August 17, 2009.

The public hearing will be held at 1:30 p.m. on Thursday, October 8, 2009, at the Commission's office building located at 25 State Police Drive, West Trenton, NJ. As Internet mapping tools are inaccurate for this location, use the driving directions posted on the Commission's web site. The hearing will continue until all those wishing to testify have had an opportunity to do so. Persons wishing to testify at the hearing are asked to register in advance by phoning Paula Schmitt at (609) 883-9500, Ext. 224.

Written comments will be accepted and must be received by 5 p.m. on Monday, October 19, 2009. Written comments may be submitted as follows: if by email, to paula.schmitt@drbc.state.nj.us; if by fax, to Commission Secretary at (609) 883-9522; if by United States mail, to Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360. In all cases, include the commentator's name, address and affiliation, if any, in the comment document and "PCB Rulemaking" in the subject line.

#### Supplementary Information

**Background.** The current DRBC water quality criteria for PCBs in the Delaware Estuary were established in 1996. They predate the collection of site-specific bioaccumulation data for the Delaware Estuary and Bay and

site-specific fish-consumption data for Zones 2 through 4 that are relevant to the development of human health water quality criteria. They are also inconsistent with current United States Environmental Protection Agency (EPA) guidance for the development of such criteria, and they vary by water quality zone. One consequence of the current varied criteria is that to ensure that the current water quality criterion of 7.9 picograms per liter in the downstream portion of Zone 5 can be achieved, the allowable PCB loading to Zones 2 and 3, where the applicable criterion currently is 44.4 picograms per liter, must be even lower than would be required if the proposed uniform criterion were in place. DRBC currently has no PCB water quality criteria for the Delaware Bay, a shared interstate water for which the states of New Jersey and Delaware have established a criterion of 64 picograms per liter.

By Resolution No. 2003-11 on March 19, 2003, the Commission directed its executive director to initiate rulemaking on a proposal to revise the Commission's human health water quality criteria, including those for PCBs, to reflect site-specific data on fish consumption, site-specific bioaccumulation factors, and current EPA guidance on development of human health criteria. Rulemaking was delayed, however, pending the completion of an effort by the Commission's Toxics Advisory Committee (TAC) to revise the criterion for PCBs and a separate effort to develop recommendations for achieving reductions in PCB loadings to the river that could be issued in conjunction with the criterion.

Rigorously applying the most current available data and methodology, including site-specific data on fish consumption, site-specific bioaccumulation factors, and the current EPA methodology for the development of human health criteria for toxic pollutants (*see* EPA-822-B-00-004, October 2000), the TAC in July 2005 completed development of a revised human health water quality criterion for PCBs for the Delaware Estuary and Bay of 16 picograms per liter. Accordingly, by Resolution No. 2005-19 on December 7, 2005, the Commission directed the executive director to proceed with rulemaking to establish the new criterion in DRBC Water Quality Zones 2—6.

Elevated levels of PCBs in the tissues of fish caught in the Delaware Estuary and Bay currently prevent the attainment of the designated uses "maintenance and propagation of resident fish and other aquatic life" (Zone 2, Zone 5 below River Mile 70 and Zone 6), "passage of anadromous fish" (Zones 2—6), and "maintenance of resident fish and other aquatic life" (Zones 3—5 above River Mile 70). (*See DRBC Water Quality Regulations* (WQR), Art. 3, sec's 3.30.2 B.2, 3.30.3 B.2, 3.30.4 B.2, 3.30.5 B.2 and 3.30.6 B.2 for Zones 2—6, respectively). These uses are commonly referred to collectively as "fishable" and are deemed to include human consumption of resident fish. Accordingly, these waters are listed by the bordering states as impaired under section 303(d) of the Clean Water Act (CWA), which requires that a total maximum daily load (TMDL) be established for them. A TMDL expresses the maximum amount of a pollutant that a water body can receive and still attain water quality standards. Once the load is calculated, it is allocated to all sources in the watershed—point and nonpoint—which may not discharge loads in excess of the share allocated to them in order to achieve and maintain the water quality standards. The EPA established TMDLs

for PCBs in December of 2003 for the Delaware Estuary and in December of 2006 for the Delaware Bay ("Stage 1 TMDLs"). It is anticipated that EPA will establish revised TMDLs ("Stage 2 TMDLs") for the Delaware Estuary and Bay to attain the revised PCB human health water quality criterion if approved.

When the Commission directed the executive director in 2005 to initiate rulemaking on updated PCB criteria, in accordance with a recommendation of the TAC, it also asked her to work with state regulatory agencies and EPA (collectively, "co-regulators") to develop recommendations for implementing criteria for bioaccumulative toxic pollutants such as PCBs that would be "consistent with the existing Clean Water Act National Pollutant Discharge Elimination System (NPDES) framework while . . . reflecting principles of adaptive management" and to solicit public comment on these recommendations (DRBC Resolution No. 2005-19 par's. 3-4). It is expected that Stage 2 TMDLs issued by EPA will include as an appendix a TMDL implementation plan developed by DRBC and its co-regulators. The implementation plan, which will take the form of a guidance document, will explain how the load allocations assigned by the TMDL to nonpoint sources and the wasteload allocations assigned to point sources can be achieved consistent with the Clean Water Act and principles of adaptive management.

According to the 2003 and 2006 TMDLs, actual loadings of PCBs to the Delaware Estuary and Bay respectively are in some cases orders of magnitude above those needed to allow attainment of the designated use. The EPA's 2003 Delaware Estuary TMDL report projects that "due to the scope and complexity of the problem that has been defined through these TMDLs, achieving the estuary water quality standards for PCBs will take decades." (EPA 2003, Executive Summary, p. xiii). As required by Section 4.30.9 of the DRBC *Water Quality Regulations*, adopted by DRBC Resolution No. 2005-9 on May 18, 2005, the largest point source dischargers of PCBs to the Delaware Estuary and Bay have already undertaken pollutant minimization plans designed to locate the sources of PCBs entering their wastewater and stormwater systems and contain or remove them. The TMDL implementation plan developed by the co-regulators recognizes that many point source dischargers already have reduced their PCB loadings in an effort to meet their TMDL wasteload allocations assigned by the Stage 1 TMDLs. Some point source dischargers are expected to achieve their required reductions soon; however, others will require an extended period of time, including in some instances decades, to achieve the PCB loading reductions needed to meet their assigned wasteload allocations. The implementation plan developed by the co-regulators will accommodate these dischargers through the use of compliance schedules consistent with The Clean Water Act and applicable regulations. It is understood that those dischargers who cannot achieve their wasteload allocations within a single 5-year permit cycle notwithstanding good faith efforts to do so as soon as possible will be given additional time, even if this requires compliance schedules extending well beyond a single 5-year permit cycle.

**Subjects on Which Comment is Expressly Solicited.** Public comment is solicited on all aspects of the proposed rule. Without limiting the foregoing, the Commission has identified certain subject matters on which it expressly seeks comment. First, comments are solicited on the assumptions applied in developing the criterion, including the appropriate cancer risk level. (See Resolution No. 2005-19, par. 2). In accordance with current

DRBC regulations, that level is 10-6, or one additional cancer in every one million humans exposed for 70 years. (See DRBC WQR, § 3.10.3 D.4). The assumptions applied in developing the revised PCB criterion of 16 picograms per liter are set forth in a basis and background document that is available on the DRBC web site, DRBC.net. The second area on which the Commission expressly seeks comment is best approaches for implementing water quality criteria for bioaccumulative pollutants consistent with the NPDES framework and principles of adaptive management. (See Resolution No. 2005-19, par. 4). The third is the implementation plan developed by the co-regulators, which is posted on the Commission's web site, DRBC.net.

**Further Information.** The basis and background document and the co-regulators' implementation plan for the proposed criterion will be available on the DRBC web site, DRBC.net, on or before August 17, 2009. The dates, times and locations for the informational meetings to take place in late September will be posted on the web site by the same date.

Contact Commission Secretary Pamela M. Bush, (609) 883-9500, Ext. 203 with questions about the proposed rule or the rulemaking process.

PAMELA M. BUSH, ESQ.  
*Commission Secretary*

*Text of Proposed Amendments*

It is proposed to amend the Comprehensive Plan, Articles 3 and 4 of the *Water Quality Regulations* (WQR) and Article 3 of the *Water Code* (WC) as set forth as follows. Editor's instructions are denoted by underscore thus. Deleted text is denoted by brackets [thus] and added text is denoted by boldface **thus**.

Amend Section 3.10.3 D. of Article 3 of the WQR and WC as follows:

3.10.3 Stream Quality Objectives

\* \* \* \* \*

D. Human Health Objectives for Toxic Pollutants. It is the policy of the Commission to designate numerical stream quality objectives for the protection of human health for the Delaware River Estuary (Zones 2 through 5) which correspond to the designated uses of each zone. **It is also the policy of the Commission to designate a stream quality objective for the protection of human health from carcinogenic effects for PCBs in Delaware Bay (Zone 6).**

Stream quality objectives for protection from both carcinogenic and systemic effects are herein established on a pollutant-specific basis for:

\* \* \* \* \*

Other toxic substances for which any of the three Estuary states have adopted criteria or standards may also be considered for the development of stream quality objectives.

\* \* \* \* \*

6. A rate of ingestion of water of 2.0 liters per day is assumed in calculating objectives for river zones where the designated uses include public water supplies after reasonable treatment. [A] **For toxic pollutants other than PCBs, a rate of ingestion of fish of 6.5 grams per day (equivalent to consuming a 1/2 pound portion every 35 days) is assumed in calculating freshwater stream quality objectives for human health[. A]; and a rate of ingestion of fish of 37 grams per day (equivalent to**

consuming a 1/2 pound portion every 6 days) is assumed in calculating marine stream quality objectives for human health. **For PCBs in Zones 2 through 6, a rate of ingestion of fish of 17.5 grams per day (equivalent to consuming a 1/2 pound portion every 13 days) is assumed in calculating both freshwater and marine stream quality objectives.**

\* \* \* \* \*

Amend Table 6 of Section 3.30 of Article 3 of the WQR and WC as follows:

For the parameter "PCBs (Total)", in the column headed "Freshwater Objectives (ug/l): Fish & Water Ingestion," remove the number "0.0000444" and insert "**0.000016**;" in the column headed "Freshwater Objectives (ug/l): Fish Ingestion Only," remove the number "0.0000448" and insert "**0.000016**;" and in the column headed "Marine Objectives (ug/l): Fish Ingestion Only," remove the number "0.0000079" and insert "**0.000016**."

Amend Section 3.30.6 C. of Article 3 of the WQR and WC by the addition of a new subsection 3.30.6 C.11. as follows:

3.30.6 Zone 6

\* \* \* \* \*

C. Stream Quality Objectives.

\* \* \* \* \*

**11. Toxic Pollutants. The applicable marine stream quality objective for PCBs for the protection of human health from carcinogenic effects is 0.000016 ug/l.**

\* \* \* \* \*

Amend Section 4.20.2 of Article 4 of the WQR as follows:

4.20.2 Additional Specifications. [The Standards have set limits for most of the significant and commonly used indicators which are pertinent to water quality management in the Basin. When a need arises, or upon application to the Commission, additional indicators and limits will be defined.]

Redesignate subsection 4.20.2 A. of Article 4 of the WQR as 4.20.2 B. and insert new language at Section 4.20.2 A. as follows:

**A. Schedules of Compliance. Where implementation of a stream quality objective established by the Commission requires a reduction of the pollutant concentration or loading of a discharge to Basin waters, the Commission and/or environmental agency of the signatory party may establish a schedule of compliance ("compliance schedule") subject to the following:**

**1. Where the U.S. Environmental Protection Agency (EPA) or a state agency authorized by EPA to issue NPDES permits under the Clean Water Act issues a NPDES permit governing the discharge, then the compliance schedule shall be consistent with the Clean Water Act and applicable federal regulations; and**

**2. in all other instances, the compliance schedule issued by the Commission or the environmental agency of the signatory party shall obligate the discharger to attain as soon as reasonably possible in the judgment of the agency issuing such schedule the concentration or loading required to implement the stream quality objective.**

B[A]. Background, Total Dissolved Solids. The following background levels of total dissolved solids shall be utilized for the specified zones of the Delaware River:

\* \* \* \* \*

**Fiscal Note:** 68-53. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART V. DELAWARE RIVER BASIN COMMISSION  
CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A [ (2008) ] (2009), and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 [ (2008) ] (2009) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 09-1459. Filed for public inspection August 14, 2009, 9:00 a.m.]

**PENNSYLVANIA GAMING  
CONTROL BOARD**

**[ 58 PA. CODE CHS. 435a AND 437a ]**

**Vendor Revisions**

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1321 (relating to additional licenses and permits and approval of agreements), proposes to amend Chapters 435a and 437a (relating to employees; and vendor certification and registration) to read as set forth in Annex A.

*Purpose of the Proposed Rulemaking*

This proposed rulemaking contains numerous amendments to Chapters 435a and 437a which are designed to improve the clarity of these chapters, reduce unnecessary filing requirements and improve the overall effectiveness of the Board's oversight of vendors based on the Board's experience to date.

*Explanation of Amendments to Chapters 435a and 437a*

Throughout this proposed rulemaking the Board has made minor language changes to improve the clarity of the regulations. For example, the Board has replaced the term "business" with "goods or services" to more closely track the language in the statute.

In Chapter 435, a new § 435a.9a (relating to temporary credentials for vendors) has been added which allows the Bureau of Licensing (Bureau) to issue temporary credentials for individuals who are part of a vendor registration or certification application if their presence in the licensed facility is needed. This will allow these individuals to work in a licensed facility prior to the approval of the vendor's registration or certification application.

Also in Chapter 435a, a new § 435a.9b (relating to vendor employee temporary access credentials) has been added which codifies the Bureau policy for issuing temporary credentials to employees of construction company vendors to complete work under the original contract,

change orders, punch lists, make periodic repairs or do warranty work. This provides a controlled mechanism for contractors to complete work or make repairs under the supervision of the slot machine licensee's security department instead of having these employees go through the process of obtaining a gaming permit or nongaming registration.

In § 437a.1 (relating to general vendor requirements), the monetary thresholds that trigger the registration or certification requirements have been revised. Under these amendments, vendors who provide less than \$15,000 worth of goods or services in a 12-month period will continue to be exempt from the registration or certification requirements. A new subsection (h) has been added which requires slot machine applicants and licensees to file a one-page Notification of Intent to Conduct Business Form for any vendor that is not required to be registered or certified that will provide goods or services that are valued at \$15,000 or more in a consecutive 12-month period. This will allow the Board to track low dollar value vendor transactions without requiring small vendors to complete an extensive application.

Under subsection (a), if a vendor provides goods or services worth \$100,000 or more up to \$500,000 in a 12-month period to one or more slot machine applicants or licensees, the vendor will be required to be registered. Under subsection (b), if a vendor provides goods or services worth more than \$500,000 in a 12-month period to one or more slot machine applicants or licensees, the vendor will be required to be certified. These changes will significantly reduce the number of vendors who will have to obtain registrations or certifications which will make it easier for small businesses in this Commonwealth to provide services to slot machine applicants and licensees.

Also in subsection (a), vendors whose employees will be working on the gaming floor or in restricted areas will now, in most cases, be required to be registered. Under the current regulation, these vendors are required to be certified. This change will reduce application costs for vendors. Additionally an exemption to the registration requirement has been added when registration will not be required if the following conditions are met: the employees access to the gaming floor is for no more than 24 hours in a 72-hour period once in any 3-month period; the vendor's employees sign-in with the slot machine licensee's security department and the Board's casino compliance representatives; and the vendor has received written approval from the Bureau.

A new subsection (c) has been added that requires registration or certification as a vendor if a person provides goods or services that have a total dollar value that exceeds the respective dollar thresholds to an intermediary, holding company or affiliate of a slot machine licensee, if those goods or services are for the benefit of or use by the slot machine licensee.

It is not uncommon for entities that operate multiple casinos in multiple jurisdictions to consolidate the purchase goods or services for their multiple properties. These provisions will ensure that a vendor that provides goods and services in this manner, that are ultimately to be used by a slot machine licensee in this Commonwealth, shall obtain Pennsylvania certification or registration if the value of the goods or services exceeds the applicable dollar thresholds.

Section 437a.1(d) is being amended to clarify the exemptions in paragraphs (8) and (12) and add two new exemptions. New paragraph (15) exempts persons or

subsidiaries that have a class of equity securities listed on one of the major stock exchanges or an equivalent foreign stock exchange, if their employees' duties do not require the employees to be permitted or registered.

In this situation, the Board does not believe certification or registration is necessary for two reasons. First, to be listed on one of the named stock exchanges, the vendor shall meet certain regulatory requirements similar to those that a certified or registered vendor would have to meet. Therefore, certification or registration by the Board would be redundant. Second, because the vendor's employees' job duties do not require a gaming employee permit or nongaming registration, the potential threat to the integrity of gaming is extremely remote.

Similarly, a new exemption has been added as paragraph (16) which adds an exemption for individuals licensed by a Federal or state agency if that agency's licensing requirements are similar to the Board's. Again, the goal of this provision is to reduce redundant licensing burdens.

A new subsection (e) has been added to § 437a.1 which allows the Board to request information from anyone claiming an exemption under subsection (d) to verify the person's exempt status. This provision is necessary to allow the Board to ensure that the person is eligible for the exemption the person has claimed.

The requirement that currently is contained in subsection (b)(4) that authorizes the Board to require a vendor to be certified if the Board determines certification is necessary to protect the integrity of gaming, has been moved to the new subsection (g) and expanded to allow the Board to require either registration or certification.

In § 437a.2 (relating to vendor registration applications), subsection (b) has been amended to require the submission of a nonrefundable application fee and to require the submission of fingerprints for officers, owners, individuals with the ability to control the vendor and sales persons who will have direct contact with slot machine applicants and licensees. The fee will go toward covering the costs of the investigation conducted on the applicant and the fingerprints will allow the Board to conduct a criminal history check of these individuals. A new subsection (e) has also been added to this section which will require the individuals listed in subsection (b)(4) to be found qualified by the Board. Finally, a new subsection (f) is being added to allow the Bureau to issue a temporary credential to the individuals who are required to submit fingerprints under subsection (b)(4). This will allow these individuals to work in a licensed facility prior to the completion of the application process.

In § 437a.3 (relating to vendor certification applications), subsection (a)(3) has been deleted. The Board does not believe this information is necessary to evaluate an applicant for vendor certification.

In § 437a.3(d)(3) is also being amended to require that a person seeking a waiver from certification based on a single transaction, not have a continuing business relationship with the slot machine applicant or licensee as well as not having a continuing onsite presence at the licensed facility. This new language has been added to clarify the intent of the single transaction waiver provision and to prevent any potential misuse of the single transaction waiver.

Also in § 437a.3, subsection (e) is being deleted. Based on the Board's experience and the increased monetary levels required for certification, the Board does not believe this provision is needed.

Section 437a.4 (relating to qualification of individuals and entities) has been totally rewritten to improve the clarity of these requirements, eliminate unnecessary filings and to replace the term "certification" with "qualification." The new requirement in subsection (a)(1) corresponds to the former requirements in existing subsections (a) and (b). New subsection (a)(2) requires anyone with an ownership or beneficial interest of 10% or more (instead of 5% which is currently required) to file a Pennsylvania Personal History Disclosure Form. Proposed subsection (a)(3) is a new provision which requires a Form from anyone who has the power to control or influence the vendor, regardless of their ownership interest. Proposed subsection (a)(4) is a revision of existing subsection (f) which continues the requirement that salespersons be qualified, but eliminates the requirement for qualification of their supervisors.

The new subsection (b) requires that any entity that owns 20% or more of a certified vendor or applicant for certification to file a Vendor Certification Form—Private Holding Company and be found qualified by the Board.

Subsection (c) exempts individuals and entities who are not otherwise exempt but who do have equity securities listed on one of the major stock exchanges from the requirements in subsections (a) and (b). Because of the regulatory requirements imposed on publicly traded companies, the Board does not believe the information required under subsections (a) and (b) is needed for these companies.

Subsection (d) lists individuals who may be required to file a Personal History Disclosure Form and be found to be qualified if the Board determines that it is necessary to protect the public or to enhance the integrity of gaming.

A new subsection (e) has also been added to this section which will allow the Bureau to issue a temporary credential to the individuals who are required to be qualified under this section. This will allow these individuals to work in a licensed facility prior to the completion of the application process.

The net effect of these revisions will be to reduce the number of individuals who will be required to file the Personal History Disclosure Form and be found qualified by the Board.

In § 437a.6 (relating to registration and certification term and renewal), minor wording changes have been made to improve the clarity of this section.

In § 437a.7 (relating to registered and certified vendor responsibilities), the provisions requiring permitting and registration of certain employees have been revised to include registered vendors as well as certified vendors. Additionally, subsection (c) has been amended to add a new paragraph (4) that requires the offsite supervisor of a registered or certified vendor's employees who work at a licensed facility to obtain a nongaming registration. While this individual will not normally be working in the licensed facility, because he will be responsible for vendor's employees who are working in the licensed facility, having this individual obtain a nongaming permit is appropriate.

The Board is also adding a new subsection (e) which in concert with the proposed new § 435a.11 codifies the Bureau's policy for issuing temporary credentials to employees of construction company vendors to complete work under the original contract, change orders, punch lists, make periodic repairs or do warranty work. As stated previously, this provides a controlled mechanism for con-

tractors to complete work or make repairs under the supervision of the slot machine licensee's security department instead of having these employees go through the process of obtaining a gaming permit or nongaming registration.

In § 437a.8 (relating to authorized vendor list; prohibited vendors), subsection (a) has been amended to clarify that the authorized vendor list will include both persons who have completed the registration or certification process and persons who have been given permission to conduct business with a slot machine licensee or applicant while their application is being reviewed.

Subsection (b) has been amended to explicitly state that a slot machine licensee or applicant may not do \$100,000 or more worth of business with a person within a 12-month period unless the person is on the authorized vendor list. This prohibition would not apply to services provided under § 437a.10 (relating to emergency vendors).

Subsection (c) has been amended to improve the clarity of the subsection and to delete paragraphs (4) and (5) which are redundant.

Subsection (d) has been amended to make the petitioner responsible for all costs related to a petition for removal from the prohibited vendors list. Similarly, a new subsection (e) which allows the Board to impose fines or other sanctions in connection with a petition for removal from the prohibited vendor list has been added. These provisions have been added to address problems that the Board has had with vendors who have been uncooperative and who have tried to provide services without complying with the Board's regulations.

In § 437a.9 (relating to permission to conduct business prior to certification or registration), subsection (a) has been amended by replacing "Board" with "Bureau of Licensing." The Bureau has been responsible for processing these requests. This change will codify this delegation of authority from the Board to the Bureau.

Subsection (a) is also being amended by adding new paragraphs (3) and (4) which expand upon the criteria that must be met for a vendor to provide goods and services before the review of their application has been completed. Paragraph (3) requires an applicant to agree that the Bureau may rescind the authorization with or without prior notice if the applicant's suitability is at issue or the applicant fails to cooperate in the application process. While the Board recognizes that slot machine licensees may need a vendor's services before the application process is complete, the Board's ultimate responsibility is to protect the integrity of gaming. Therefore, if a problem arises during the investigation of the vendor, it is essential that the Bureau be able to immediately rescind the interim authorization it has granted.

The requirements in paragraph (4) will allow the Bureau to determine if the applicant has a criminal record which could negatively impact the suitability of the applicant to provide goods or services prior to the completion of the application process.

Subsections (b) and (c), which limit the permission to conduct business to a period of 6 months unless the permission is extended for an additional 6 months for good cause shown, have been deleted. These provisions imposed unnecessary administrative burdens on vendors, slot machine applicants and licensees and the Board. The Board believes that once the need for the goods or services has been established, no further action is needed

until a final decision is made on the vendor's application for certification or registration.

In § 437a.11 (relating to slot machine applicants' and licensees' duty to investigate), subsection (c), pertaining to contracts or agreements between an applicant for or holder of a slot machine license and an applicant for or holder of a vendor certification or registration, has been deleted. This provision repeats the requirements in § 441a.13(c) (relating to Board review of agreements and records of agreements) and is therefore unnecessary.

#### *Affected Parties*

This proposed rulemaking will affect slot machine applicants and licensees and vendors. Slot machine licensees will have clearer requirements concerning vendors from whom they may purchase goods and services. Vendors will also benefit from the improved clarity of these amendments and the reduction or elimination of registration or certification requirements for certain vendors.

#### *Fiscal Impact*

##### *Commonwealth*

The proposed rulemaking will have no significant fiscal impact on the Board or other agencies of the Commonwealth. This is because the Board recovers its licensing and investigation costs from applicants.

##### *Political Subdivisions*

This proposed rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

##### *Private Sector*

A vendor that provides goods or services to a slot machine licensee or applicant through a parent corporation or affiliate will now have to be registered or certified if the value of those goods or services exceeds the applicable monetary thresholds. Other vendors who meet the new exemption criteria will no longer be required to be registered or certified and a number of individuals who were previously required to be certified under § 437a.4, will no longer be required to obtain the individual certification. As a whole, the changes in this rulemaking are anticipated to result in a net decrease in costs to vendors.

##### *General Public*

This proposed rulemaking will have no fiscal impact on the general public.

##### *Paperwork requirements*

Vendors that provide goods or services to a slot machine licensee or applicant through a parent corporation or affiliate will now have to file applications for registration or certification if the value of those goods or services exceeds the applicable monetary thresholds. Other vendors who meet the new exemption criteria will no longer be required to file applications to be registered or certified and a number of individuals who were previously required to be certified under § 437a.4, will no longer be required to file a Form. As a whole, the changes in this rulemaking are anticipated to result in a net decrease in filings required by vendors.

##### *Effective Date*

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

##### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed

rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation No. 125-100.

##### *Contact Person*

The contact person for questions about this proposed rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 30, 2009, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

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

GERGORY C. FAJT,

*Chairperson*

*(Editor's Note: For a document which relates to § 437a.2(b)—(d), which is proposed to be amended in this rulemaking, see 39 Pa.B. 4891 (August 15, 2009).)*

**Fiscal Note:** 125-100. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

##### CHAPTER 435a. EMPLOYEES

##### § 435a.9a. Temporary credentials for vendors.

(a) A temporary credential may be issued by the Bureau of Licensing to an individual who has been qualified under § 437a.2(e) or § 437a.4 (relating to vendor registration applications; and qualification of individuals and entities) if the individual's presence is necessary in a licensed facility.

(b) A temporary credential issued under this section is void 180 days after the date of its issuance.

(c) The Bureau of Licensing may extend the expiration date of a temporary credential issued under this section if the Bureau of Licensing determines additional time is needed to complete the investigation for registration or certification of the vendor.

##### § 435a.9b. Vendor employee temporary access credentials.

(a) The Board's casino compliance representatives at a licensed facility may issue a Vendor Employee Temporary Access Credential to an em-

ployee of a registered or certified construction company vendor who is completing work on the gaming floor or in a restricted area under the registered or certified construction company vendor's original contract, change orders or punch lists, or to complete periodic repairs or warranty work if:

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

(2) The employee will be under the supervision of an employee of the slot machine licensee's security department who is authorized to have access to the area where the work is being performed.

(b) To receive a Vendor Employee Temporary Access Credential, the employee of the registered or certified construction company vendor must surrender his driver's license or other photo identification.

(c) A Vendor Employee Temporary Access Credential will not be issued to an employee of a registered or certified construction company vendor for more than 12 days in a 12-month period.

(d) Employees of a manufacturer, manufacturer designee or supplier may not be issued a Vendor Employee Temporary Access Credential.

CHAPTER 437a. VENDOR CERTIFICATION AND REGISTRATION

§ 437a.1. General vendor requirements.

(a) A vendor or person seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 (relating to emergency vendor), shall apply to the Board for registration if:

(1) The total dollar amount of [ business ] the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be equal to or greater than [ \$15,000 ] \$100,000 but [ \$200,000 or less with a single slot machine applicant or licensee ] less than or equal to \$500,000 within a consecutive 12-month period.

(2) [ The total dollar amount of business will be or is anticipated to be greater than \$15,000 but \$500,000 or less with multiple slot machine applicants or licensees within a consecutive 12-month period. ] The employees of the vendor or person seeking to conduct business with a slot machine applicant or licensee will be working on the gaming floor or in restricted areas unless the following conditions are met:

(i) The employees will be on the gaming floor for less than 24 hours within a 72-hour period no more than once in any consecutive 3-month period.

(ii) The employees sign-in with the security department at the licensed facility and the Board's casino compliance representatives prior to entering the gaming floor.

(iii) The vendor has received written approval from the Bureau of Licensing for the vendor's employees to be on the gaming floor.

(b) A vendor or person seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 shall apply to the Board for certification if [ :

(1) The ] the total dollar amount of [ business ] the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be greater than [ \$200,000 with a single slot machine applicant or licensee ] \$500,000 within a consecutive 12-month period.

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

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

(4) The Board notifies the vendor that certification is required, based upon the Board's analysis of the vendor's services, to ensure the integrity of gaming. ]

(c) A person that provides goods or services indirectly to a slot machine applicant or licensee through an intermediary, holding company or affiliate of the slot machine applicant or licensee shall be required to be registered or certified in accordance with the monetary thresholds in subsections (a) and (b).

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

\* \* \* \* \*

(8) Providers of professional services including accountants, attorneys, engineers and architects, when acting in their respective professional capacities.

\* \* \* \* \*

(12) [ Public institutions of higher education ] Schools regulated by the Department of Education.

\* \* \* \* \*

(15) A person, or subsidiary of a person, that has a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements, and whose conduct of business with a slot machine applicant or licensee does not require the employees of the person or a subsidiary of the person, to be permitted or registered under this chapter. To qualify for this exemption, a person shall submit a Publicly Traded Company Exemption Notification Form to the Bureau of Licensing.

(16) A person not otherwise exempt under this subsection that is licensed by a Federal or state agency if the agency's licensing requirements are determined by the Bureau of Licensing to be substantially similar to those of the Board.

(e) The Board may request information or assurances from any person listed in subsection (d) to determine the validity of the person's exempt status.



[ (d) ] (f) Subsection [ (c) ] (d) does not relieve a slot machine applicant or licensee of reporting obligations required [ by ] under § 441a.12 (relating to maintaining agreements; filing of agreements).

(g) A vendor of a slot machine applicant or licensee whose compensation does not exceed the monetary thresholds contained in this section or who is otherwise exempt from registration or certification under subsection (d) may be required to be registered or certified if the Board determines that registration or certification is necessary to protect the integrity of gaming.

(h) A slot machine applicant or licensee shall complete and submit to the Bureau of Licensing a Notification of Intent to Conduct Business Form for a vendor that is not required to be registered or certified that is providing or is anticipated to provide goods or services if the value of the goods or services will be or is anticipated to be \$15,000 or more within a consecutive 12-month period.

§ 437a.2. Vendor registration applications.

\* \* \* \* \*

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

(1) Submit the nonrefundable application fee posted on the Board’s web site (www.pgcb.state.pa.us).

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

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

(4) Submit fingerprints of the following individuals to the Board in a manner prescribed by BIE:

(i) Each officer and director of the registered vendor applicant. For purposes of this subparagraph, the term “officer” means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered vendor applicant.

(iii) Each individual who has the power to control or influence the affairs of the registered vendor applicant.

(iv) Each salesperson of a registered vendor applicant who solicits business from, or has regular contact with, representatives of a slot machine applicant or licensee or any employee of a registered vendor applicant who will be engaging in that conduct.

\* \* \* \* \*

(e) Each of the individuals required to submit fingerprints under subsection (b)(4) must be found qualified by the Board.

(f) The Bureau of Licensing may issue a temporary credential under § 435a.9a (relating to tempo-

rary credentials for vendors) to an individual who is required to submit fingerprints under subsection (b)(4).

§ 437a.3. Vendor certification applications.

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

\* \* \* \* \*

(3) [ A Vendor Certification Form—Private Holding Company for each intermediary and holding company of the applicant unless the vendor seeking certification is, directly or indirectly, wholly owned by a publicly traded company.

(4) Applications and Release Authorizations for each individual [ as ] required [ by ] to be qualified under § 437a.4 (relating to [ individual certifications and investigations ] individuals and entities).

\* \* \* \* \*

(d) A person required to be a certified vendor under this chapter may request that the Board waive its obligation to be certified by filing a Single Transactional Waiver Form. To be eligible to receive this waiver from the requirements of certification, the person shall demonstrate that the [ certified vendor ] person is proposing to engage in a single transaction with a slot machine applicant or licensee and satisfies the following requirements:

(1) The [ certified vendor’s ] person’s required performance under the contract with the slot machine applicant or licensee does not require [ that ] the [ certified vendor’s ] person’s employees to be on the gaming floor or in a restricted area.

(2) The [ certified vendor ] person has not filed a Single Transactional Waiver Form with the Board within 2 years of the current waiver request.

(3) The [ certified vendor ] person will not have a continuing business relationship with the slot machine applicant or licensee or have a continuing onsite presence at the licensed facility.

(e) [ A person required to be a certified vendor under this chapter may request that the Board waive its obligation to be certified by filing a Vendor Certification Waiver Form. To be eligible to receive this waiver from the requirements of certification, the person shall demonstrate that the person and the person’s involvement or conduct of business with the slot machine applicant or licensee is of such a nature that the certification of the person is not necessary to protect the public interest.

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

[ (g) ] (f) A [ certified vendor ] person who has requested a waiver under this section may not provide goods or services to a slot machine applicant or licensee prior to Board approval of the [ certified vendor’s ] person’s waiver request.

§ 437a.4. [ Individual certifications and investigations ] Qualification of individuals and entities.

(a) [ If a certified vendor or vendor seeking certification is a publicly traded company or a subsidiary of a publicly traded company, the officers of the certified vendor or vendor seeking certification who are responsible for the conduct of business with the slot machine applicant or licensee shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board.

(b) If a certified vendor or vendor seeking certification is not a publicly traded company or a subsidiary of a publicly traded company, each officer and director of the entity shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board. For the purposes of this subsection, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(c) If a certified vendor or vendor seeking certification is a privately held entity, each individual who has a direct or indirect ownership or beneficial interest of 5% or more in the privately held entity shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board.

(d) An individual who is a trustee of a trust that is required to file a Vendor Certification Form—Private Holding Company under § 437a.3 (relating to vendor certification applications) shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board.

(e) Each officer and director of a privately held holding company of a certified vendor or vendor seeking certification shall be required to file a Pennsylvania Personal History Disclosure Form if the Board determines that certification of the individual is necessary to protect the public or to enhance the integrity of gaming in this Commonwealth.

(f) Employees of a certified vendor who have entered into an agreement with a slot machine applicant or licensee on behalf of their certified vendor employer, employees of a certified vendor who will solicit from or conduct business with a slot machine applicant or licensee, and employees of a certified vendor who supervise persons performing the duties in this section, shall be required to file a Pennsylvania Personal History Disclosure Form if the Board determines that certification of the individual is necessary to protect the public or to enhance the integrity of gaming in this Commonwealth.] The following individuals shall be required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified vendor or applicant for vendor certification. For the purposes of this paragraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person

routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified vendor or applicant for vendor certification. A certified vendor or applicant for vendor certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each individual who has the power to control or influence the affairs of the certified vendor or applicant for vendor certification.

(4) Each salesperson of a certified vendor or applicant for vendor certification who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any employee of a certified vendor or applicant for vendor certification who will be engaging in that conduct.

(b) Each entity that directly owns 20% or more of the voting securities of a certified vendor or person applying for vendor certification shall be required to file a Vendor Certification Form—Private Holding Company with the Board and be found qualified by the Board.

(c) An individual or entity is not required to comply with subsections (a) and (b) if the certified vendor or person applying for vendor certification, that is not otherwise exempt, has a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements or is a subsidiary of an entity that has a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements.

(d) The following persons may be required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a certified vendor or applicant for vendor certification.

(2) An officer or director of an intermediary or holding company of a certified vendor or applicant for vendor certification.

(3) An employee of a certified vendor or applicant for vendor certification.

(4) A person who holds direct or indirect ownership or beneficial interest in a certified vendor or applicant for vendor certification, or has the right to any profits or distribution, directly or indirectly, from the certified vendor or applicant.

(5) A trustee of a trust that is required to be found qualified under this section.

(e) The Bureau of Licensing may issue a temporary credential under § 435a.9a (relating to tempo-

rary credentials for vendors) to an individual who has been qualified by the Board pursuant to this section.

§ 437a.6. Registration and certification term and renewal.

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

(b) [A] Registered and certified vendors shall submit to the Board a completed renewal application and renewal fee [shall be submitted to the Board] at least 60 days prior to the expiration of a certification or registration.

\* \* \* \* \*

§ 437a.7. Registered and certified vendor responsibilities.

\* \* \* \* \*

(b) An employee of a registered or certified vendor shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit) if:

\* \* \* \* \*

(c) An employee of a registered or certified vendor that is not required to obtain an occupation permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:

\* \* \* \* \*

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

(4) The employee is the offsite supervisor of employees of the registered or certified vendor working at the licensed facility.

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

(e) Workers employed by a registered or certified construction company vendor who are completing work on the gaming floor or in a restricted area under their original contract, change orders, punch lists, periodic repairs or warranty work will not be required to comply with subsection (b) or (c) if the following conditions are met:

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

(2) The employee is under the supervision of an employee of the slot machine licensee's security

department who is authorized to have access to the area where the work is being performed.

(3) The employee has been issued a Vendor Employee Temporary Access Credential by one of the Board's casino compliance representatives at the licensed facility.

§ 437a.8. [Approved] Authorized vendors list; prohibited vendors.

(a) The Board will maintain a list of [approved registered or certified] authorized vendors and a list of prohibited vendors. The authorized list will contain the names of persons who have been registered or certified or who have been permitted to conduct business with a slot machine licensee or applicant under § 437a.9 (relating to permission to conduct business prior to certification or registration).

(b) Except as permitted under § 437a.10 (relating to emergency vendor), a slot machine licensee or applicant may not purchase goods or services from a person, where the dollar value of the goods or services will or is anticipated to equal or exceed \$100,000 within a consecutive 12-month period, unless the person is on the authorized vendor list. A slot machine licensee or applicant may not enter into an agreement or continue to do business with a vendor on the prohibited vendor list.

(c) The Board [will consider the following factors in determining whether a vendor will be listed as a prohibited vendor.] may place a person on the prohibited vendors list if:

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

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

(3) The vendor's application for certification or registration [is suspended, revoked or] has been denied or the vendor has had its vendor certification or registration suspended or revoked.

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

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

(d) A person [or entity] seeking to be removed from the list of prohibited vendors shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally) and shall be responsible for all costs associated with the person's petition for removal from the list of prohibited vendors. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited vendors list and how the vendor has cured any deficiencies that led to the vendor being placed on the prohibited vendors list.

(e) The Board may impose a monetary penalty or other appropriate sanction in connection with the removal of a person from the list of prohibited vendors, or attach any reasonable condition to the removal of a person from the list of prohibited vendors.

§ 437a.9. Permission to conduct business prior to certification or registration.

(a) Notwithstanding § 437a.1 (relating to general vendor requirements), the [ Board ] Bureau of Licensing may [ allow ] authorize an applicant for a vendor certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the vendor applicant if the following criteria are met:

\* \* \* \* \*

(3) The applicant for vendor registration or certification agrees, in writing, that the grant of permission to conduct business prior to registration or certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing determines that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(4) Each qualifier of the applicant for registration or certification has submitted his fingerprints to the BIE, and the Bureau of Licensing has received written notice from the BIE that it does not object to the applicant for registration or certification being authorized to conduct business with a slot machine applicant or licensee under this section.

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

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

§ 437a.11. Slot machine applicants' and licensees' duty to investigate.

\* \* \* \* \*

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

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

(d) ] An applicant for or holder of a slot machine license shall have a duty to inform the [ Bureau ] Board of an action by an applicant for or holder of a vendor registration or certification which the applicant for or holder of a slot machine license believes would constitute a violation of the act or [ the Board's regulations ] this part.

[Pa.B. Doc. No. 09-1460. Filed for public inspection August 14, 2009, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective July 17, 2009.

The organization chart at 39 Pa.B. 4904 (August 15, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 09-1461. Filed for public inspection August 14, 2009, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective July 29, 2009.

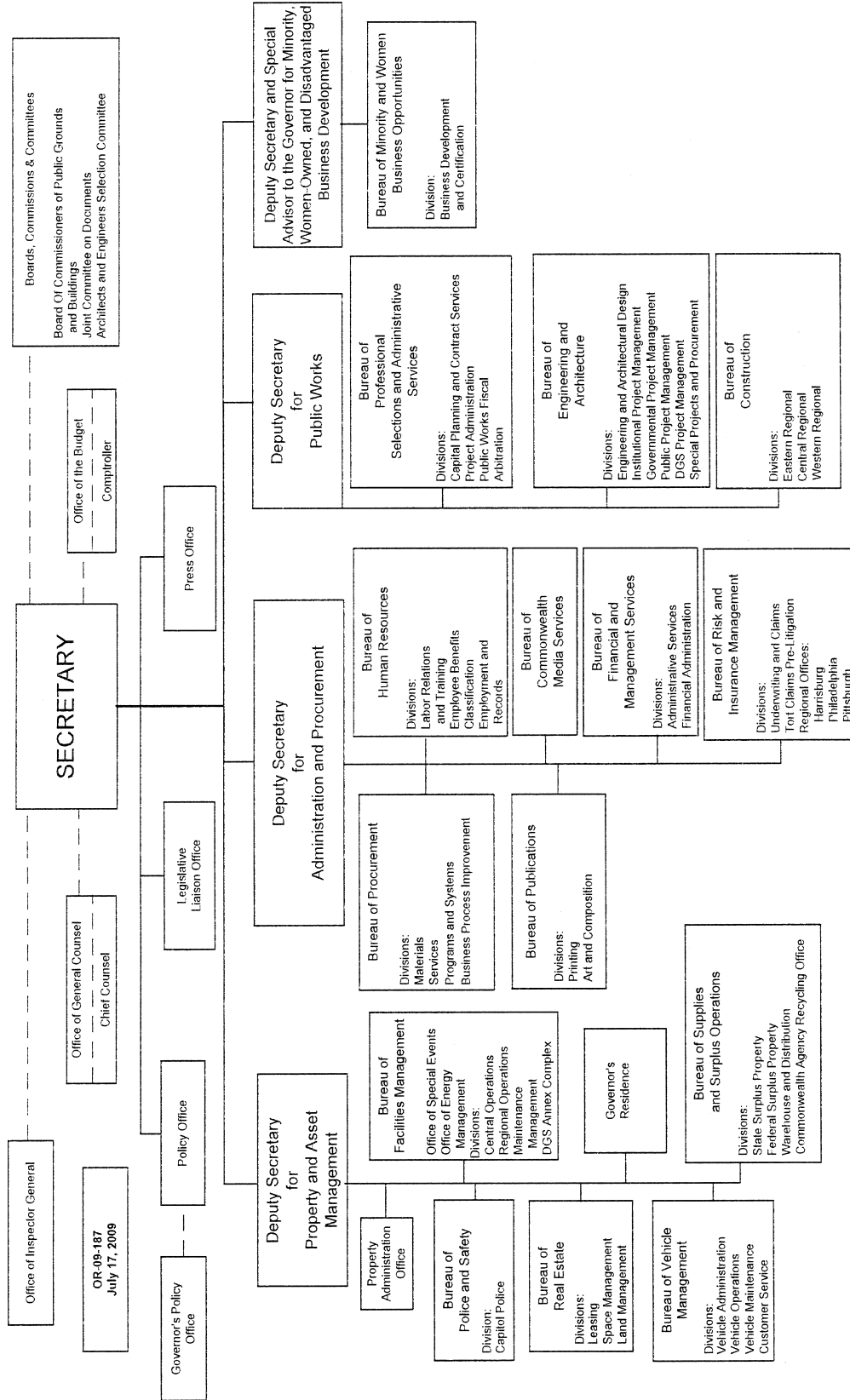
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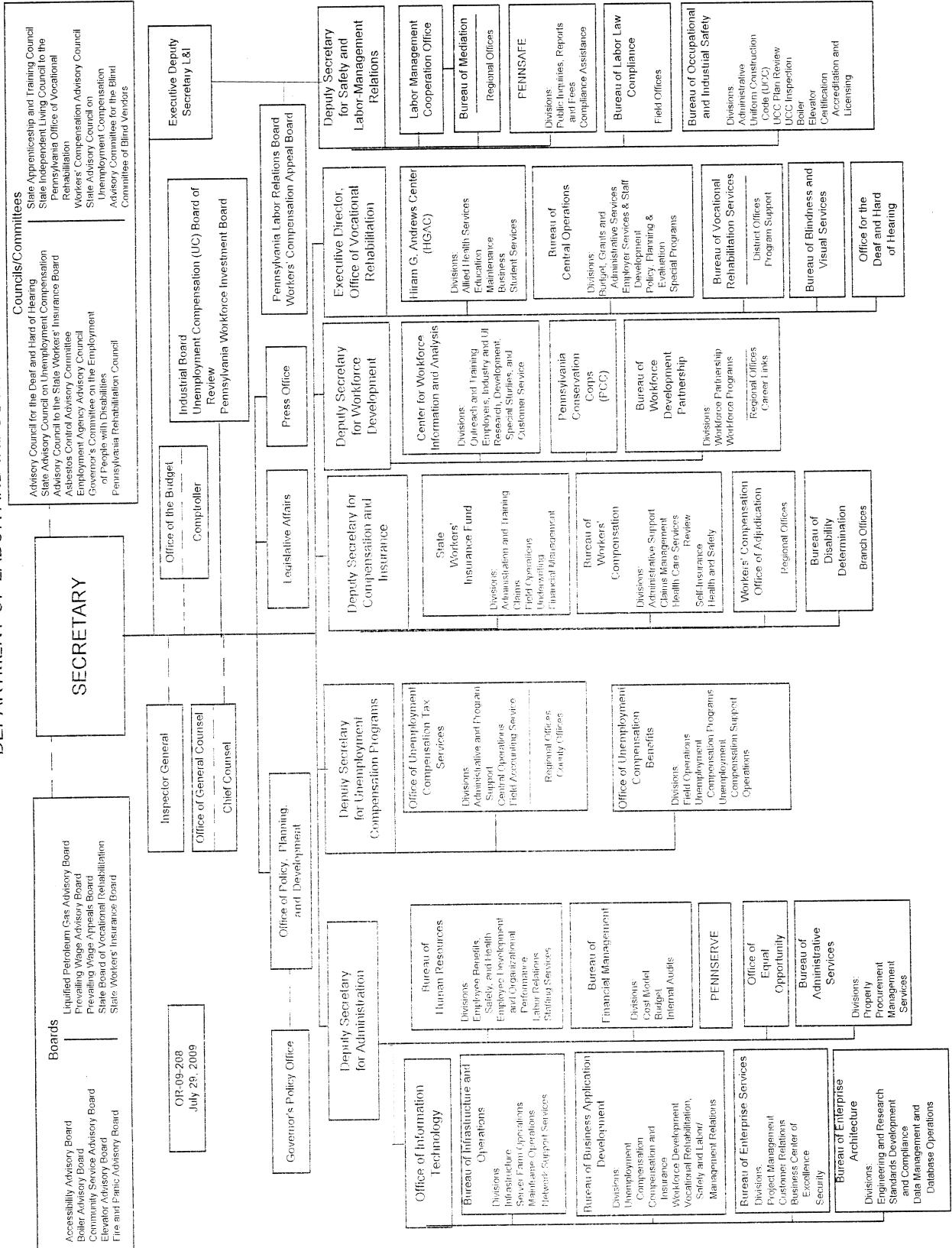
[Pa.B. Doc. No. 09-1462. Filed for public inspection August 14, 2009, 9:00 a.m.]

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DEPARTMENT OF GENERAL SERVICES



DEPARTMENT OF LABOR AND INDUSTRY



# 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 August 4, 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>
7-29-2009	Manor Bank Manor Westmoreland County	799 SR 130 Penn Township Westmoreland County	Approved
8-3-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1901 Route 70 East Cherry Hill Camden County, NJ	Filed

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-15-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> Giant Food Store 180 Upland Square Drive Stowe Montgomery County  <i>From:</i> Giant Food Store 799 State Street Pottstown Montgomery County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-3-2009	Merchants Bank of Bangor Bangor Northampton County	101 Held Drive Northampton Northampton County	Filed

##### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
7-30-2009	Manor Bank Manor Westmoreland County	Amend Article 3 of the Articles of Conversion	Approved and Effective

Amendment to Article 3 of the institution's Articles of Conversion changes the principal place of business of the institution from 43 Race Street, Manor, Westmoreland County, PA 15665 to 83 Race Street, Manor, Westmoreland County, PA 15665.



<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
7-31-2009	Public Savings Bank Huntingdon Valley Montgomery County	Amend Article III of the Articles of Incorporation	Approved and Effective
	Amendment to Article III of the institution's Articles of Incorporation changes the par value of the voting common stock from \$5 per share to no par value per share.		
8-4-2009	Hometown Bank of Pennsylvania Bedford Bedford County	Amend Article II of the Articles of Incorporation	Filed
	Amendment to Article II of the institution's Articles of Incorporation changes the principal place of business of the institution from 500 East Pitt Street, Bedford, PA 15522 to 638 East Pitt Street, P. O. Box 652, Bedford, PA 15522.		

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-3-2009	Freedom Credit Union, Warminster, and University House Federal Credit Union, Philadelphia Surviving Institution: Freedom Credit Union, Warminster	Warminster	Filed

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-6-2009	TruMark Financial Credit Union Trevose Bucks County	1931 South Broad Street Philadelphia Philadelphia County	Opened

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. 09-1463. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2009**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2009, is 6 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities

is 3.97 to which was added 2.50 percentage points for a total of 6.47 that by law is rounded off to the nearest quarter at 6 1/2%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-1464. Filed for public inspection August 14, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

**Public Hearing**

The Department of Community and Economic Development (Department) publishes notice of a public hearing, to be held at 10 a.m. on Tuesday, August 25, 2009, in Conference Room 4 West, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120. The purpose of this hearing is to receive comments on the Community Services Block Grant (CSBG) proposed State

Plan to be submitted to the Department of Health and Human Services for the Fiscal Years of 2010 and 2011.

A copy of this plan is available on the Department's web site at [www.newPA.com](http://www.newPA.com) or may be obtained by contacting the Department of Community and Economic Development, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17102, (717) 787-1984.

Written comments may be submitted to JamesEtta Reed, Acting Director, Center for Community Empowerment, at the address listed previously, until 5 p.m. on August 25, 2009.

Persons with a disability who wishes to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings, contact Yvonne Adams to discuss how the Department can accommodate their needs.

GEORGE E. CORNELIUS,  
*Secretary*

[Pa.B. Doc. No. 09-1465. Filed for public inspection August 14, 2009, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Anthony Hicks for Reinstatement of Teaching Certificates; Doc. No. RE-09-03

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a, the Professional Standards

and Practices Commission (Commission) will consider the application of Anthony Hicks for reinstatement of his teaching certificates.

Anthony Hicks filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications). Under section 16 of the act, the Department of Education on July 24, 2009, advised the Commission that it opposes the application for reinstatement.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,  
*Executive Director*

[Pa.B. Doc. No. 09-1466. Filed for public inspection August 14, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

## I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0083364 (IW)	Borough of Chambersburg P. O. Box 1009 100 Second Second Street Chambersburg, PA 17201-0909	Franklin County Greene Township	Conococheague Creek 13-C	Y
PA0247308 (Sew)	Bright Hope Fellowship BIC Church 345 North Deodate Road Middletown, PA 17057	Dauphin County Londonderry Township	UNT to Lynch Run 7-G	Y
PA0080241 (Sew)	West Perry School District—High School and Middle School 2606 Shermans Valley Road Elliottsburg, PA 17024	Perry County Spring Township	Montour Creek 7-A	Y

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

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

**PA0010855**, Industrial Waste, SIC 2851 and 2821, **E.I. DuPont de Nemours and Company, Inc.**, 1007 Market Street, Wilmington, DE 19898. The application is for renewal of an NPDES permit to discharge condensate water passing through the fire pond and discharge through Outfall 002 and stormwater runoff through Outfalls 003 and 004 from the Marshall Laboratory facility located at 3401 Grays Ferry Avenue, Philadelphia. This is an existing discharge to the Schuylkill River. At the point of discharge, the Schuylkill River is in the State Water Plan 3F and is classified for WWF.

The proposed effluent limits for Outfall 002, based on an average flow of 57,600 gpd, are as follows:

Parameter	Effluent Concentration Limitations (mg/l)		
	Average Month	Daily Maximum	Instantaneous Maximum
Maximum Temperature (° F)			110
pH (Standard Units)	6.0 Instantaneous Minimum		9.0

The proposed effluent limits for Outfalls 003 and 004, based on a stormwater event, are as follows:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>		
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</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

The EPA waiver is in effect.

*Other Requirements:*

1. Remedial Measures.
2. Laboratory Certification.
3. Thermal Discharge Requirement to Estuary Zone 4.
4. Change in Ownership.
5. Watershed TMDL/WAL Analysis.
6. I-Max Definitions.
7. 2/Month Monitoring Requirements.
8. Stormwater Requirements.
9. No PCBs Discharges.

**PA0244457**, Industrial Waste, SIC 5171, **Petroleum Heat and Power Company, Inc.**, 650 Knowles Avenue, Southampton, PA 18966. This proposed facility is located in Upper Southampton Township, **Bucks County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge contaminated stormwater into a UNT to Southampton Creek.

The receiving stream, UNT to Southampton Creek, is in the State Water Plan Watershed 3J and is classified for: TSF. The nearest downstream public water supply intake for Philadelphia Water Department—Baxter is located on Delaware River below the point of discharge.

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
Oil and Grease			15.0 (Minimum)		30.0
pH			6.0 Standard Units		9.0 Standard Units
Total Recoverable Petroleum Hydrocarbons			15.0		30.0
Total Suspended Solids			30		60

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

1. Product Contaminated Stormwater Runoff.
2. PPC Plan.
3. Other Wastewater Discharges.
4. Definitions.
5. Hydrostatic Test Water Discharge.
6. Laboratory Certification.

**PA0053279**, Sewage, **The McKee Group**, 1490 Durham Road, New Hope, PA 18938. The facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Village of Buckingham Springs STP, serving a retirement community known as Village of Buckingham Springs.

The receiving stream, a UNT to Mill Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF. The nearest downstream public water supply intake for is for AQUA PA—Neshaminy Creek.

The proposed effluent limits for Outfall 001 based on a design flow of 100,000-gpd.

<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)	10			20
(11-1 to 4-30)	15			30
Total Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	7.0			14
Nitrite + Nitrate an N (7-1 to 10-31)	8.0			16
(11-1 to 6-30)	Monitor and Report			
Total Kjeldahl Nitrogen	Monitor and Report			
Phosphorus, Total first 12 months (4-1 to 10-31)	2.0			4.0
after 12 months (4-1 to 10-31)	1.5			3.0
(11-1 to 3-31)	2.0			4.0
Total Residual Chlorine	0.06			0.19
Fecal Coliform		200 #/100 ml as a Geometric Mean, nor greater than 1,000 #/100 ml in more than 10% of samples Between 6.0 and 9.0 Standard Units at all times Minimum of 5.0 mg/l at all times		
pH				
Dissolved Oxygen				

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

1. Designation of Responsible Operator.
2. Abandon STP if Public Sewers Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Change in Ownership.
8. Minimize Chlorine Usage.
9. Proper Sludge Disposal.
10. TMDL/WLA Analysis.
11. Laboratory Certification.

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

**PA#0024716**, Sewage, **Borough of Freeland Municipal Authority**, 711 Birkbeck Street, Freeland, PA 18224. This proposed facility is located in Foster Township, **Luzerne County**.

Description of Proposed Activity: Renewal of an NPDES permit for the discharge of treated sewage, with a proposed expansion from a design flow of 0.750 mgd to 1.20 mgd.

The receiving stream, Pond Creek, is in the State Water Plan Watershed 02A and is classified for: HQ-CWF. The nearest downstream public water supply intake for the Hazleton City Authority is located on the Lehigh River approximately 16 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.750 mgd are as follows.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total 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	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	1.0		2.0

The proposed effluent limits for Outfall 001 based on a design flow of 1.20 mgd are as follows.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total 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	6.0 to 9.0 Standard Units at all times.		

Ultraviolet disinfection is proposed for the expanded WWTP.

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

1. Individual Permit Requirements for Small CSO Systems.

**PA0020915**, Sewage, **Pine Grove Joint Treatment Authority**, 115 Mifflin Street, Pine Grove, PA 17963. This proposed facility is located in Pine Grove Township, **Schuylkill County**.

Description of Proposed Activity: Discharge of treated sewage.

The receiving stream, Swatara Creek, is in the State Water Plan Watershed 7D and is classified for: CWF. The nearest downstream public water supply intake for Derry Township located on Swatara Creek is greater than 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.5 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	17	25	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	5.6	8.4	11.2
(11-1 to 4-30)	18.8	25	
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
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	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	0.5		1.2
Phosphorus	2.0	3.0	4.0

*Chesapeake Bay Tributary Strategy Nutrient Requirements*

<i>Parameter</i>	<i>Concentration (mg/L) Monthly Average</i>	<i>Monthly Load</i>	<i>Mass (lbs) Annual Load</i>
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	27,397*
Net Total Phosphorus		Report	3,653*

\* 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 on October 1, 2012. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

1. Whole Effluent Toxicity (WETT) requirement.
2. Chesapeake Bay Nutrient Requirements.

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

**Application No. PA 0026875**, Amendment No. 1, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This facility is located in Conewago Township, **Adams County**.

Description of activity: The application is for an amendment of an NPDES permit for a new discharge of treated sewage.

The receiving stream, South Branch Conewago Creek, is in Watershed 7-F, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for New Oxford Municipal Authority is located on the South Branch Conewago Creek, approximately 5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 5.6 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.06		0.2
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

*Chesapeake Bay Requirements*

Parameter	Concentration (mg/L)	Monthly	Mass (lbs)	
	Monthly Average		Annual	Annual
Ammonia-N	Report	Report	Report**	Report**
Kjeldahl-N	Report	Report	XXX	XXX
Nitrate-Nitrite as N	Report	Report	XXX	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	83,441*	83,441*
Net Total Phosphorus	XXX	Report	10,959*	10,959*

In addition, the permit contains effluent limits to discharge wet weather flow up to 12 mgd to Plum Creek at Outfall 002 as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	20	30	40
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.02		0.07
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

*Chesapeake Bay Requirements*

Parameter	Concentration (mg/L)	Monthly	Mass (lbs)	
	Monthly Average		Annual	Annual
Ammonia-N	Report	Report	Report**	Report**
Kjeldahl-N	Report	Report	XXX	XXX
Nitrate-Nitrite as N	Report	Report	XXX	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report

\* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMRs—Annual Nutrient Summary.

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

The EPA waiver is not in effect.

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

**PA0110922**, Sewage, **Camp Allegheny, Inc.**, 100 Camp Allegheny Drive, Stoystown, PA 15563. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Allegheny STP in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Calendars Run, which are classified as a CWF 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 Hooversville Municipal Authority on Stony Creek.

*Outfall 001*: existing discharge, design flow of 0.015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	20			40
Suspended Solids	20			40
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorus	2.0			4.0
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	0.5			1.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0025810**, Sewage, **Shade-Central City Joint Authority**, 429 Sunshine Avenue, Central City, PA 15926. This application is for renewal of an NPDES permit to discharge treated sewage from Shade-Central City Sewage Treatment Plant in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dark Shade Creek, which are classified as a CWF 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 Saltsburg Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.6 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			

The EPA waiver is in effect.

**PA0032085**, Sewage, **Department of Conservation and Natural Resources, Prince Gallitzin State Park**, 966 Marina Road, Patton, PA 16668-6317. This application is for renewal of an NPDES permit to discharge treated sewage from Prince Gallitzin State Park STP in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Beaverdam Run, which are classified as a CWF 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 Shawville Power Plant on the West Branch Susquehanna River.



*Outfall 001:* existing discharge, design flow of 0.12 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		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 <sup>(1)</sup>	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:* <sup>(1)</sup>This parameter is effective if chlorination is used for disinfection.  
The EPA waiver is in effect.

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

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

**WQM Permit No. 1109403**, Sewerage, **Pegasus Sewer Authority**, 1296 Clapboard Road, Johnstown, PA 15904-7502. This proposed facility is located in Conemaugh Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of an interceptor sewer.

**WQM Permit No. 0271419-A4**, Sewerage, **Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132. This existing facility is located in the City of McKeesport, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment for system improvements and upgrades.

**WQM Permit No. 3209402**, Sewerage, **Indiana Borough**, 80 North Eighth Street, Indiana, PA 15701. This proposed facility is located in Indiana Borough, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a replacement sanitary sewer interceptor.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0907001-1	269 Canal Road, LP 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7706	Bucks	Falls Township	Delaware River/Canal WWF-MF
PAI01 1509025	Woodcrest at East Coventry, LP 100 Springhouse Drive Suite 105 Collegeville, PA 19426	Chester	East Coventry Township	Pigeon Creek HQ-TSF

*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.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023909016	Weis Markets, Inc. Attn: David Gill 1000 Second Second Street P. O. Box 471 Sunbury, PA 17801	Lehigh	Upper Macungie Township	Hassen Creek HQ-CWF, MF
PAI023907005(1)	Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Hassen Creek HQ-CWF, MF

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021304002R	Blue Ridge Real Estate P. O. Box 707 Blakeslee, PA 18610	Carbon	Kidder Township	Porter Run HQ-CWF, MF Tobyhanna Creek HQ-CWF, MF Black Creek HQ-CWF, MF Lehigh River HQ-CWF, MF

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

*Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050209003	Brooks & Blair Waterfront Properties, LP The Walnut Mall 5541 Walnut Street Pittsburgh, PA 15232	Allegheny	Borough of Oakmont	Plum Creek and Allegheny River WWF

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

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

### **STATE CONSERVATION COMMISSION**

#### **NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

#### **NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Mark Will Lexington Farm 306 East Lexington Road Lititz, PA 17543	Lancaster	48.9	431.5	Broilers, Swine, and Steers	NA	Renewal

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Mason Dixon Farms, Inc. 1800 Mason Dixon Road Gettysburg, PA 17325	Adams	2,892.3 (459.7 on PA)	4,634.0	Dairy	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

**SAFE DRINKING WATER**

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

*Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996555**, Public Water Supply.

Applicant	<b>Waters of America, LLC</b>
Township or Borough	Champaign, IL
Responsible Official	Lance Song Quality Assurance Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	July 13, 2009

Description of Action Applicant requesting Department of Environmental Protection approval to sell a new bottled water product in Pennsylvania under the brand name: Walgreens Drinking Water.

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

**Permit No. 6709507**, Public Water Supply.

Applicant	<b>Franklintown Borough Municipal Authority</b>
Municipality	Franklin Township
County	<b>York</b>
Responsible Official	Richard H. Blouch Manager/Operator P. O. Box 88 116 South Baltimore Street Franklintown, PA 17323-0088
Type of Facility	Public Water Supply
Consulting Engineer	Craig Zack, P. E. KPI Technology 143 Carlisle Street Gettysburg, PA 17325
Application Received	July 10, 2009
Description of Action	New Well No. 3.

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

**Permit No. 1109502**, Public Water Supply.

Applicant	<b>Greater Johnstown Water Authority</b> 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907
Township or Borough	Upper Yoder Township
Responsible Official	Edward Cernic Chairperson Greater Johnstown Water Authority 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907
Type of Facility	Water treatment plant
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Application Received Date	July 9, 2009

Description of Action Installation of the 1.0 mg Mountain Avenue water storage tank.

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

**Application No. 4309502**, Public Water Supply.

Applicant **Victoria Estates Mobile Home Park, LLC**

Township or Borough Summit Township  
**Crawford County**

Responsible Official Duane A. Beilstein, Owner

Consulting Engineer Steven R. Halmi, P. E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date July 31, 2009

Description of Action Permit and modify water treatment system serving 38 lot mobile home park.

#### MINOR AMENDMENT

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

**Application No. 0409506MA**, Minor Amendment.

Applicant **Beaver Falls Municipal Authority**  
1425 8th Avenue  
P. O. Box 400  
Beaver Falls, PA 15010

Township or Borough City of Rochester

Responsible Official James Riggio  
General Manager  
Beaver Falls Municipal Authority  
1425 8th Avenue  
P. O. Box 400  
Beaver Falls, PA 15010

Type of Facility Water storage tank

Consulting Engineer World International Testing, Inc.  
2228 Sunset Boulevard  
Suite One  
Steubenville, OH 43952

Application Received Date July 21, 2009

Description of Action Painting the Hill Street water storage tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment

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

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

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

**Leboss Residence**, Morrisville Borough, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 19073, Christine Dimming, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Juliet Leboss, 1684 Jasmine Way, Lincoln, CA 95648 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site is residential. A summary of the Notice to Remediate was reported to have been published in the *Bucks County Courier Times* on June 16, 2009.

**Morrell Plaza**, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, James Stynchula.

Pennoni Associates Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Gerald Pouncey, MAG II Morrell Plaza, LP, 3343 Peachtree Road, N. E., Atlanta, GA 30326 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same. A Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on May 20, 2009.

**Thomas Shallcross School**, City of Philadelphia, **Philadelphia County**. Gloria Hansberger, Kleinfelder, Inc., 189 Sherre Boulevard, Suite 3800, Exton, PA 19341, Thomas Keating, Kleinfelder, Inc., 189 Sherre Boulevard, Suite 3800, Exton, PA 19341 on behalf of Francine Lock, School District of Philadelphia, 440 North Broad Street, Philadelphia, PA 19130 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of PAH's. The future use of the site will remain the same.

**6651—6784 Ridge Avenue**, City of Philadelphia, **Philadelphia County**. Justin Lauderbach, RT Environmental Services, Inc., 510 Heron Drive, Bridgeport, NJ 08014, Samantha Linton, RT Environmental Services, Inc., 510 Heron Drive, Bridgeport, NJ 08014 on behalf of Michael Cooley, Swithback Ridge III, LP, 795 East Lancaster Avenue, Building 2, Villanova, PA 19085 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the releases of lead and inorganic. The subject property will be utilized as a commercial property by CVS and Wawa. A Notice of Intent to Remediate was to have been published in *The Review* on July 1, 2009.

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

**Former Ross Bicycle Facility/Conewago Equities**, 200 Cascade Drive, Hanover Township, **Lehigh County**. Katherine K. Eyre, P.G., ARCADIS U.S., Inc., 6 Terry Drive, Suite 300, Newtown, PA 18940 has submitted a Notice of Intent to Remediate (on behalf of her client, First Industrial Realty Trust, 311 South Wacker Drive, Suite 4000, Chicago, IL 60606), concerning the remediation of groundwater found to have been impacted by chromium and trichloroethene (TCE) constituents as a result of historical operations at the site. The applicant proposes to remediate the site to meet the nonuse aquifer, Statewide Health Standard. The intended future use of the property will remain commercial. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Former Ballard/Kara Property**, Route 309 and Interstate 80, Butler Township, **Luzerne County**. Richard C. Karr, MACTEC Engineering and Consulting, Inc., 1787 Sentry Parkway West, Suite 120, Blue Bell, PA 19422-2200 has submitted a Notice of Intent to Remediate (on behalf of his client, Drums Fuel Stop, Inc., R. R. 1, Route 309 and I-80, Drums, PA 18222), concerning the remediation of soils and groundwater found to have been impacted by leaded/unleaded gasoline, chlorinated solvents and diesel fuel as a result of historic operations and offsite contribution. The applicant proposes to remediate the site to meet the Statewide Health Standard and the Background Standard for groundwater and the Statewide Health Standard for soils. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Spectrum Control, Inc.**, Ferguson Township, **Centre County**. Conestoga Rovers & Assoc., 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2 on behalf of Spectrum Control, Inc., 8031 Avonia Road, Fairview, PA 16415 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with tetrachloroethylene, trichloroethylene, barium and lead. The applicant proposes to remediate the site to meet the Site-Specific Standard. The intended future use of the facility is for industrial purposes.

#### 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.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 301345. D & P Associates**, 481 Crossfield Road, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Application seeking Final Closure Certification for the former BOC Gases residual waste disposal impoundment was received by the Southeast Regional Office on July 27, 2009.

**Permit Application No. 301220. Clean Earth of Philadelphia, Inc.**, 3201 South 61st Street, Philadelphia, PA 19153-3502, City of Philadelphia, **Philadelphia County**. This permit application is for renewal of the terms and conditions of the facility's existing Solid Waste Processing Permit relating to their operations at 3201 South 61st Street located in the City of Philadelphia, Philadelphia County. The application was received by the Southeast Regional Office on July 29, 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.**

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

**26-00413A: Texas Eastern Transmission, LP** (2601 Market Place, Suite 400, Harrisburg, PA 17110) to install a building heater and electric compressor, reduce runtime restrictions of four engines, and revise permit emission limits for the Uniontown Compressor Station in North Union Township, **Fayette County**. This is a Title V facility.

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

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

**15-0002E: Quebecor World Atglen, Inc.** (4581 Lower Valley Road, Atglen, PA 19310) for installation of an enclosed ten unit rotogravure publication printing press and removal of two unenclosed rotogravure publication printing presses from their facility in West Sadsbury Township, **Chester County**. As a result of potential emissions of VOCs, the facility is a Title V facility. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**48-309-132: Hercules Cement Co., d/b/a Buzzi Unicem USA** (501 Hercules Drive, Stockertown, PA 18080) for replacement of their existing seven finishing mills with two new finishing mills and installation of new baghouses to control emissions in Stockertown Borough, **Northampton County**. The current production limit for the finishing mills will remain unchanged along with the emission limits. The Finishing Mills are subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for HAPs—Portland Cement Plants, and shall comply with all applicable requirements of this Subpart. The company shall be subject to and comply with 25 Pa. Code §§ 123.1 and 123.2 for fugitive emissions. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. Particulate emissions shall not exceed 0.01 gr/dscf from the baghouses which meets BAT requirements. Hercules Cement is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 48-00005. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the furnaces operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

**06-05110A: Exide Technologies** (P. O. Box 13995, Reading, PA 19605-3995) for installation of two replacement acid mist eliminators to control emissions from the lead/acid battery formation operation at their SLI Plant in Laureldale Borough and Muhlenberg Township, **Berks County**. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

#### PLAN APPROVAL

#### PUBLIC HEARINGS

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

Notice is hereby given that the Department of Environmental Protection (Department) will conduct a public hearing on Wednesday, September 30, 2009, beginning at 1 p.m.—3 p.m. in the Air Quality conference room at the Meadville Regional Office located at 230 Chestnut Street, Meadville, PA 16335.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, the revised Reasonably Available Control Technology (RACT) plans by the following facility:

SGL Carbon LLC, 900 Theresia Street, St. Marys, PA 15857.

The hearing is being held to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of NO<sub>x</sub> and VOCs from various air contamination sources. The final RACT proposal will be

submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan (SIP).

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for this facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into a Plan Approval and/or Operating Permit for the facility and will be submitted to the U.S. EPA as a revision to Pennsylvania's SIP.

The following is a summary of the preliminary NOx and VOC determination for the previously listed facility:

**SGL Carbon LLC:**

<i>Source/Control Device</i>	<i>RACT VOC Emission Limit</i>
Baking Kilns (Source 125)	54.20 lbs/ton of product averaged over a 12-month rolling period and 70.0 lbs/ton of product at any time
Forty-five Flame Grids	Presumptive RACT emission limitation described in 25 Pa. Code § 129.93(c)(4)

For the previous facility, a Public Hearing will be held for the purpose of receiving comments on the previously-proposed Operating Permit and the proposed SIP revisions. The public hearing is scheduled as follows:

Department of Environmental Protection  
 Meadville Regional Office  
 Air Quality Conference Room      Wednesday  
 230 Chestnut Street                      September 30, 2009  
 Meadville, PA 16335                      1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact H. Thomas Flaherty, New Source Review, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact H. Thomas Flaherty (814) 332-6940, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to H. Thomas Flaherty, New Source Review, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional Department of Environmental Protection Office (Air Quality). Appointments for scheduling a review must be made by calling the Department contact person noted previously.

**OPERATING PERMITS**

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

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

**09-00028: Fibermark North America, Inc.** (45 North Fourth Street, Quakertown, PA 18951) for operation of saturators, graphic art lines, and surface coating lines, as well as various clean-up operations and combustion units at their manufacturing plant, in Quakertown Borough, **Bucks County**. There are no control devices for sources operated at the facility. The facility is major for VOCs and HAPs emissions. Title V operating permit for Fibermark North America, Inc., will be reopened, revised, and reissued for cause. The Department has determined that the saturators and coaters located at the facility (Source ID 101, 102, 104, 105 and 303) are subject to the requirements of 40 CFR Part 63, Subpart JJJJ—National Emission Standards for HAPs: Paper and Other Web Coating. The Department of Environmental Protection has also determined that the graphic arts lines 1 and 2 located at the facility (Source ID 301 and 302) are subject to the requirements of 40 CFR Part 63, Subpart KK—National Emission Standards for HAPs in the Printing and Publishing Industry and 40 CFR Part 63, Subpart OOOO—National Emission Standards for HAPs: Printing, Coating, and Dyeing of Fabrics and Other Textiles. The revision contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**35-00008: Gentex Corp.** (P. O. Box 315, Carbondale, PA 18407) to manufacture ophthalmic goods 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.*

**07-00004: Altoona Terminals Corp.—formerly Eldorado Properties Corp.** (900 Eisenhower Boulevard, P. O. Box 2621, Harrisburg, PA 17105) for operation of their bulk liquid petroleum terminal in Allegheny Township, **Blair County**. This action is a renewal of the Title V operating permit issued in 2004. This facility is a Title V facility due to its potential to emit VOC. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**04-00702: US Gypsum Co.** (1 Woodlawn Road, Aliquippa, PA 15001-5400) for operation of their gypsum wall board manufacturing plant in Aliquippa City, **Beaver County**. This is a renewal of the Title V operating permit issued in 2005.

**26-00495: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601-1689) for operation of a combustion turbine facility at the Gans Power Station in Springhill Township, **Fayette County**. This is a renewal of the Title V operating permit issued in 2005.

**65-00028: Lehigh Specialty Melting, Inc.** (107 Gertrude Street, Latrobe, PA 15650-2992) for operation of their electric arc steelmaking facility in Latrobe Borough, **Westmoreland County**. This facility currently operates under a State-only operating permit issued in 2007, but is required to have a Title V permit by 40 CFR Part 63, Subpart YYYYY, the *National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Steelmaking Facilities*.

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

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

**23-00086: Engineered Arresting Systems Co.** (2250 Market Street, Aston, PA 19014-3426) for operation of their assembly facility in Upper Chichester Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. Sources of air emissions include two spray paint booths and clean-up operations. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00008: Tavo Packaging, Inc.** (2 Canal Road, Fairless Hills, PA 19030) for renewal of the original State-only Operating Permit (Natural Minor) in Falls Township, **Bucks County** which was issued on July 26, 2004. There have been no other changes made to the permit since it was issued on July 26, 2004. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05110: Exide Technologies** (P. O. Box 13995, Reading, PA 19605-3995) for operation of a lead/acid battery formation plant known as the SLI Plant in Laureldale Borough and Muhlenberg Township, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the emissions to less than 100 tons of PM, SO<sub>x</sub>, NO<sub>x</sub> and CO; 50 tons of VOCs; and 10/25 tons of HAPs, during any consecutive 12-month period. The permit will require recordkeeping for emissions on a monthly and 12-month rolling total. The permit will include monitoring work practices, recordkeeping and reporting to keep the facility operating within all applicable air quality requirements.

**28-05037: Jerr-Dan Corp.—Greencastle Rollback Plant** (1080 Hykes Road, Greencastle, PA 17225-9647) for renewal of the synthetic minor operating permit issued in January 2005 in Antrim Township, **Franklin County**.

**67-05104: Tate Access Floors, Inc.** (52 Springvale Road, Red Lion, PA 17356) for operation of their access flooring systems manufacturing facility in Windsor Town-

ship, **York County**. This is a renewal of the previous State-only operating permit issued in 2004 and will contain emission limits, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**S09-004: Tasty Baking Co.** (2801 Hunting Park Avenue, Philadelphia, PA 19129-1392) for operation of a bakery the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include the following sources: one 15 mmBtu/hr boiler firing natural gas or No. 6 fuel oil; one 49 mmBtu/hr boiler firing natural gas or No. 6 fuel oil; one 3.336 mmBtu/hr boiler firing No. 2 fuel oil; two 10.02 mmBtu/hr boilers, each firing No. 4 fuel oil; one 42-kW emergency generator firing natural gas; one 100-kW emergency generator firing natural gas; and two donut fryers, each rated less than 1.0 mmBtu/hr, each firing natural gas.

The operating permit will be reissued 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 telephone 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 telephone 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 descrip-

tion 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 telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests 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, telephone 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>Table 1</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 mg/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.*

**63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in South Strabane Township, **Washington County** to amend 383 acres of the subsidence control plan area from development mining to full extraction mining and perform related minor stream restoration within the proposed revision area. No additional discharges. Application received January 14, 2009.

**32753702 and NPDES Permit No. PA0235849, EME Homer City Generation, LP**, (1750 Power Plant Road, Homer City, PA 15748-9558), to renew the permit and to revise the permit for the Homer City Refuse Disposal Facility in Center Township, **Indiana County** to add coal refuse disposal acres, coal refuse disposal support acres, and add an NPDES discharge point for site expansion. Coal Refuse Disposal Support Acres Proposed 21.3, Coal Refuse Disposal Acres Proposed 17.8. Receiving Streams: Cherry Run and UNTs, classified for the following use: CWF, Two Lick Creek, classified for the following use: TSF, (3) Blacklick Creek, classified for the following use: TSF, Conemaugh River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is EME Homer City Generation, LP and intake Two Lick Creek. Application received April 6, 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 install

two degasification boreholes (17-W-1CCR and 18-W-1CCR). No additional discharges. Application received April 7, 2009.

**30830701 and NPDES Permit No. PA021424, Consolidation Coal Company**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317), to renew the permit for the Dilworth Rock Disposal Area in Cumberland Township, **Greene County** and related NPDES permit. No additional discharges. Application received July 15, 2009.

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

**33940102 and NPDES Permit No. PA0211923, Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip and auger operation in Knox Township, **Jefferson County** affecting 101.0 acres. Receiving streams: Two UNTs of Lick Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received July 30, 2009.

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

**54793009R5. Coal Contractors (1991), Inc.**, (P. O. Box 39, Hazleton, PA 18201), renewal of an existing anthracite surface mining operation for reclamation activities only in North Union Township, **Schuylkill County** affecting 991.3 acres, receiving stream: none. Application received July 22, 2009.

**49870201R4. Susquehanna Coal Company**, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Mt. Carmel Township and Kulpmont Borough, **Northumberland County** affecting 206.0, receiving stream: none. Application received July 29, 2009.

*Noncoal Applications Received*

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

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

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

**7976SM1C9 and NPDES Permit No. PA0118389, Eureka Stone Quarry, Inc.**, (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Warrenton Township, **Bucks County**, receiving stream:

UNT to Neshaminy Creek, classified for the following uses: TSF and MF. Application received July 20, 2009.

**8074SM1C3 and NPDES Permit No. PA0013722, Glasgow, Inc.**, (P. O. Box 1089, Glenside, PA 19038), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Montgomery Township, **Montgomery County**, receiving stream: Park Creek, classified for the following uses: WWF and MF. Application received July 23, 2009.

**64020809. Joseph Torch, Administrator of the Estate of Joseph Torch, c/o Attorney John P. Sanderson**, Route 6, Scranton/Carbondale Highway, Blakely, PA 18447), Stages I and II bond release from a quarry operation in Scott Township, **Wayne County**

affecting 3.0 acres on property owned by Robert and Randall Turano, d/b/a RGT RWT, LLC. Application received July 27, 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 telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-939. SEPTA**, 1234 Market Street, Philadelphia, PA 19107, New Britain Township, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

To extend the existing 14-foot wide by 14-foot rise railroad bridge, across the UNT to Neshaminy Creek (WWF/MP) by 16 feet on the upstream side, impacting approximately 0.04 acre of wetlands (PSS) associated with the proposed siding of SEPTA's Doylestown R5 line.

The site is located 800 feet east of the intersection of County Line Road and Walnut Street (Doylestown and Telford, PA USGS Quadrangle N: 4.75 inches; W: 16.5 inches).

**E46-1043. Abington Township**, 1176 Old York Road, Abington, PA 19001, Abington Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

The applicant requests a permit to construct and maintain a 4' 10" by 20" box culvert for flood relief adjacent to the existing Susquehanna Road Bridge across Sandy Run (TSF, MF). The proposed project will permanently impact 0.005-acre of floodplain. Utility relocation is associated with the work. The site is located on SR 1017, Susquehanna Road, between Hall and Maple Avenues (Ambler, PA USGS Quadrangle W: 0.75-inch; N: 3.1 inches).

**E46-1041. Lower Perkiomen Regional Sewer Authority**, 5 River Road, Lower Providence, Upper Providence Township, Borough of Collegeville, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

*LPVRSO Oaks Middle Interceptor Replacement Project.*

LPVRSO proposed the installation of approximately 17,500 linear feet sanitary sewer interceptor and associated auxiliary works along and across the Perkiomen Creek (WWF, MF). The detail of the water obstruction and encroachment activities associated with the interceptor construction are:

1) To construct and maintain approximately 7,445 linear feet of a 42" diameter pipe, approximately 6,170 linear feet of a 48" diameter pipe, and approximately 2,728 linear feet of a 54" diameter pipe within the floodway of the Perkiomen Creek and crossing the stream at seven locations.

2) To construct and maintain 10 new manholes to accommodate the pipes installation within the floodway of the stream.

3) To construct and maintain two inverted siphons with three separated connected pipes within the floodway of diameters 30-inch, and two 24 inches running approximately 580 linear feet and 1,159 linear feet respectively.

4) To impact by crossing approximately 0.15 acre of wetland at 14 locations along the floodway.

5) To construct and maintained 21 stream crossings, all tributaries to the Perkiomen, to facilitate the sewer interceptor installation and construction access.

The project will impact approximately 2.67 acres of floodway areas of which 0.15 acre is wetlands. The project commences approximately the confluence of Skippack and Perkiomen Creeks at manhole PN-38 and runs parallel to the stream in the northerly direction and ends at approximately 1,000 feet south of Ridge Pike Bridge over the Perkiomen Creek at manhole PN-93A in Collegeville, passing through Lower Providence, Upper Providence Townships, in Montgomery County (Collegeville, PA USGS Quadrangle N: 4.29 inches; W: 10.13 inches (starting point)).

**E23-477. Mac Dade Darby Developers, LP**, 5004 State Road, Darby Borough, **Delaware County**, United States Army Corps of Engineers, Philadelphia District.

*Darby Town Center Project.*

To place and maintain fill in the floodway of Darby Creek (WWF-MF) associated with the proposed Darby Town Center commercial development project which consists of two buildings totaling 42,429 square feet, and access roadways.

The project is located approximately 147 feet south of the intersection of Chestnut Street and MacDade Boulevard in Ridley Township, Delaware County (Lansdowne, PA USGS Quadrangle N: 8.13 inches; W: 2.17 inches).

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

**E22-546: Hershey Entertainment, Kent Bachmann,** 300 Park Boulevard, Hershey, PA 17033, Derry Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To expand an existing 1.2-acre offline pond to 4.1-acres in size (Hershey, PA Quadrangle N: 12.6 inches; W: 2.6 inches, Latitude: 40° 18' 00"; Longitude: 76° 37' 47") for the purpose of improving an existing golf course in Derry Township, Dauphin County.

**E22-548,** Derry Township, **Jim Negley,** 600 Clearwater Road, Hershey, PA 17033, United States Army Corps of Engineers, Baltimore District.

To restore and regrade an existing stormwater swale impacting 1,030.0 square feet of palustrine emergent wetlands, and to construct and maintain a 28.0-inch by 20.0-inch CMP endwall structure impacting 40.0 square feet palustrine emergent wetlands (Hershey, PA Quadrangle N: 3.80 inches; W: 3.25 inches, Latitude: 40° 16' 15.5" N; Longitude: 76° 38' 53" W). To restore 945.0-foot of a UNT to Spring Creek (WWF) including regrading to create a low flow channel and a floodplain bench impacting 2,330-square feet of palustrine emergent wetlands (Hershey, PA Quadrangle N: 3.95 inches; W: 3.20 inches, Latitude: 40° 16' 18" N; Longitude: 76° 38' 52.2" W).

To relocate and restore 346.0-feet of a UNT to Spring Creek (WWF) including regrading to create a low flow channel and a floodplain bench (Hershey, PA Quadrangle N: 4.40 inches; W: 3.25 inches, Latitude: 40° 16' 27" N; Longitude: 76° 38' 53.8" W). To construct and maintain a 6.0-foot wide single span bridge having a normal span of 40.0-feet, and an underclearance of 3.5-feet in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.30 inches; W: 3.25 inches, Latitude: 40° 16' 25.1" N; Longitude: 76° 38' 54.1" W).

To construct and maintain a 12.0-inch depressed, 78-foot long, 96.0-inch reinforced concrete culvert pipe in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.45 inches; W: 3.25 inches, Latitude: 40° 16' 28.8" N; Longitude: 76° 38' 53.9" W).

To relocate and restore 350.0-feet of a UNT to Spring Creek (WWF) including regrading to create a low flow channel and a floodplain bench (Hershey, PA Quadrangle N: 4.55 inches; W: 3.30 inches, Latitude: 40° 16' 31" N; Longitude: 76° 38' 54" W).

To construct and maintain a 35.0-feet of a 95.0-inch wide by 67.0-inch high corrugated metal pipe arch structure in a UNT to Spring Creek (WWF) to provide access to an adjacent property (Hershey, PA Quadrangle N: 4.60 inches; W: 3.25 inches, Latitude: 40° 16' 31.7" N; Longitude: 76° 38' 53.5" W).

To construct and maintain 54.0-feet of a 10-inch PVC sanitary sewer utility line crossing in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.65 inches; W: 3.25 inches, Latitude: 40° 16' 32.5" N; Longitude: 76° 38' 53" W).

To construct and maintain 97.0-feet of 8.0-inch PVC sanitary sewer utility line crossing in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.40 inches;

W: 3.25 inches, Latitude: 40° 16' 27" N; Longitude: 76° 38' 53.8" W). All of the proposed impacts are for the purpose of upgrading the existing storm sewer and sanitary sewer system in Derry Township, Dauphin County.

**E36-859:** 1040 Log Cabin Road, **Adam Davis,** 1314 Deer Lane, Lancaster, PA 17601, United States Army Corps of Engineers, Baltimore District.

To fill 0.03 acre of palustrine emergent wetland (PEM) within Cocalico Creek (WWF) Watershed for the purpose of a horse riding ring and associated outbuildings, at a point just southwest of the intersection of Log Cabin and Rose Hill Roads (Ephrata, PA Quadrangle 0.50 inch North; 8.0 inches West, Latitude: 40° 07' 45.4" N; Longitude: 76° 14' 06.8" W) in Warwick Township, **Lancaster County**. Wetland mitigation of 0.06 PEM is proposed.

**E06-649: City of Reading, c/o Charlie Jones,** 503 North 6th Street, Reading, PA 19601, City Park Pond Restoration, City of Reading, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To restore an existing 0.41 acre offline pond by removing 574 cubic yards of material and relocating 364 cubic yards of material within the pond. The pond is located adjacent to the Volunteer Fireman's Memorial Bandshell approximately 800 feet east of the intersection of Perkiomen Avenue and Penn Street (Reading, PA Quadrangle N: 14.5 inches; W: 5.5 inches, Latitude: 40° 20' 7"; Longitude: 75° 54' 48") in the City of Reading, Berks County.

**E07-429, Department of Transportation, Engineering District 9-0,** 1620 North Juniata Street, Hollidaysburg, PA 16648, United States Army Corps of Engineers, Baltimore District.

To: (1) raze a two span reinforced concrete closed spandrel arch bridge carrying SR 1014 over Little Juniata River (CWF); (2) construct and maintain a 205.5-foot long by 31.5-foot wide two span prestressed concrete T-beam bridge with a total span of 198.7 feet, a minimum underclearance of 5.3 feet and a skew of 55°, across Little Juniata River (CWF) approximately 65 feet downstream from the existing structure; and (3) temporarily affect 0.02 acre PFO wetland for temporary causeway placement, all located in the Town of Ironville (Tyrone, PA Quadrangle Latitude: 40° 39' 36" N; Longitude: 78° 13' 5" W, N: 6.4 inches; W: 12.9 inches) in Snyder Township, **Blair County**, and for the purpose of replacing the deteriorated structure. The project proposes to utilize 2 temporary causeways and temporary cofferdams in a staged manner.

**E28-357: Franklin County Commissioners, Bridges Nos. 27 and 28,** Saint Thomas and Hamilton Townships, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To remove existing Franklin County Bridge No. 27 and to construct and maintain a 30.0-foot wide single span bridge with a normal span of 35.0 feet and a minimum underclearance of 11.2 feet across Dennis Creek (CWF) with R-7 rip-rap scour protection at the abutments and to place and maintain approximately 120 cubic yards of fill within the floodway of Dennis Creek (CWF); to widen and maintain Franklin County Bridge No. 28 by installing additional prestressed concrete box beams to extend the total width of the bridge to 25.1 feet wide, 45.0 foot normal span and a minimum underclearance of 9.2 feet across Back Creek (TSF) and to place and maintain approximately 3,000 cubic yards of fill within the floodway of Back Creek (TSF). Bridge No. 27 is located on

Twin Bridge Road (Chambersburg, PA Quadrangle N: 13.0 inches; W: 16.1 inches, Latitude: 39° 56' 47"; Longitude: 77° 44' 22") and Bridge No. 28 is located on Crottlestown Road (Chambersburg, PA Quadrangle N: 12.9 inches; W: 16.0 inches, Latitude: 39° 56' 46"; Longitude: 77° 44' 21") in Saint Thomas and Hamilton Townships, Franklin County. The purpose of the project is to realign the roadways and approaches to the bridges to improve the adjacent intersections.

**E01-287: New Oxford Municipal Authority, New Oxford Municipal Authority Wastewater Treatment Plant**, Oxford Borough and New Oxford Township, Adams County, United States Army Corps of Engineers, Baltimore District.

The applicant proposes to: 1) remove approximately 140.0 linear feet of an existing 48.0-inch RCP stream enclosure in a UNT to South Branch of Conewago Creek (WWF); 2) install and maintain 490.0 linear feet of new 48.0-inch RCP stream enclosure in a UNT to South Branch Conewago Creek (WWF); 3) construct and maintain a concrete vault within the 100-yr FEMA floodplain of the South Branch of Conewago Creek (WWF). The purpose of the project is to improve the existing New Oxford Municipal Authority Wastewater Treatment Plant.

The project is located at the existing New Oxford Municipal Authority Wastewater Treatment Plant, along Tracy Avenue (McSherrystown, PA Quadrangle N: 21.0 inches; W: 9.2 inches, Latitude: 39° 51' 55"; Longitude: 77° 03' 55") in New Oxford Township and Oxford Borough, Adams County.

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

**E43-349, Vista Operating, Inc.**, 61 McMurray Road, Suite 300, Pittsburgh, PA 15241-1633. Lake Wilhelm—Goddard State Park, Natural Gas Pipeline, in Sandy Creek Township, Mercer County, United States Army Corps of Engineers, Pittsburgh District (Hadley, PA Quadrangle N: 41° 27' 12", W: 80° 11' 14").

The applicant proposes to construct and maintain a 6-inch-diameter natural gas pipeline in Sandy Creek Township, Mercer County on land owned and managed by The Pennsylvania Game Commission (Hadley, PA Quadrangle N: 41° 27' 12"; W: 80° 11' 14"). The proposed pipeline is 3,500 lineal feet in length with approximately 600 lineal feet being bored a minimum of 5 feet below the bottom of Lake Wilhelm. The total disturbed area for the proposed project is 0.65 acre. Lake Wilhelm is a perennial body of water classified as a WWF.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA56-007. National Park Service**, 109 West Main Street, Suite 104, Somerset, PA 15501. UNT within the Grove Run Watershed (CWF) in Stonycreek Township, Somerset County, United States Army Corps of Engineers, Pittsburgh District (Stoystown, PA Quadrangle N: 9.5"; West 4.2", Latitude: 40° 3' 8"; Longitude: 78° 54' 16"). To

1. place and maintain fill, to construct and maintain a road with multiple pipes (18" or 30" minimum diameter) and to construct and maintain a boardwalk in 1.79 acres of wetland (PEM/POW),

2. place and maintain fill in 0.2 acre of open water, and

3. relocate 521 feet of a UNT within the Grove Run Watershed (CWF), for the purpose of constructing Phase 1A of the Flight 93 National Memorial. In addition, 2.09 acres of wetland (PEM/POW) will be temporarily impacted from the construction of a cofferdam and causeway, and 2.36 acres of open water will be temporarily dewatered, during the construction of the memorial.

The project is located off of Skyline Road, approximately 1.2 miles southeast of this roadway's intersection with Lambertsville Road, in Stonycreek Township, Somerset County. To compensate for the permanent impacts, 2.34 acres of replacement wetland, 0.2 acre of open water and 1,314 feet of relocated channel will be constructed. The additional replacement acreage will be utilized to compensate for impacts that may result from the construction of future phases of the memorial.

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

**D06-149EA. Richard and Bethann Witman**, 237 Stitzer Road, Oley, PA 19546-8727, Oley Township, Berks County, United States Army Corps of Engineers, Philadelphia District.

Project proposes to breach and remove an unnamed dam across Furnace Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 1,000 feet southeast of the intersection of Oley Furnace (T594) and Stitzer Roads (T583) (Fleetwood, PA Quadrangle Latitude: 40° 24' 23"; Longitude: 75° 47' 19").

**D14-131EA. Department of Conservation and Natural Resources, Bureau of Forestry**, P. O. Box 8552, Harrisburg, PA 17101-8552, Rush Township, Centre County, United States Army Corps of Engineers, Baltimore District.

Project proposes to breach and remove Dayton Dam across Sixmile Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 linear feet of stream channel. The dam is located approximately 900 feet northwest of the intersection of Sixmile and Wolf Rock Roads (Port Matilda, PA Quadrangle Latitude: 40° 51' 42"; Longitude: 78° 06' 59").

**EA63-004CO. Don Blackert**, 485 Horner Run Road, Amity, PA 15311, Amwell Township, Washington County, United States Army Corps of Engineers, Pittsburgh District.

To construct and maintain a nonjurisdictional dam across a tributary to Horne Run (TSF) at a point approximately 3,300 feet southwest of the intersection of Horne Run Road and SR 19 (Amity, PA Quadrangle Latitude: 40° 04' 19"; Longitude: 80° 12' 51"). The proposed dam will fill 60 lineal feet of intermittent stream channel and inundate 350 lineal feet of intermittent stream channel.

**D13-105EA. Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building**, 100 Penn Square East, Philadelphia, PA 19107-3390, United States Army Corps of Engineers, Philadelphia District.

Project proposes to repair concrete deterioration and stabilize the scour at the downstream end of the outlet channel floor slab and repair concrete deterioration on the gravity wall located to the left of the spillway of the

Francis E. Walter Dam located across the Lehigh River (HQ-CWF, MF) in Kidder Township, **Carbon County** and Bear Creek Township, **Luzerne County** (Hickory Run, PA Quadrangle 41° 06' 45" Latitude, 75° 43' 19" Longitude).

**D64-165EA. Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390, United States Army Corps of Engineers, Philadelphia District.**

Project proposes to repair concrete deterioration on the walls and floor of the stilling basin and the ogee weir of the General E. Jadwin Reservoir Dam located across Dyberry Creek (HQ-CWF, MF) in Dyberry Township,

**Wayne County** (Honesdale, PA Quadrangle 41° 36' 43" Latitude, 75° 15' 55" Longitude).

**D64-166EA. Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390, United States Army Corps of Engineers, Philadelphia District.**

Project proposes to repair concrete deterioration on the walls of the intake structure and stilling basin of the Prompton Reservoir Dam located across West Branch Lackawaxen River (HQ-TSF, MF) in Prompton Borough, **Wayne County** (Honesdale, PA Quadrangle 41° 35' 21" Latitude, 75° 19' 40" Longitude).

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## ACTIONS

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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.

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0020702 Sewage	Municipal Authority Borough Fayette City P. O. Box 552 Fayette City, PA 15438-0552	Fayette County Fayette City Borough	Monongahela River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087459 (Sew)	Triple Crown Corporation Meadow View Village Mobile Home Park 5351 Jaycee Avenue Harrisburg, PA 17112	Perry County Centre Township	UNT Trout Run 7A	Y
PA0038598 (IW)	Susquehanna Aquacultures, Inc. Brunner Island Aquaculture P. O. Box 306 York Haven, PA 17370	York County East Manchester Township	Susquehanna River 7F	Y
PA0084123 (Sew)	Penn Township Municipal Authority Kinkora STP 100 Municipal Building Road Duncannon, PA 17020	Perry County Penn Township	Cove Creek 7A	Y
PA0023540 (Sew)	Berks-Montgomery Municipal Authority 136 Municipal Drive Gilbertsville, PA 19525	Berks County Colebrookdale Township	Ironstone Creek 3D	Y
PA0083941 (IW)	Community Refuse Services, Inc. 135 Vaughn Road Shippensburg, PA 17257	Cumberland County Hopewell Township	Conodoguinet Creek 7B	Y
PA0084701 (Sew)	Penn Township Municipal Authority 100 Municipal Road Duncannon, PA 17020	Perry County Penn Township	UNT Susquehanna River 7A	Y
PA0080527 (Sew)	Steven Oliver Oliver's Upper Lawn Mobile Home Community 296 Long Road Palmyra, PA 17078-8380	Lebanon County South Londonderry Township	UNT Conewago Creek 7G	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. PA0261335**, Sewage, **Mr. and Mrs. Samuel Shaffner**, 10959 Stonewall Road, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Muddy Run in Watershed 7-B.

**NPDES Permit No. PA0024074, Amendment No. 1**, Sewage, **Shoemakersville Municipal Authority**, 115 East Ninth Street, Shoemakersville, PA 19555. This proposed facility is located in Shoemakersville Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-B.

**NPDES Permit No. PA0261319**, Sewage, Steven L. Sheets, 385 Bull Valley Road, Aspers, PA 17304. This proposed facility is located in Butler Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Opossum Creek in Watershed 7-F.

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

**PA0233641**, Sewerage, SIC 4952, **John and Kristen Gresh**, 198 Bennett Road, Julian, PA 18644. This proposed facility will be located in Union Township, **Centre County**.

The receiving stream, UNT to Brower Hollow Run, is in the State Water Plan Watershed 9C and is classified for: CWF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company is located on West Branch Susquehanna River and is 91 miles below the point of discharge.

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

<i>Discharge Parameter</i>	<i>Concentration (mg/L)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)			Monitor	
BOD <sub>5</sub>	10			20
TSS	10			20
TRC	Monitor			
pH			Not < 6.0 nor > 9.0	
Fecal Coliforms			200/100 ml	

**PA0020273**, Sewerage, SIC 4952, **Milton Regional Sewer Authority**, P. O. Box 433, Milton, PA 17847-0433. This existing facility is located in West Chillisquaque Township, **Northumberland County**.

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

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 10D and classified for: WWF. The nearest downstream public water supply intake is the Sunbury Municipal Water Authority located approximately 11 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 3.42 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>				<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>
BOD <sub>5</sub>	111	166		222		
TSS	100	150		200		
Total Residual Chlorine	0.5			3.0		
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a Geometric Mean					
(10-1 to 4-30)	2,000 col/100 ml as a Geometric Mean					
pH	Within the range of 6.0 to 9.0					

Chesapeake Bay Tributary Strategy Nutrient Requirements

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report	Report
Kjeldahl-N	Report	Report	Report	Report
Nitrate-Nitrate as N	Report	Report	Report	Report
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen		Report	Report	80,040*
Net Total Phosphorus		Report	Report	8,329*

\* 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.

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Chesapeake Bay Effluent Limits.
2. Operation and Implementation of a Pretreatment Program.
3. Requirements Applicable to Stormwater Outfalls.

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

**NPDES Permit No. PA0254061**, Sewerage, **Richard Jericho**, 130 Chiccarello Drive, Clinton, PA 15026. This proposed facility is located in Hanover Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the operation of a single-residence sewage treatment plant.



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


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

**WQM Permit No. 4009402**, City of Pittston, 35 Broad Street, Pittston, PA 18640. This proposed facility is located in the City of Pittston, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a sanitary sewer system improvement project consisting of approximately 11,500 L.F. of 8-inch through 15-inch diameter PVC gravity sanitary sewer lines and 54 manholes. This work is associated with the separation of the City's combined sewer system in the vicinity of Broad Street, Main Street and Kennedy Boulevard.

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

**WQM Permit No. 2809402**, Sewage, **Mr. and Mrs. Samuel Shaffner**, 10959 Stonewall Road, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a small flow treatment facility with septic tank, peat filter and chlorination tablet disinfection.

**WQM Permit No. 0608402**, Sewage, **Shoemakersville Municipal Authority**, 115 East Ninth Street, Shoemakersville, PA 19555. This proposed facility is located in Shoemakersville Borough, **Berks County**.

Description of Proposed Action/Activity: Amendment approval for sewerage facilities consisting of: a rerating to increase the Annual Average Hydraulic Capacity to 0.75 mgd, Maximum Monthly Flow to 0.75 mgd, and the Maximum Monthly Organic Capacity to 1,251 lbs BOD5/day.

**WQM Permit No. 0109402**, Sewage, **Conewago Township Municipal Authority**, 541 Oxford Avenue, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the modifications of sewerage facilities consisting of: Upgrades to the Allwood Manor Pump Station.

**WQM Permit No. 0109401**, Sewage, **Steven L. Sheets**, 385 Bull Valley Road, Aspers, PA 17304. This proposed facility is located in Butler Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of: a small flow sewage treatment facility with one 1,500-gallon septic tank, dose tank, Ecoflo Peat Filter System and UV disinfection. The discharge is to UNT Opossum Creek.

**WQM Permit No. 3609401**, Sewage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of: 26,800 feet of gravity sewer and associated manholes, two submersible pumping stations and 7,700 feet of for cemain, 18 simplex grinder stations and associated low pressure forcemain. Sanitary sewer collection and conveyance system for Letort Manor and Perth Hills.

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

**WQM Permit No. 4109401**, Sewerage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17710-6113. This proposed facility will be located in the City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction of a 2 million gallon storage tank, which will be used to store excessive wet weather combined sewer flow.

**WQM Permit No. 1409402**, Sewage 4952, **Kirk G. Aguer**, 123 Aspen Drive, Boalsburg, PA 16827. This proposed facility is located in Harris Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a new raw sewage equalization tank and extend sewers for 28 new connections at Nittany Grove MHC.

**WQM Permit No. 1408402**, Sewerage, SIC 4952, **John and Kristen Gresh**, 198 Bennett Road, Julian, PA 18644. This proposed facility will be located in Union Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction of a small flow treatment facility to serve the residence. This facility will consist of a 2 compartment septic tank, an Ecoflo peat biofilter, erosion chlorination and a chlorine contact tank.

**WQM Permit No. WQG02490901**, Sewerage, **Washingtonville Municipal Authority**, P. O. Box 147, Washingtonville, PA 17884. This proposed facility is located in Washingtonville Borough, **Montour County**.

Description of Proposed Action/Activity: New 0.052 mgd pump station and force main to replace existing facilities.

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

**WQM Permit No. 5609406**, Sewerage, **Jenner Area Joint Sewer Authority**, 102 Saylor Street, Jennerstown, PA 15547. This proposed facility is located in Boswell Borough, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a new 10 inch diameter force main to parallel the existing force main at the Boswell Pump Station.

**WQM Permit No. 6509401**, Sewerage, **Ligonier Township Municipal Authority**, One Municipal Park Drive, Ligonier, PA 15658. This proposed facility is located in Ligonier Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pump station, force main and sanitary sewer system.

**WQM Permit No. WQG016174**, Sewerage, **Matthew Peterson**, 1506 Scott Street, McKeesport, PA 15132. This proposed facility is located in Elizabeth Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

**WQM Permit No. WQG026125**, Sewerage, **Vandergrift Borough**, 109 Grant Avenue, Vandergrift, PA 15690. This proposed facility is located in Vandergrift Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sanitary sewer extension and pump station.

**WQM Permit No. WQG026124**, Sewerage, **Seven Springs Municipal Authority**, 777 Waterwheel Drive, Seven Springs, PA 15622. This proposed facility is located in Middlecreek Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewer extension.

**WQM Permit No. 0409402**, Sewerage, **Richard Jericho**, 130 Chiccarello Drive, Clinton, PA 15026. This proposed facility is located in Hanover Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909001	Eleanor Baumner 13035 93rd Avenue Seminole, FL 33776	Bucks	Haycock and Springfield Townships	Cooks Creek EV
PAI01 5109003	City of Philadelphia Division of Aviation PHL Terminal D 3rd Floor Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Pennypack Creek WWF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U109R	Joleone Kinney 918 Blue Mountain Drive Walnutport, PA 18088	Northampton	Plainfield Township	Tributary to Little Lehigh Creek HQ-CWF, MF
PAI023908027	Edward Yeager 3142 Oakhurst Drive Center Valley, PA 18034	Lehigh	Upper Milford Township	Tributary to Lehigh Creek HQ-CWF
PAI023909011	Weisenburg Township 2175 Seipstown Road Fogelsville, PA 18051-2022	Lehigh	Weisenburg Township	Lyons Creek HQ-CWF, MF
PAI021309001	Towamensing Trails Property Owners Association 44 Towamensing Trails Albrightsville, PA 18210	Carbon	Penn Forest Township	Wolf Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI103709002	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Lawrence County	Slippery Rock Township	UNT to Hell Run EV

*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>
PAI030608021	O'Neil Real Estate Partnership 1420 Clarion Street Reading, PA 19601	Berks	Ontelaunee Township	Willow Creek HQ-CWF
PAI032109005	South Middleton Township 5209 Park Drive Boiling Springs, PA 17007	Cumberland	South Middleton Township	Yellow Breeches Creek HQ-CWF
PAI0306070041	Curtis Morton Site Development 133 Benfield Road Macungie, PA 18062	Berks	Longswamp Township	Swabia Creek HQ-CWF 02C Lower Lehigh River
PAI0321081016	County of Cumberland One Courthouse Square Carlisle, PA 17013-3323	Cumberland	Middlesex Township	Letort Spring Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062509003	Dunn Brick Yard, Former International Paper Site Greater Erie Industrial Dev. Corp. GEIDC 5250 Knowledge Parkway Erie, PA 16510-4658	Erie	Erie City	West Branch Cemetery Run/Lake Erie WWF City of Erie Municipal Storm Sewer

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### *General Permit Type—PAG-2*

##### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Limerick Township Montgomery County	PAG200 4608117	Wendt Dunnington Company 546 Enterprise Drive Royersford, PA 19468	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
Plymouth Township Montgomery County	PAG200 4608164	Plymouth Township 700 Belvoir Road Plymouth Meeting, PA 19462	UNT Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG200 4608181	Vantage Point Advisors, Inc. 1020 North Bethlehem Pike Lower Gwynedd, PA 19002	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG200 4608100	Limerick Properties, LLC P. O. Box 301 Royersford, PA 19468	UNT Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG200 4609038	Whitemarsh Township 616 Germantown Pike Lafayette Hill, PA 19444	UNT Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5109011	Philadelphia Water Department 1101 Market Street 2nd Floor Philadelphia, PA 19107-2994	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5109019	Temple University 1101 Montgomery Avenue 3rd Floor Philadelphia, PA 19122	Wastewater Treatment Plan—Combined Sewer System	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5109022	Center City District 660 Chestnut Street Philadelphia, PA 19106	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Forest City Borough Susquehanna County	PAG2005804007R	Greater Forest City Industries 636 Main Street Forest City, PA 18421	Tributary to Lackawanna River CWF, MF	Susquehanna County Conservation District (570) 278-4600
Mt. Pleasant Adams County	PAG2000104010R	Michael R. and Tina M. Livalsberger M&T Self Storage, LLC 36 Sunset Drive Gettysburg, PA 17325	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Menallen Township Adams County	PAG2000108007	Craig Long-Project Manager WellSpan Properties, Inc. 1001 South George Street York, PA 17403-3676	Opossum Creek TSF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Butler Township Adams County	PAG2000109007	John W. Bream and John Lott Bream & Bear Ltd. 1415 Potato Road Aspers, PA 17304	Tributary to Quaker Run Opossum Creek SF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
City of Harrisburg Dauphin County	PAG2002209027	Harrisburg Housing Authority 351 Chestnut Street Harrisburg, PA 17101	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018

## 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>
South Hanover Township Dauphin County	PAG2002209014	Stan Custer WC Farms, LLC 2805 Old Post Road Suite 200 Harrisburg, PA 17110	Kellock Run WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Middletown Borough Dauphin County	PAG2002209012	Peter Pappas Middletown Borough Authority 60 West Emaus Street Middletown, PA 17057	Swatara Creek WWF Susquehanna River/ WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Swatara Township Dauphin County	PAG2002209026	Sam's Real Estate Business Trust 6781 Grayson Road Harrisburg, PA 17111-5138	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Sinking Spring Borough	PAG2000609022	William Allen Berkshire-Hudson XI, LLC 3735 Beam Road Charlotte, NC 28217	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Amity Township	PAG2000609020	John Yanan Flexible Development Co., LLC P. O. Box 720 Green Lane, PA 18054	UNT/Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Warwick Township Lancaster County	PAG2003609037	Snavelly Family, LP 333 Snavelly Mill Road Lititz, PA 17543	Hammer Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Warwick Township Lancaster County	PAG2003609041	Adam Davis 1314 Deer Lane Lancaster, PA 17601	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Earl Township Lancaster County	PAG2003609042	Keystone Custom Homes 214 A Wilow Valley Lakes Drive Willow Street, PA 17584	UNT Groff Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Earl Township Lancaster County	PAG2003609043	Aaron E. Beiler 905 West Main Street New Holland, PA 17557	UNT Groff Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003609044	SGS Communities, Inc. 20 Gibson Place Freehold, NJ 07728	Millers Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<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 Cocalico Township Lancaster County	PAG2003609045	Tim Rutledge 30 Martinb Drive Reinholds, PA 17569	Little Cocalico Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Centre County Harris Township	PAG2001409006	Paul Rittenhouse c/o Rittenhouse Real Estate Ventures, Inc. 401 Mountain Road State College, PA 16801	UNT to Roaring Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Porter Township	PAG2004109005	Jersey Shore Area Joint Water Authority 220 South Main Street Jersey Shore, PA 17740	UNT to West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Union County Kelly Township	PAG2006009006	Ernst Normington 210 JPM Road Lewisburg, PA 17837	UNT to Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Crawford County Cambridge Township Cambridge Springs Borough	PAG2002009003	Department of General Services 18th and Herr Streets Harrisburg, PA 17120	Jackson Run WWF	Crawford County Conservation District (814) 763-5269
Erie County Harborcreek Township	PAG2002509010	Department of Transportation 255 Elm Street Oil City, PA 16301	Sixmile Creek CWF; MF	Erie County Conservation District (814) 825-6403

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Muhlenberg Township	PAR803719	Rolling Frito-Lay Sales, LP 408 Inverhaddon Trail Bel Air, MD 21014	Laurel Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Lampeter Township	PAR803718	Rolling Frito-Lay Sales, LP 408 Inverhaddon Trail Bel Air, MD 21014	UNT to Stauffer Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR143516	Packaging Corporaton of America 1530 Fruitville Pike Lancaster, PA 17601-4093	Huber Run CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR113549	Dentsply International 570 West College Avenue P. O. Box 872 York, PA 17405	Codorus Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Donegal Township	PAR233542	Lasco Bathware, Inc. 40 Industrial Road Elizabethtown, PA 17022	Conewago Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Elizabeth Borough Allegheny County	PAG046404	Matthew Peterson 1506 Scott Street McKeesport, PA 15132	Long Hollow	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lincoln Township Somerset County	PAG046402	Brian W. Hoffman 153 Flick Hill Road Somerset, PA 15501-6440	UNT to Quemahoning Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Clearfield Township Cambria County	PAG046398	Jonathan Nihart 964 Schoolhouse Drive Ashville, PA 16613	UNT of Swartz Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lincoln Township Somerset County	PAG046405	Scott B. and Kristin E. Lohr 338 Briar Patch Road Somerset PA, 15501	UNT of Quemahoning Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**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.*

<b>Permit No. 3909504</b> , Public Water Supply.	
Applicant	<b>Chernay Printing, Inc.</b> 7483 South Main Street Coopersburg, PA 18036 Upper Saucon Township
County	<b>Lehigh</b>
Type of Facility	NTNC PWS
Consulting Engineer	George Ruby, P. E. Ruby Engineering, Inc. 3605 Island Club Drive Unit 9 North Port, FL 34288
Permit to Construct Issued	July 29, 2009

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

**Permit No. 3809507 MA, Minor Amendment**, Public Water Supply.

Applicant **Country Acres MHP, Inc.**  
 Municipality Jackson Township  
 County **Lebanon**  
 Type of Facility Installation of chlorine contact piping for Well Nos. 1 and 2.  
 Consulting Engineer David J. Gettle  
 Kohl Bros., Inc.  
 P. O. Box 350  
 Myerstown, PA 17067  
 Permit to Construct Issued July 27, 2009

**Permit No. 2209501 MA, Minor Amendment, Public Water Supply.**

Applicant **United Water Pennsylvania**  
 Municipality Upper Paxton Township  
 County **Dauphin**  
 Type of Facility Installation of the 2 MG Parkway West finished water storage tank.  
 Consulting Engineer Arthur Saunders, P. E.  
 United Water Pennsylvania  
 4211 East Park Circle  
 Harrisburg, PA 17111  
 Permit to Construct Issued: July 24, 2009

**Permit No. 0509502 MA, Minor Amendment, Public Water Supply.**

Applicant **Borough of Everett Area Municipal Authority**  
 Municipality Everett Borough  
 County **Bedford**  
 Type of Facility Water line replacement and filter tank rehabilitation. The Pennsylvania Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be a funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impacts resulting from this proposed project. The Environmental Report was approved by the Department on July 23, 2009.  
 Consulting Engineer Kevin J. Nester, P. E.  
 CET Engineering Services  
 321 Washington Street  
 Huntingdon, PA 16652  
 Permit to Construct Issued August 3, 2009

**Operations Permit** issued to **Altoona City Authority**, 4070023, Antis Township, **Blair County** on July 29, 2009, for the operation of facilities approved under Construction Permit No. 0707501 MA.

**Operations Permit** issued to **Black Rock Retreat Association**, 7360965, Colerain Township, **Lancaster County** on July 27, 2009, for the operation of facilities approved under Construction Permit No. 3608521.

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

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

Applicant **Rockview SCI**  
 Township or Borough Benner Township  
 County **Centre**  
 Responsible Official Franklin J. Tennis  
 Superintendent  
 Rockview SCI  
 Box A  
 Bellefonte, PA 16823  
 Type of Facility Public Water Supply—Construction and Operation  
 Consulting Engineer David Brinjac, P. E.  
 Brinjac Engineering, Inc.  
 114 North Second Street  
 Harrisburg, PA 17101  
 Permit Issued Date July 31, 2009  
 Description of Action Construction and operation of approximately 10,000 LF of finished waterline, extending from the existing Rockview SCI water system to the new Benner Township SCI facility, and the relocation and operation of approximately 1,150 LF of Benner Spring raw water transmission main.

**Permit No. 1409502—Construction, Public Water Supply.**

Applicant **Blarney Stone Subdivision**  
 Township or Borough Union Township  
 County **Centre**  
 Responsible Official Steve MacNamara  
 Blazer Enterprises, Inc.  
 200 Mac One Lane  
 Julian, PA 16844  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer David Cunningham, P. E.  
 Keller Engineers, Inc.  
 420 Allegheny Street  
 P. O. Box 61  
 Hollidaysburg, PA 16648  
 Permit Issued Date August 3, 2009  
 Description of Action Installation of a new public water supply at the existing Blarney Stone Subdivision. The water supply will include Blarney Stone Well, aeration and disinfection facilities, finished water storage, booster pump station, detention piping and distribution system.



**Permit No. 4909502—Construction**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.—Roaring Creek Division**

Township or Borough Coal Township

County **Northumberland**

Responsible Official Patrick R. Burke,  
Regional Manager of Northeast and Central Pennsylvania Aqua Pennsylvania, Inc.—Roaring Creek Division  
204 East Sunbury Street  
Shamokin, PA 17872

Type of Facility Public Water Supply—Construction

Consulting Engineer Andrew R. Glitzer, P. E.  
Project Engineer  
CET Engineering Services  
321 Washington Street  
Huntingdon, PA 16652

Permit Issued Date August 4, 2009

Description of Action Construction of a 200,000 gal. welded steel water storage tank, to replace the existing 75,000 gal. Trevorton water storage tank, and approximately 1,700 LF of watermain to replace existing watermain.

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

**Operations Permit** issued to Ligonier Township Municipal Authority, (PWSID No. 5650080) Ligonier Township, **Westmoreland County** on July 25, 2009, for the operation of facilities approved under Construction Permit No. 6501502.

**Operations Permit** issued to Harrison Township Water Authority, (PWSID No. 5020108) Harrison Township, **Allegheny County** on August 3, 2009, for the operation of facilities approved under Construction Permit No. 6501502.

**Permit No. 0209513MA, Minor Amendment**, Public Water Supply.

Applicant **Moon Township Municipal Authority**  
1700 Beaver Grade Road  
Suite 200  
Coraopolis, PA 15108-3193

Borough or Township Moon Township

County **Allegheny**

Type of Facility Fern Hollow backwash tank

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Construct Issued August 3, 2009

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

**Transfer and Consolidation of Operations Permits** issued to **Aqua PA Clarendon**, PWSID No. 6620021, Clarendon Borough/Mead Township, **Warren County**,

July 31, 2009. Action is result of Aqua Pennsylvania, Inc.'s acquisition of the water system assets of the Clarendon Water Company. Water supply facilities including all historic information associated with permit No. 362W005-T2, issued May 19, 1993, and permit No. 6296502, issued October 2, 1997, are transferred and consolidated into permit No 6207504-T1. All historic information associated with these permits, including plans, specifications, reports and supporting documentation are now a part of Permit No. 6207504-T1.

*Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996133**, Public Water Supply Permit Revoked.

Company Name **Green Spring Water Company, Inc.**

Township or Borough Big Spring, MD

Responsible Official David Rhinecker, Owner

Type of Facility Out-of-State Bottled Water System

Permit Revoked Date June 30, 2009

Description of Action Permit was revoked for noncompliance with permit conditions.

#### 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:

Borough or Township	Borough or Township Address	County
Upper Mifflin Township	455 Whiskey Run Road Newville, PA 17241	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of Upper Mifflin Township, Cumberland County. The plan revision provides for the use of a small flow treatment facility with a discharge to a UNT of Three Square Hollow Run, to serve a single-family dwelling that currently has a malfunctioning on lot sewage disposal system. The property is located on the north side of Mountain Road east of the intersection with Zion Road. The Department of Environmental Protection's (Department) review of the plan revision has not identified any significant impacts resulting from this proposal. The Department's Code Number for this planning module is A3-21931-097-3S. Any required WQM Permits must be obtained in the name of the property owner.

#### 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>
West Pennsboro Township	2150 Newville Road Carlisle PA 17015	Cumberland

*Plan Description:* The planning module for the Gerald Jones Subdivision, the Department of Environmental Protection's Code No. A3-21933-288-2, consists of five residential building lots on a 19.8 acre tract proposing individual on lot sewage disposal systems. The project is located on northeast side of Crossroad School Road and the southwest side of Kerrsville Road. The plan revision was denied because the proposed groundwater recharge easements for Lots 1—3 were not located downgradient from the proposed sewage disposal systems.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.*

**6651—6784 Ridge Avenue**, City of Philadelphia, **Philadelphia County**. Justin Lauterbach, RT Environmental Services, Inc., 510 Heron Drive, Bridgeport, NJ 08014 on behalf of Michael Cooley, Switchback Ridge III, LP, 795 East Lancaster Avenue, Building 2, Villanova, PA 19085 has submitted a Final Report concerning remediation of site soil contaminated with lead and inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**The Hake Building**, Borough of Eddystone, **Delaware 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 Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard.

**CRC Industrial, Inc.**, Warminster Township, **Bucks County**. Peter Beyer, P.G., Environmental Resources Management, Inc., 350 Eagleview Boulevard, Suite 200, Exton, PA 19341, Michelle Rudnick, CRC Industries, Inc., 885 Louis Drive, Warminster, PA 18974 on behalf of Adam Selisker, CRC Industries, Inc., 885 Louis Drive, Warminster, PA 18974 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Maroon Residence**, 7 Joni Drive, Spring Brook Township, **Lackawanna County**. James P. Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report (on behalf of his client, Thomas Maroon, 7 Joni Drive, Moscow, PA 18444), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an underground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in the *Carbondale News/The Villager* on July 15, 2009.

**Former Ballard/Kara Property**, Route 309 and Interstate 80, Butler Township, **Luzerne County**. Richard C. Karr, MACTEC Engineering and Consulting, Inc., 1787 Sentry Parkway West, Suite 120, Blue Bell, PA 19422-2200 has submitted a Final Report (on behalf of his client, Drums Fuel Stop, Inc., R. R. 1, Route 309 and I-80, Drums, PA 18222), concerning the remediation of soils and groundwater found to have been impacted by leaded/unleaded gasoline, chlorinated solvents and diesel fuel as a result of historic operations and offsite contribution. The report was submitted to document attainment of the Statewide Health Standard and the Background Standard for groundwater and the Statewide Health Standard for soils.

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

**Tate Access Floors, Inc.**, Windsor Township, **York County**. MACTEC Engineering and Consulting, Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106, on behalf of Tate Access Floors, Inc., 52 Springvale Road, Red Lion, PA 17356-0398 and USG Corporation, 550 West

Adams Street, Chicago, IL 60661-3676, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and inorganics. The applicant proposes to remediate the site to meet the requirements of the Statewide Health and Site-Specific Standards.

**Former Cole Steel Facility**, Spring Garden Township, **York County**. CDM, Inc., Raritan Plaza I, Raritan Center, Edison, NJ 08818, on behalf of Cresticon, Inc., 1840 Century City Park East, Los Angeles, CA 90067-2199, submitted a submitted a Final Report concerning remediation of soils and groundwater contaminated with VOCs, semi-VOCs and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**New Cumberland Army Depot/IRP Site 63 Building 85 Plume**, Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, New Cumberland, PA 17070 submitted a Remedial Investigation and Risk Assessment Report concerning remediation of groundwater contaminated with chlorinated solvents. This military site will be remediated to the Site-Specific Standard.

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

**Former Beech Creek Market**, Beech Creek Borough, **Clinton County**. ATC Associates, Inc., 101 Allegheny Street, Suite 2B, Hollidaysburg, PA 16648 on behalf of Former Beech Creek Market, 272 Main Street, Beech Creek, PA 16822 has submitted a Final Report concerning remediation of site soil contaminated with 1,3,5-trimethylbenzene and groundwater contaminated with benzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and MTBE. The report is intended to document remediation of the site to meet the Background 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.*

**Laminators (former ARTCO Corp.)**, Hatfield Township, **Montgomery County**. Chris Ehret, Ehret's Regulatory Services, LLC, 108 Pennsylvania Avenue, Singing Springs, PA 19608, Andrew Levine, Stradley Ronon, 2600 One Commerce Square, Philadelphia, PA 19103 on behalf of Mark Kawchak, Laminators, Inc., 3255 Penn Street, Hatfield, PA 19440 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 21, 2009.

**150 South MacDade Boulevard Property**, Darby Borough, **Delaware County**. Michael Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Tony Varallo, MacDade Boulevard-Darby, LLC, 5004 State Road, Drexel Hill, PA 19026 has submitted a Cleanup Plan/Remedial Assessment Report concerning the remediation of site soil contaminated with lead gasoline and chlorinated solvents. The Cleanup Plan/Remedial Assessment Report was approved by the Department of Environmental Protection on July 15, 2009.

**318 West Lancaster Avenue Property**, Lower Merion Township, **Montgomery County**. Charlene Drake, REPSG, 1, 6901 Kinsessing Avenue, Philadelphia, PA 19142, Terrence Mckenna, Keating Environmental Management, Inc., 123 John Robert Thomase Drive, Exton, PA 19341, on behalf of Andrew Talone, 318 Wet Lancaster Avenue Corporation, 202 Grouse Lane, Radnor, PA 19087 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final report did not demonstrate attainment of

the Site-Specific Standard and was placed on hold by the Department of Environmental Protection on July 15, 2009.

**Ranallo Residence**, Plumstead Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Edmund Ranollo, 4846 River Road, Point Pleasant, PA 18950 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 20, 2009.

**1701—1737 North Delaware Avenue**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Columbus Boulevard Associates, LP, 6958 Torresdale Avenue, Philadelphia, PA 19135 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final report did not demonstrate attainment of the Statewide Health Standard and was placed on hold by the Department of Environmental Protection on July 23, 2009.

**Wyeth Lab**, West Chester Borough, **Chester County**. Daniel P. Sheehan, Malcolm Pirnie, Inc., 824 Market Street, Suite 820, Wilmington DE 19801 on behalf of Robert H. Taggart, Wyeth, 5 Giralda Farms, Madison, NJ 07940 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was approved by the Department of Environmental Protection on July 23, 2009.

**Saville Residence**, East Pikeland Township, **Chester County**. Stacie Cottone, J&J Spill Service and Supplies Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Benjamin Saville, 222 Kimble Drive, Phoenixville, PA 19460 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 24, 2009.

**Bridgeview**, Bridgeport Borough, **Montgomery County**. Janathan Spergel, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Brian Finnega, Bridgeview Development, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with leaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 30, 2009.

**The Dupont Crescent**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Joseph Syrnick, Schuylkill River Development Corporation, Cira Centre, 2929 Arch Street, 13th Floor, Philadelphia, PA 19104 has submitted a Cleanup Plan/Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Cleanup Plan/Final Report was approved by the Department of Environmental Protection on July 30, 2009

*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. Robbins, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015 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 documented attainment of the Site-Specific Standard and was approved by Central Office on July 22, 2009.

**Powers Residence**, 30 Frutchey Court and 420 Belvidere Court Road, Upper Mount Bethel Township, **Northampton County**. Thomas S. Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 submitted a Final Report (on behalf of his client, Richard Powers, 30 Frutchey Court, Mount Bethel, PA 18343), concerning the remediation of soil at both properties, which was found to have been impacted by No. 2 fuel oil as a result of a release from a 550-gallon underground storage tank. The report documented attainment Statewide Health Standard and was approved on July 28, 2009.

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

**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 Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 24, 2009.

**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, Federalsburg, MD 21632 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 27, 2009.

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

**Metal Powder Products Washington Street Div.**, St. Marys Borough, **Elk County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 on behalf of Metal Powder Product Company, 879 Washington Street, St. Marys, PA 15857 has submitted a Cleanup Plan concerning remediation of site soil and site groundwater contaminated with chlorinated solvents. The Cleanup Plan was approved by the Department of Environmental Protection on July 23, 2009.

**Stackpole Center Southwest Area (Stackpole Center Industrial Subdivision—Southwest Area)**, City of St. Marys, **Elk County**. RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 on behalf of EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Remedial Investigation Report concerning remediation of site soil and site groundwater contaminated with arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, SVOCs, PCBs, Arochlors

and VOCs. The Remedial Investigation Report was approved by the Department of Environmental Protection on July 31, 2009.

**Stackpole Center Southwest Area (Stackpole Center Industrial Subdivision—Southwest Area)**, City of St. Marys, **Elk County**. RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 on behalf of EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Risk Assessment Report concerning remediation of site soil and site groundwater contaminated with arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, SOVs, PCBs, Arochlors and VOCs. The Risk Assessment Report was approved by the Department of Environmental Protection on July 31, 2009.

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

**Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste storage, treatment or disposal facility.**

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

**Permit ID No. PAD980552848, Newell Rubbermaid**, 141 Wagner Road, Monaca, PA 15061. Renewal of a remedial action plan for the treatment of hazardous waste at the Palmieri site in Center Township, **Beaver County** was issued by the Regional Office on August 4, 2009.

#### 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.**

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

**GP-32-00345A: Keyrock Energy, LLC** (417 Oxford Court, Kingsport, TN 37663-4214) on July 28, 2009, to operate a natural gas compressor station consisting of one Caterpillar G3406 TA natural gas compressor engine at the Blazek Farm Compressor Station in Burrell Township, **Indiana County**.

**GP-65-00395A: Keyrock Energy, LLC** (417 Oxford Court, Kingsport, TN 37663-4214) on July 28, 2009, to operate a natural gas compressor station consisting of one Caterpillar G3306 TA LCR natural gas compressor engine at the Mt. Pleasant Compressor Station in East Huntingdon Township, **Westmoreland County**.

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

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

**09-0102C: Clean Earth of Southeast Pennsylvania, Inc.** (7 Steel Road East, Morrisville, PA 19067) on July 28, 2009, to install an outdoor, diesel driven screen at a soil remediation facility in Falls Township, **Bucks County**. This facility is a non-Title V facility. NOx emissions from the diesel engine associated with the screen will be less than 2.0 tpy. Emissions of all other criteria pollutants from the diesel engine will be less than 1.0 tpy. VOC emissions from the combined engine and screen will be less than 2.7 tpy. HAP emissions from the combined engine and screen will be less than 3.3 tpy. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**09-0007B: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on July 29, 2009, to operate a flare to back-up control device in Falls Township, **Bucks County**.

**15-0037C: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) on July 29, 2009, to operate one 8-color non-heatset in West Whiteland Township, **Chester County**.

**15-0060C: SECCRA Landfill** (P. O. Box 221, Kennett Square, PA 19348) on July 29, 2009, to operate a landfill gas-to-energy system in London Grove Township, **Chester County**.

**15-0037B: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) on July 29, 2009, to operate two new screen presses in West Whiteland Township, **Chester County**.

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

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

**36-05142A: Mars Snackfood US** (295 Brown Street, Elizabethtown, PA 17022-2127) on July 29, 2009, to install a new roasting system at their candy manufacturing facility in Elizabethtown Borough, **Lancaster County**. This plan approval was extended.

**36-05142B: Mars Snackfood US** (295 Brown Street, Elizabethtown, PA 17022-2127) on July 29, 2009, to modify the winnowing system as well as the addition of two conveying systems and a central vacuum system, each controlled by a dust collector in Elizabethtown Borough, **Lancaster County**. This plan approval was extended.

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

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

**28-05002: Letterkenny Army Depot** (AMSAM-LE-EE-N, Chambersburg, PA 17201-4150) on July 28, 2009, the Depot Systems Command installation primarily emits VOCs, NO<sub>x</sub>, SO<sub>x</sub> and PM in Greene/Letterkenny Townships, **Franklin County**. This Title V operating permit has been administratively amended to show that the Source Name of 062B should be changed to show that the boiler is located in building 349 instead of building 3. This is Revision No.1.

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

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

**09-00165: Boekel Industries, Inc.** (855 Pennsylvania Boulevard, Feasterville, PA 19053) on July 28, 2009, for renewal of State-only (Synthetic Minor) Operating Permit No. 09-00165, which was originally issued on February 3, 2004, and amended on July 17, 2007, in Lower Southampton Township, **Bucks County**. Boekel Industries, Inc. operates and maintains a batch vapor degreaser, from which emissions of trichloroethylene (TCE) are restricted to 9.5 tpy. No changes have occurred at the facility since the SOOP was amended. The renewed SOOP will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00180: Transicoil, LLC** (9 Iron Bridge Drive, Collegeville, PA 19426) on July 29, 2009, for issuance of a State-only Operating Permit to operate three Vapor Degreasers that uses trichloroethylene (TCE) as degreasing agent, and a Methanol Glass Cleaning Operation, that uses Methanol as cleaning agent in Perkiomen Township, **Montgomery County**. The facility is synthetic minor for HAP and VOC. Plan Approvals, 46-0180 and 46-0180A, are being incorporated into the facility synthetic minor operating permit, SMOP 46-00180. This Operating Permit shall include monitoring, and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

**23-00055: Cheyney University** (1837 University Circle, Cheyney, PA 19319) on July 30, 2009, for operation of one No. 2 fuel oil steam boiler, with rated heat input capacity of 56.0 mmBtu/hr, two dual-fired natural gas, No. 2 fuel oil steam boiler, with a rated heat input capacities of 24.0 and 56.0 mmBtu/hr, respectively, two hot water boilers, one 285 kW, No. 2 fuel oil-fired emergency generator, three other emergency generators and several other combustion sources in Thornbury Township, **Delaware County**. This action is a renewal of the State-only Operating Permit. The initial permit was issued on August 12, 2004. The permit is for a non-Title V Facility (State-only) facility. The facility's potential to emit criteria pollutants is greater than major thresholds without restrictions or limitations; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**46-00118: Ursinus College** (601 East Main Street, Collegeville, PA 19426) on July 30, 2009, for renewal of the State-only Operating Permit in Collegeville Borough, **Montgomery County**. The initial permit was issued on August 3, 2004. The permit is for the operation of two

Heat Plant boilers, each with a rated capacity of 12 mmBtu/hr, 44 smaller boilers (rated capacity < 0.7 mmBtu/hr) and 15 natural gas fired emergency generators. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**09-00081: Thermco Products** (1409 West Broad Street, Quakertown, PA 18951) on July 30, 2009, for operation of a 300-horsepower, with rated heat input of 10.0 mmBtu/hr natural gas-fired boiler and a 350-horsepower, with rated heat input of 11.7 mmBtu/hr natural gas-fired boiler in Quakertown Borough, **Bucks County**. This action is a renewal of the State-only Operating Permit. The initial permit was issued on July 28, 2004. The permit is for a non-Title V Facility (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 include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**13-00017: Mountain Crest Crematory, Inc.** (11 North Cleveland Street, McAdoo, PA 18237) on July 31, 2009, to operate a human crematory in Banks Township, **Carbon County**. This is a State-only Natural Minor operating permit.

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

**36-03024: Astro Machine Works, Inc.** (470 Wenger Drive, Ephrata, PA 17522-9269) on July 31, 2014, for their manufacturing facility in Ephrata Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-03054: Esbenshades Greenhouses, Inc.** (546 East 28th Division Highway, Lititz, PA 17543-9766) on July 31, 2009, for their greenhouse operation in Elizabeth Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**11-00282: Ameriserv Financial** (216 Franklin Street, Johnstown, PA 15907) on August 3, 2009, to operate a boiler fired primarily by natural gas with coal as a backup option, two backup natural gas-fired boilers, and an emergency diesel-fired generator at their bank in the City of Johnstown, **Cambria County**. This is a renewal of the State-only operating permit issued in 2004.

**65-00625: Gulf Oil Limited Partnership—Delmont Terminal** (275 Washington Street, Suite 300, Newton, MA 02458-1646) on July 31, 2009, for a synthetic minor renewal located in Salem Township, **Westmoreland County**. The facility's major sources of emissions include four large above ground gasoline storage tanks, truck load racks and a vapor control unit.

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

**20-00093: Trojan Inc.—DIC Tool Co.** (114 Poplar Street, P. O. Box 404, Meadville, PA 16335) on July 28,

2009, to issue a Natural Minor Operating Permit to operate a facility that manufactures shatter resistant lighting products the City of Meadville, **Crawford County**. The facility's primary emission sources include a silicone rubber coating line, a Teflon coating line, miscellaneous VOC use, natural gas process use and space heating.

**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.*

**36-05120: Meridian Products** (124 Earland Drive, New Holland, PA 17557-1503) on July 31, 2009, to operate their cabinet door manufacturing plant in East Earl Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate Plan Approval 36-05120A. This is Revision No. 1.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Applications Returned*

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

**10060105 and NPDES Permit No. PA0258202. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201) Commencement, operation and restoration of a bituminous strip operation in Washington Township, **Butler County** affecting 173.8 acres. Receiving streams: UNT to South Branch Slippery Rock Creek. Application received August 29, 2006. Application Returned July 29, 2009.

**1249-10060105-E-1. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to conduct mining activities within 100 feet and reconstruct a portion of South Branch Slippery Rock Creek. Receiving streams: UNT to South Branch Slippery Rock Creek. Application received August 29, 2006. Application returned July 29, 2009.

*Coal Permits Actions*

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

**32020105. T&D Kraynak Mining Corp.**, 3266 Firetower Road, Mahaffey, PA 15757, renewal of Coal Permit, Grant and Green Townships, **Indiana County**. Receiving streams: Little Mahoning Creek and tributaries to Little Mahoning Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received on February 2, 2009. Permit issued July 23, 2009.

**56070107 and NPDES No. PA0262382. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface auger mine in Summit and Brothersvalley Townships, **Somerset County**, affecting 328.4 acres. Receiving streams: Piney Run, Buffalo Creek, Casselman River classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 27, 2007. Permit issued July 29, 2009.

**32020105. T & D Kraynak Mining Corporation**, 3266 Firetower Road, Mahaffey, PA 15757, transfer of an existing bituminous surface auger mine from Kraynak Coal Company, 3124 Firetower Road, Mahaffey, PA 15757 located in Grant and Green Townships, **Indiana County**, affecting 126 acres. Receiving streams: UNTs to/and Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 4, 2008. Permit issued July 23, 2009.

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

**03980108 and NPDES Permit No. PA0202371. Stitt Coal Co., Inc.** (811 Garretts Run Road, Ford City, PA 16226). Renewal permit for continued operation and reclamation of a bituminous surface mine, located in Kittanning Township, **Armstrong County**, affecting 83 acres. Receiving streams: Garretts Run and UNTs to Garretts Run. Application received May 5, 2009. Renewal permit issued July 29, 2009.

**63813210 and NPDES Permit No. PA0615129. Pennsylvania Coal Reclamation, Inc.** (P. O. Box 136, 619 Millers Run Road, Cuddy, PA 15031). Revision permit to change water procedures to include injection of process water into the underlying abandoned Clyde Mine, at an existing coal refuse reprocessing surface mine, located in Deemston Borough, **Washington County**, affecting 53.3 acres. Receiving stream: UNT to Ten Mile Creek. Revision received March 16, 2009. Revision permit issued July 30, 2009.

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

**16990104 and NPDES Permit No. PA0241563. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Porter Township, **Clarion County** affecting 208.5 acres. This renewal is issued for reclamation only. Receiving streams: Two UNTs to Leatherwood Creek, one UNT to West Fork Leatherwood Creek. Application received June 8, 2009. Permit Issued July 29, 2009.

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

**17030107 and NPDES No. PA0243485. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830), permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 50.2 acres. Receiving

streams: UNT to Moose Creek and Moose Creek to West Branch Susquehanna, classified for the following uses: CWF—WWF. There are no potable water supply intakes within 10 miles downstream. The applicant has requested revision of the baseline pollution load for preexisting (Subchapter F) discharges 33, 36, 37, 39 and 44. Application received February 13, 2009. Permit issued July 24, 2009.

**17000109 and NPDES No. PA0242985. Kenneth K. Rishel & Sons, Inc.** (1229 Turnpike Avenue, Clearfield, PA 16830), permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 25.0 acres. Receiving streams: UNT No. 2 to Orr's Run to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received November 7, 2008. Permit issued July 21, 2009.

**17980123. AMFIRE Mining Co., LLC** (1 Energy Place, Suite 2800, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface mine in Knox Township, **Clearfield County**, affecting 66.6 acres. Permit issued July 29, 2009.

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

**54910205T2. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream: none. Application received November 24, 2008. Transfer issued August 3, 2009.

*Noncoal Permits Actions*

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

**09890301C17 and NPDES Permit No. PA0594466. Naceville Materials**, (6100 Easton Road, Pipersville, PA 18947), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Rockhill Township, **Bucks County**, receiving stream: UNT to Ridge Valley Creek. Application received May 26, 2009. Renewal issued July 29, 2009.

**40930302C3 and NPDES Permit No. PA0223280. Linde Enterprises, Inc.**, (P. O. Box A, Honesdale, PA 18431), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Pittson Township, **Luzerne County**, receiving stream: Mill Creek. Application received June 10, 2009. Permit issued July 29, 2009.

**67990301C2 and NPDES Permit No. PA0223999. Glen-Gery Corp.**, (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County**, receiving stream: UNT to Fox Run. Application received June 11, 2009. Renewal issued July 29, 2009.

**58080842. Dennis R. Bevan**, (R. R. 2, Box 2406, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received June 30, 2008. Permit issued August 3, 2009.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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*Blasting Permits Actions*

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

**21094129. John W. Gleim, Jr., Inc.**, 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for residential development in Upper Frankford Township, **Cumberland County**. Blasting activity permit end date is December 15, 2009. Permit issued July 22, 2009.

**21094130. Newville Construction Service, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for utility development in Lemoyne Borough, **Cumberland County**. Blasting activity permit end date is July 17, 2010. Permit issued July 22, 2009.

**28094110. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is July 16, 2010. Permit issued July 22, 2009.

**28094111. Warrens Excavating & Drilling, Inc.**, P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is August 1, 2010. Permit issued July 23, 2009.

**28094112. Jemco, Inc.**, 3338b Prices Distillery Road, Ijamsville, MD 21754-9315, blasting activity permit issued for single dwelling development in Greencastle Borough, **Franklin County**. Blasting activity permit end date is March 31, 2010. Permit issued July 24, 2009.

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

**42094004. Pennsylvania General Energy Corp.** (120 Market Street, Warren, PA 16365). Blasting activity permit to excavate stone for roads for oil and gas exploration in Norwich Township, **McKean County**. This blasting activity permit will expire on December 31, 2009. Application received July 23, 2009. Permit issued July 28, 2009.

**20094004. Precision Geophysical, Inc.** (2695 SR 83 South, Millersburg, OH 44654). Blasting activity permit for seismic survey for oil and gas exploration in Summerhill, Hayfield and Cussewago Townships, **Crawford County**. This blasting activity permit will expire on December 31, 2009. Application received July 23, 2009. Permit issued July 28, 2009.

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

**06094108. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Tilden Ridge Project in Tilden Township, **Berks County** with an expiration date of July 21, 2010. Permit issued July 27, 2009.



**36094146. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Lancaster General Women & Babies Hospital in East Hempfield Township, **Lancaster County** with an expiration date of August 1, 2010. Permit issued July 27, 2009.

**36094152. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for a single dwelling on Pickerton Road in Rapho Township, **Lancaster County** with an expiration date of July 24, 2010. Permit issued July 27, 2009.

**38094118. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Shadow Creek in North Cornwall Township, **Lebanon County** with an expiration date of August 1, 2010. Permit issued July 27, 2009.

**38094119. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Fox Ridge in South Lebanon Township, **Lebanon County** with an expiration date of August 1, 2010. Permit issued July 27, 2009.

**39084115. Schlouch, Inc.,** (P. O. Box 69, Blandon, PA 19510), construction blasting for Trexler Fields in Upper Macungie Township, **Lehigh County** with an expiration date of July 27, 2010. Permit issued July 28, 2009.

**46094114. Rock Work, Inc.,** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Mopac Pumping Station in Franconia Township, **Montgomery County** with an expiration date of December 31, 2010. Permit issued July 28, 2009.

**36094147. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Millcreek Development in East and West Lampeter Townships, **Lancaster County** with an expiration date of August 1, 2010. Permit issued July 29, 2009.

**36094148. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Far View Farm Estates in Conestoga Township, **Lancaster County** with an expiration date of August 1, 2010. Permit issued July 29, 2009.

**36094151. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Turkey Hill Experience in Columbia Borough, **Lancaster County** with an expiration date of July 23, 2010. Permit issued July 29, 2009.

**09094105. Douglas Explosives, Inc.,** (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Quakertown Airport in Milford Township, **Bucks County** with an expiration date of July 24, 2009. Permit issued July 30, 2009.

**66094002. Meshoppen Blasting, Inc.,** (P. O. Box 127, Meshoppen, PA 18630), construction blasting for the Poplitch Well Pad in Nicholson Township, **Wyoming County** with an expiration date of September 1, 2009. Permit issued July 30, 2009.

**38094120. Keystone Blasting Service,** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Greystone Crossings in North Cornwall Borough, **Lebanon County** with an expiration date of December 31, 2010. Permit issued August 2, 2009.

**48094109. Warren's Excavating & Drilling, Inc.,** (P. O. Box 214, Myerstown, PA 17067), construction blasting for The Highlands in the City of Easton, **Northampton County** with an expiration date of July 23, 2010. Permit issued August 2, 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

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

**E15-790. 505 Eagleview Boulevard Associates, LP,** 707 Eagleview Boulevard, P. O. Box 562, Exton, PA 19341, Uwchlan Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To amend the permit No. E15-602 to include the construction and maintenance of the proposed 45-foot long, 14-foot span, and 4-foot rise (Conspan Arch) bridge across a UNT to Shamona Creek (HQ-TSF) associated

with access to the proposed development. The project is located approximately 3,000 feet southwest of the Pottstown Pike (SR 0100) Interchange of Pennsylvania Turnpike (Downingtown, PA USGS Quadrangle North: 11.5 inches; West: 7.1 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E36-856: Lancaster Area Sewer Authority (LASA)**, 130 Centerville Road, Lancaster, PA 17603, Manor Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To install and maintain 117.0 feet of 8-inch diameter PVC sanitary force main and 1,085.0 feet of 12-inch diameter PVC sanitary gravity line in the floodway, and 2,653.0 feet of 8-inch diameter PVC sanitary force main and 2,683.0 feet of 12-inch diameter sanitary gravity line in the floodplain of the West Branch of the Little Conestoga Creek (WWF). Also to construct and maintain a 965.0 square foot sewage pump station and associated grading for access in the floodplain of the West branch of the Conestoga Creek (WWF), all for the purpose of connecting two residential developments to an existing LASA sanitary system located at a point following Central Manor Road from the intersection of Central Manor Road and Route 999 to the intersection of Central Manor and Anchor Roads (Safe Harbor, PA Quadrangle 20.25 inches North; 4.38 inches West, Latitude: 39° 59' 4.77" N; Longitude: 76° 24' 18.67" W) in Manor Township, Lancaster County.

**E67-863: York Properties Association, LLC**, 209 Sigma Drive, Pittsburgh, PA 15238, SeniorLife Project in Springettsbury Township, **York County**, United States Army Corps of Engineers, Baltimore District.

The applicant proposes to: (1) to install and maintain a precast stream enclosure having a single waterway opening of 8.0 feet wide by 2.5 feet high (6-inch depressed invert) and 240.0 long with concrete wing walls in an UNT to Mill Creek (WWF); (2) install and maintain a 15-inch stormwater outfall located in the upstream wing wall of the enclosure; and (3) install utility line stream crossings for gas, electric, water and sewer lines under the proposed stream enclosure (York, PA Quadrangle N: 20.6 inches; W: 8.2 inches, Latitude: 39° 59' 15.5"; Longitude: 76° 41' 04") Watershed 7H. The project proposes to directly affect 250.0 linear feet of stream for the purpose of road widening and other improvements along Memory Lane Extended.

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

**E04-328. Richard Jericho**, 130 Chiccarello Drive, Clinton, PA 15026. To construct an outfall structure in Hanover Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Burgettstown, PA Quadrangle N: 20.7 inches; W: 4.75 inches, Latitude: 40° 29' 17"; Longitude: 80° 24' 33"). To construct and maintain an outfall structure on and along the right bank of an UNT to Traverse Creek (HQ-CWF) for the purpose of replacing an onlot septic system. The project is located approximately 250.0 feet downstream from Chiccarello Drive.

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

**E25-731, Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16323. SR 0090, Section B08, in Harborcreek Township, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Harborcreek, PA Quadrangle N: 42° 07' 37"; W: 79° 56' 58.5").

To conduct the following activities associated with the replacement of the bridges across Sixmile Creek on I-90 approximately 1 mile east of SR 432 (Station Road):

1. To remove the existing east bound bridge and to construct and maintain a 46-foot wide bridge having three spans totaling 746 feet and an underclearance of 160 feet across Sixmile Creek and adjoining wetland on the existing alignment.

2. To remove the existing west bound bridge and to construct and maintain a 46-foot wide bridge having three spans totaling 746 feet and an underclearance of 160 feet across Sixmile Creek and adjoining wetland on a new alignment just north of the existing bridge.

3. To permanently fill a total of 0.28 acre of wetland (0.15 acre PFO, 0.13 acre PEM) associated with the realignment of the westbound lanes of I-90 to the north of the existing alignment.

4. To temporarily impact a total of 0.56 acre of wetland (0.56 acre PEM) associated with temporary access for removal and construction of the bridges and realigned westbound lanes.

5. To extend the existing 500-foot-long, 48-inch-diameter RCP an additional 177 feet for a total structure length of 677 feet in a tributary to Sixmile Creek (Tributary No. 1) having a contributory drainage area less than 100 acres.

6. To extend the existing 330-foot-long, 18-inch-diameter RCP an additional 70 feet and realign approximately 100 feet of an intermittent tributary to Sixmile Creek (Tributary No. 7) having a contributory drainage area less than 100 acres.

7. To extend the existing 330-foot-long, 18-inch-diameter RCP an additional 20 feet in an intermittent tributary to Sixmile Creek (Tributary No. 8) having a contributory drainage area less than 100 acres.

8. To construct two temporary roadway crossings of Sixmile Creek for construction access for removal and construction of the bridges. One crossing is located approximately 450 feet downstream of the existing westbound bridge and will consist of five 90-foot long, 60-inch diameter culverts and clean rock fill. The other crossing is located under the existing west bound bridge and will consist of five 80-foot long, 60 inch diameter culverts and clean rock fill.

Project includes debit of a total of 0.58 acre from the Department of Transportation's Houghton Wetland Mitigation Bank constructed under the Department of Environmental Protection's Permit No. E20-555 for replacement of permanent wetland impacts. Mitigation for the 267 linear feet of permanent stream impacts consists of stabilization of three tributaries to Sixmile Creek at the project site.

**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**

**Final Actions under Section 401 of the Federal Water Pollution Control Act**

*Certification Request Initiated By:* Department of the Army, Philadelphia District Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

This project involves the discharge of supernatant from the Money Island confined disposal facility (CDF) to the Delaware River. Maintenance dredging is proposed to remove shoals located on the Keystone, Landreth, Riverview, Foundry, Church, Florence, Roebing, Kinkora, Penn and Newbold ranges of the Federal 40-foot channel (Trenton to Burlington Island). In addition, shoaling will be removed from the Fairless Turning Basin and the 25-foot channel at Duck Island. Approximately 865,000 cubic yards of sediment will be removed and placed in the Money and Biles Islands CDFs located in Falls Township, Bucks County. Sediment will settle out in the CDFs and supernatant will be returned to the Delaware Estuary at the Money Island facility only. The following effluent limits apply:

<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 (mg/l)</i>
Flow Cell B (mgd)	Monitor and Report	Monitor and Report	Monitor and Report	Daily
Total Suspended Solids	3,000		4,500	Daily
pH		6 to 9 units at all times		Daily
Aluminum, Total	1.23	2.46		1/Week
Cadmium, Total	0.0036	0.072		1/Week
Cobalt, Total	0.031	0.062		1/Week
Copper, Total	0.15	0.30		1/Week
Chromium, Hex	0.016	0.032		1/Week
Iron, Total	2.46	4.92		1/Week
Lead, Total	0.0041	0.082		1/Week
Manganese, Total	1.64	3.28		1/Week
Mercury, Total	0.000082	0.00016		1/Week
Vanadium, Total	0.164	0.328		1/Week
Zinc, Total	0.196	0.392		1/Week
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)			1/Week
4,4—DDT	Not Detectable Using EPA Method 608 (GC/ECD)			1/Week
4,4—DDE	Not Detectable Using EPA Method 608 (GC/ECD)			1/Week
4,4—DDD	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 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.*

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

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0063 09 8 010	Mark West Liberty Midstream & Resources, LLC 100 Plaza Drive Suite 102 Atlasburg, PA 15004	Washington	Mt. Pleasant and Chartiers Townships	UNT Plum Run WWF Plum Run WWF UNT Chartiers Creek WWF UT Millers Run WWF

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

ESCGP-1 # ESX09-019-0009 PC Exploration, Inc.  
Lee Toy  
502 Keystone Drive  
Warrendale PA 15086  
Butler County, Buffalo Township  
Little Bull Creek TSF

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2009 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Harold Beers H.E. Beers Company	2421 Fishing Creek Valley Road Harrisburg, PA 17112	Mitigation
Matthew Beinhauer Harris Environmental, Inc.	600 Stone House Road Clarion, PA 16214	Testing
Jeffrey Calta	P. O. Box T 106 Vensel Lane Chicora, PA 16025	Laboratory
Scott Coslett	332 East 11th Street Berwick, PA 18603	Testing

## NOTICES

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<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
D-Tech, Inc.	P. O. Box 902 Blue Bell, PA 19422	Testing
Carl Distenfeld TCS Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Laboratory
Joseph Dunlap	115 Heather Drive Monaca, PA 15061	Testing
James Gagnon	P. O. Box H Avis, PA 17721	Testing
Matthew Gainor	4 Kacey Court Mechanicsburg, PA 17055	Testing
Stephen Gazzo	780 Pierson Run Road Pittsburgh, PA 15239	Testing
Stephen Genzale, P. E.	417 East Biel Avenue Nazareth, PA 18064	Testing
Richard Haag Safe Shelter Environmental	346 North Pottstown Pike Exton, PA 19341	Testing and Mitigation
Patrick Kelly	601 South Irving Avenue Scranton, PA 18505	Testing
Robert Krause	1318 Dorothy Street Scranton, PA 18504	Testing
James Makara	146 South Marmic Drive Holland, PA 18966	Testing
Joseph Miloser, Jr.	160 Rustic Ridge Fombell, PA 16123	Testing
Joseph Molony	220 Dotterer Road Lenhartsville, PA 19534	Testing
Anthony Mower	8537 Congress Road West Salem, OH 44287	Mitigation
Lewis Nelson, IV First Choice Radon Testing Company, Inc.	P. O. Box 830 Huntingdon Valley, PA 19006	Testing
Val Sarko	317 Melrose Avenue Reading, PA 19606	Testing
Jeffrey Saulsbury Saulsbury Environmental Consultants, Inc.	307 Lucilla Street Pittsburgh, PA 15218	Testing
Troy Scheidt	1432 Saucony Road Kutztown, PA 19530	Mitigation
Terry Spalti	902 High Road Ashland, PA 17921	Testing
Edward Verna	1703 South 5th Avenue Lebanon, PA 17042	Mitigation
Rodney Williams	4296 Limeport Pike Coopersburg, PA 18036	Testing
Chester Zahirnyi	9 Adrian Place Newtown, PA 18940	Testing
Lance Zielinski	169 Chickadee Road Kittanning, PA 16201	Mitigation

**DRINKING WATER STATE REVOLVING FUND  
SPECIAL NOTICE**

**Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. § 300f, et seq.**

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Montgomery Water and Sewer Authority	35 South Main Street Montgomery, PA 16127	Lycoming

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Montgomery Water and Sewer Authority propose to replace Well No. 2. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

**SPECIAL NOTICE**

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

**NPDES Permit No. PA0061051.** On July 9, 2009, the Department of Environmental Protection (Department) issued a permit to Farda Realty Associates, LP for the discharge of treated sewage from a hotel resort facility located in Pocono Township, **Monroe County**. On August 4, 2009, the Department vacated the July 9, 2009, issuance of NPDES Permit No. PA-0061051 since the vacated permit erroneously included Delaware River Basin Commission (Commission) limits that have not yet been officially enacted by the Commission. Also, on August 4, 2009, pending reconsideration of the permit renewal application, the Department reinstated the prior permit governing the discharge from this facility.

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

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Watershed of Williams Run**

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the watershed of Williams Run in Cambria County. The TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. Streams within this Watershed are listed in Pennsylvania's Integrated Water Quality Monitoring and Assessment Report as being impaired due to siltation resulting from agricultural activities.

Impairments were addressed by establishing a TMDL of sediment. There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference Watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the watershed of Williams Run. Sediment loadings were allocated among all land use categories (nonpoint

sources) present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL). To request a copy of this TMDL, contact: Joe Boylan at [jboyolan@state.pa.us](mailto:jboyolan@state.pa.us), or by mail at 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department will consider all comments when developing the final TMDL, which will be submitted to Environmental Protection Agency for approval. Written comments will be accepted at the previous address and must be received by September 30, 2009.

**Public Notice of Extension to Pennsylvania General NPDES Permit for**

**Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10)**

Under The Clean Streams Law (35 P.S. §§ 691.1—691.101), section 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) by this notice informs the public of the extension to Department's NPDES General Permit (PAG-10) for Discharges from Hydrostatic Testing of Tanks and Pipelines, the Notice of Intent and other related permit documents, for 4 months, effective from August 21, 2009, through December 20, 2009. The current General Permit will expire at midnight on August 20, 2009, unless rescinded by the Department at an earlier date. The Department is extending this permit to adequately complete the renewal process.

This aforementioned General Permit will continue to be not applicable for discharges to "high quality" and "exceptional value" waters designated under 25 Pa. Code Chapter 93. An individual permit is required for such discharges.

The permit documents package will continue to be available at the Department's central and regional offices until they are updated or replaced.

In addition, the permit documents package can still be accessed at the Department's web site [www.depweb.state.pa.us](http://www.depweb.state.pa.us) as follows:

Type "Permits" in the block marked "Keyword." Select quick link PA-DEP: Permits, Licensing and Certification  
 Select: Program-Specific Permit/Authorization Packages  
 Select: Water Management  
 Select: NPDES  
 Select: General Permits  
 Select: PAG-10 Discharges From Hydrostatic Testing of Tanks and Pipelines.

The document number is: 3800-PM-WSFR0173 or by contacting the Department's Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-8184, [gmaduka@state.pa.us](mailto:gmaduka@state.pa.us).

Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

[Pa.B. Doc. No. 09-1467. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Announcement of Revised General Information Form

By this notice, the Department of Environmental Protection (Department) announces amendments and updates to the General Information Form (GIF) Form No. 8000-PM-IT0001. The GIF is required for submittal with various Department permit applications. Changes to the GIF include: substantial changes to submission of land use information and coordination information and substantial changes to the associated instructions including how to obtain updated NAICS codes and an updated Department contact list. Changes to the GIF will be effective on August 19, 2009. Permit applications that require the GIF submitted on or after August 19, 2009, shall include the revised form.

A copy of the GIF can be obtained by contacting the appropriate regional Department office. The GIF is also available at the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us). Click on Quick Access Link Permits, Licensing, & Certification. Click on Department-Wide Permit/Authorization Packages. Click on General Information Form (GIF).

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1468. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

### *Final Technical Guidance*

DEP ID: 012-0200-001. Title: Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in Department Review of Permits for Facilities and Infrastructure. Description: This final policy (August 19, 2009) substantially revises the Policy for Consideration of Local

Comprehensive Plans and Zoning Ordinances in the Department's Review of Permits for Facilities and Infrastructure dated March 6, 2004. This final technical guidance document provides direction and guidance to the Department's staff, applicants and local and county governments for the implementation of Acts 67, 68 and 127 in the administration of current Department programs to avoid or minimize conflict with local land use decisions. This guidance addresses how the Department both considers and relies upon comprehensive planning and zoning ordinances in the Department's decision-making process concerning the authorization of facilities and infrastructure. The Department published the draft technical guidance at 39 Pa.B. 6336 November 15, 2008, with a 60-day public comment period. The comment period was extended for additional 45-days on 39 Pa.B. 733 (February 7, 2009) and closed on March 2, 2009. The Department received 37 comments from 14 commentators. These comments were considered and addressed in the Comment and Response document. Substantive changes were made to the final policy which include:

"County and Municipal Land Use Letters" are now requested from the county planning agency and the host municipality and are to be submitted by the applicant with permit applications that are subject to the policy. These permit applications are listed in Appendix A of the policy. The new process is described in detail in Section III of the policy. Additionally, Appendix A of the Policy has been revised to include additional permits under Radiation Protection, to modify permits under Oil and Gas Management, and to clarify permits under Waste Management.

Substantive changes have also been made to the Department's General Information Form (GIF) as it relates to the submission of land use information from the applicant. These changes are explained in Section III and are demonstrated in Appendix B of the policy. A new GIF will be released to the public on August 19, 2009. This version of the GIF must be used for permit applications submitted to the Department on or after August 19, 2009. Contact: Denise Brinley, Deputy Secretary, Office of Community Revitalization and Local Government Support, 16th Floor, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063. Effective Date: This technical guidance document will be effective on August 19, 2009.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1469. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Extension of Pennsylvania National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges From Municipal Storm Sewer Systems (MS4s) General Permit (PAG-13)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is by this notice, extending for an additional 12 months the availability of the current NPDES Stormwater Discharges From MS4s General Permit (PAG-13). The current PAG-13 permit was initially extended for 12 months at 38 Pa.B. 4679 (August 23, 2008) and is scheduled to expire at midnight March 9,

2010. This second extension will be effective on March 10, 2010, and will expire at midnight on March 9, 2011.

The Department is extending the availability of this permit to process the extensive public comments received, coordinate with the United States Environmental Protection Agency Region III Office, finalize the renewal of PAG-13, and provide for municipal outreach on the revised permit. The Department is also extending, by this notice, all existing PAG-13 permit approvals, waivers from permit application requirements, and exemptions from the MS4 operator designation scheduled to expire. Existing MS4s are authorized to continue to discharge stormwater in accordance with the terms and conditions of the general permit and must comply with the regulatory requirements of the MS4 program. Included in this extension is the requirement to continue implementation of the existing program and to provide annual reports on the progress of program implementation.

Permittees covered by an individual permit shall continue to implement the requirements of their permit and shall request a renewal of coverage based on the expiration date and terms and condition of their permit.

The existing PAG-13 permit documents will continue to be available from the Department's regional offices and local county conservation districts until they are replaced or updated. In addition, the permit documents are on file at the Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, 400 Market Street 10th Floor, Harrisburg, PA 17101. This package is also available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Stormwater).

The permit documents also can be obtained by contacting Penda Powell at [pepowell@state.pa.us](mailto:pepowell@state.pa.us) or (717) 772-5807. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1470. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Notice of Availability of the Fiscal Year Report for the Reclamation Fee O & M Trust Account

The Department of Environmental Protection (Department) announces the availability of a draft Fiscal Year Report for the Reclamation Fee O & M Trust Account. This account was established to provide the money for the operation and maintenance of mine drainage treatment facilities at mine sites with post-mining discharges at ABS Legacy Sites as defined at 25 Pa. Code § 86.1 (relating to definitions). This report is required by § 86.17 (relating to permit and reclamation fees). The report contains a financial analysis of the revenue and expenditures from the account for Fiscal Year (FY) 2008-2009 and provides projections for the FY 2009-2010. The report will be reviewed with the Mine Reclamation Advisory Board at the meeting scheduled for October 22, 2009. Comments and questions should be directed to the contact listed as follows. Comments will be accepted through October 23, 2009.

The report is available at the following web site: [www.dep.state.pa.us/dep/deputate/minres/bmr/reports/](http://www.dep.state.pa.us/dep/deputate/minres/bmr/reports/)

The contact is William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 5th Floor, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103, [wallen@state.pa.us](mailto:wallen@state.pa.us). Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDL users) or (800) 654-5988 (voice users).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1471. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Proposed Revision to Pennsylvania's State Implementation Plan Incorporating the Diesel-Powered Motor Vehicle Idling Act; Public Hearing

Throughout this Commonwealth, there are areas that do not meet the 8-hour ozone or fine particulate (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS). Concentrations of ground-level ozone and PM<sub>2.5</sub> above the Federal health-based NAAQS pose a serious human health threat and also cause damage to crops, forests, wildlife and buildings. Citizens in this Commonwealth will benefit from reduced direct exposure to diesel emissions produced by idling diesel-powered motor vehicles. Diesel emission reductions will also assist the Commonwealth in achieving and maintaining the fine particulate and ground-level ozone standards

On October 9, 2008, Governor Rendell signed the Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008; P. L. 1511, No. 124); the act became in effective on February 6, 2009. Act 124, codified at 35 P. S. §§ 4601—4610, reduces unnecessary idling of the main propulsion engine in diesel-powered motor vehicles, including trucks and buses by restricting idling of heavy-duty diesel vehicles to 5 minutes in any continuous 60-minute period. Act 124 is anticipated to annually reduce idling emissions in this Commonwealth by approximately 1,622 tons of nitrogen oxides (NO<sub>x</sub>), 45 tons of volatile organic compounds (VOCs) and 30 tons of particulate matter (PM). By incorporating Act 124 into the Pennsylvania SIP, Act 124 becomes enforceable by the United States Environmental Protection Agency (EPA), in addition to continuing to be enforceable by state and local governmental entities. In addition, this Commonwealth will be able to take credit in subsequent SIP revisions for emission reductions resulting from compliance with Act 124. This proposal is available on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us/> (search Air Quality or Clean Air Plans) or through the contact persons listed. Notice of the proposed SIP revision will also be published in at least six newspapers of general circulation throughout this Commonwealth.

The Department is seeking comment only on the incorporation of Act 124 into the Commonwealth's State Implementation Plan (SIP). The Department will also hold three public hearings to receive oral testimony on the proposed SIP revision. A hearing will be held in Harrisburg on Thursday, September 17, 2009, at 1 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The public hearing in Norristown will be held on Friday, September 18, 2009, at 1 p.m. at Department's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. In



addition, a hearing will be held in Pittsburgh on Friday, September 18, 2009, at 1 p.m. at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons who wish to present testimony at a scheduled hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or by e-mail at yhouse@state.pa.us. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or yhouse@state.pa.us. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how Department can best accommodate their needs.

Persons interested in this proposed SIP revision are invited to submit written comments on the proposed SIP revision. Written comments must be received by Department no later than Friday, September 25, 2009. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, ashulman@state.pa.us. Use "Act 124 SIP Revision" in the subject line.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1472. Filed for public inspection August 14, 2009, 9:00 a.m.]

### **Proposed Revisions to General NPDES Permit for Stormwater Discharges Associated With Construction Activities (PAG-2); Public Notice of Availability**

The Department of Environmental Protection (Department) by this notice is proposing to revise the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated With Construction Activities (PAG-2, 2002 amendment) for renewal for another 5 years. This General NPDES Permit is issued under the authority of the Clean Water Act (33 U.S.C.A. §§ 1251—1376) and The Clean Streams Law (35 P. S. §§ 691.1—691.1001). The current PAG-2 permit was extended by a notice at 39 Pa.B. 2637 (May 23, 2009) and is scheduled to expire at midnight December 7, 2009. The PAG-2 permit will continue to be in force until formal revision of PAG-2 2009 amendment is completed and announced in the *Pennsylvania Bulletin*, unless rescinded by the Department at an earlier date.

A summary of the revisions for the draft PAG-2, 2008 amendment are: the definition section has been moved from Part B to the beginning of the general permit and the number of definitions has been expanded; a new section has been added entitled "Authority and Responsibilities of the Department or authorized Conservation Districts" to clearly outline their authorities and responsibilities; Part B, the Termination of Coverage section has been expanded to include additional information regarding the submission of the Notice of Termination; Part C, the Post Construction Stormwater Management Plans Section has been expanded; and clean fill requirements, infiltration Best Management Practices, and stabilization

requirement sections have been added. An additional condition not eligible for coverage under this permit has been added to the Notice of Intent (NOI) section for when a proposed discharge to surface waters identified as impaired waters will not meet the recommended control guidelines as listed in the Pennsylvania Stormwater Best Management Practices Manual. The Department is also proposing to increase the PAG-2 permit filing fee from \$250 to \$500, payable to the appropriate Clean Water Fund.

The Department invites public comments on the proposed revisions to PAG-2. Comments must be submitted by September 14, 2009. If there is significant public interest or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received during the specified comment period will be considered in the final amendment. If more significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to Barbara Beshore, Chief of the NPDES Construction and Erosion Control Section at the address as follows. Comments will also be accepted by e-mail to ep-pag02comments@state.pa.us. Comments sent by facsimile or voice mail will not be accepted.

The proposed PAG-2, 2008 amendment draft permit is available by contacting the Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, P. O. Box 8775, 10th Floor, Harrisburg, PA 17105-8775, (717) 772-6827, e-mail ep-pag02comments@state.pa.us. The proposed PAG-2, 2008 amendment draft permit is also available on the DEP's web site at www.depweb.state.pa.us (choose "Public Participation"; then scroll down to "Proposals Currently Open for Comment").

Persons with a disability may contact the Department by using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments and prepare a comment and response document and the final documents package for this General Permit. Availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-1473. Filed for public inspection August 14, 2009, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Notice of List of Preventable Serious Adverse Events**

Under the Preventable Serious Adverse Events Act, P. L. No. 1, the Department of Health (Department) is publishing the list of reportable serious adverse events adopted by the National Quality Forum (NQF). Any updates to this list will be published by the Department within 30 days of the issuance of the update by the NQF.

#### *Serious Reportable Events in Healthcare*

##### 1. Surgical Events

##### A. Surgery performed on the wrong body part.

- B. Surgery performed on the wrong patient.
- C. Wrong surgical procedure performed on a patient.
- D. Unintended retention of a foreign object in a patient after surgery or other procedure.

E. Intraoperative or immediately postoperative death in an ASA Class I patient.

#### 2. Product or Device Events

A. Patient death or serious disability associated with the use of contaminated drugs, devices or biologics provided by the healthcare facility.

B. Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended.

C. Patient death or serious disability associated with intravascular air embolism that occurs while being care for in a healthcare facility.

#### 3. Patient Protection Events

A. Infant discharged to the wrong person.

B. Patient death or serious disability associated with patient elopement (disappearance).

C. Patient suicide or attempted suicide, resulting in serious disability while being cared for in a healthcare facility.

#### 4. Care Management Events

A. Patient death or serious disability associated with a medication error (such as, errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation, or wrong route of administration).

B. Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO/HLA-incompatible blood or blood products.

C. Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in a healthcare facility.

D. Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in a healthcare facility.

E. Death or serious disability (kernicterus) associated with failure to identify and treat hyperbilirubinemia in neonates.

F. Stage 3 or 4 pressure ulcers acquired after admission to a healthcare facility.

G. Patient death or serious disability due to spinal manipulative therapy.

H. Artificial insemination with the wrong donor sperm or wrong egg.

#### 5. Environmental Events

A. Patient death or serious disability associated with an electric shock while being cared for in a healthcare facility.

B. Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances.

C. Patient death or serious disability associated with a burn incurred from any source while being cared for in a healthcare facility.

D. Patient death or serious disability associated with a fall while being cared for in a healthcare facility.

E. Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a healthcare facility.

#### 6. Criminal Events

A. Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed healthcare provider.

B. Abduction of a patient of any age.

C. Sexual assault on a patient within or on the grounds of a healthcare facility.

D. Death or significant injury of a patient or staff member from a physical assault (that is, battery) that occurs within or on the grounds of a healthcare facility.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Department of Health, Bureau of Facility Licensure and Certification, Room 932, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 787-8015 or for speech and/or hearing impaired persons at V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1474. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, September 23, 2009, from 9 a.m. to 11 a.m. A teleconference call will be held at the Department of Health, Bureau of Health Promotion and Risk Reduction, Bureau Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 787-5251.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so should contact Kathleen A. Zitka at the telephone number listed previously, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1475. Filed for public inspection August 14, 2009, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Nursing Facility Assessment Program

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program (Assessment Program) in Fiscal Year (FY) 2009-2010.

### *Background*

In 2003, the Pennsylvania General Assembly amended the Public Welfare Code to authorize the Department of Public Welfare (Department) to implement a monetary assessment on private nursing facilities in this Commonwealth over a 4 year period beginning July 1, 2003, and ending June 30, 2007. Act of September 30, 2003 (P. L. 169, No. 25) (Act 25), codified in 62 P. S. §§ 801-A—815-A. Since the implementation of the Assessment Program, the Department used the Assessment Program revenue to support payments to Pennsylvania's Medical Assistance (MA) nursing facility providers. Recognizing the substantial benefits realized through the Assessment Program, the General Assembly enacted Act 16 of 2007 to reauthorize the Assessment Program for an additional 5 years. Act of June 30, 2007 (P. L. 169, No. 16) (Act 16). In addition to reauthorizing the Assessment Program, Act 16 amended the Public Welfare Code to allow the Department to include county nursing facilities in the Assessment Program effective July 1, 2007. *Id.*, 62 P. S. § 802-A. For FYs 2007-2008 and 2008-2009, the Department exercised its discretion to include the county nursing facilities in the Assessment Program. The Department will continue this practice for FY 2009-2010.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary), in consultation with the Secretary of the Budget, must determine the aggregate amount of the assessment and the annual assessment rate. The aggregate amount and rate of assessment must be approved by the Governor's Office. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, subject to the maximum aggregate assessment amount that qualifies for Federal matching funds. See section 804-A of Act 25.

Before implementing the Assessment Program in a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the amount of the assessment being proposed, provides an explanation of the assessment methodology and assessment amount and identifies the aggregate impact on nursing facilities subject to the assessment. See section 805-A of Act 25.

Additionally, the Department must seek approval from the Federal Centers for Medicare and Medicaid Services (CMS) to implement the Assessment Program in conformity with Federal law and to guarantee that the assessment amounts qualify for matching Federal funds. See 62 P. S. § 812-A. To assure that revenues generated from the Assessment Program qualify for Federal matching funds, the Department submitted a request to CMS for an amendment to the Assessment Program for FY 2009-2010. The implementation of the changes to the Assessment Program is contingent on CMS's approval of the request.

This notice announces the assessment amounts, rates, and methodology that the Department is proposing to

implement in FY 2009-2010 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2009-2010.

### *Proposed Assessment Methodology and Rates*

During FY 2009-2010, the Department is proposing to maintain the same assessment methodology that was used in FY 2008-2009.

The following nursing facilities will continue to be exempt from the Assessment Program in FY 2009-2010:

- (1) State owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

Under the proposed rate structure, the Department will continue to assess nonexempt nursing facilities at two rates. One rate will apply to county nursing facilities, to facilities that have 50 or fewer beds, and to nursing facilities that participate in a continuing care retirement community (CCRC). The other rate will apply to all other nonexempt facilities. Each nonexempt facility's quarterly assessment amount will continue to be calculated by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately precedes the assessment quarter.

Although the Department intends to maintain the same basic rate structure for FY 2009-2010, the Department is proposing to increase the assessment rates for nonexempt nursing facilities from FY 2008-2009. Specifically, the Department proposes to implement the following assessment rates during FY 2009-2010:

- (1) The proposed assessment rate for county nursing facilities and for nonexempt facilities that either have 50 or fewer beds or participate in a CCRC will be \$3.55 per non-Medicare resident day.
- (2) The proposed assessment rate for all other nonexempt nursing facilities will be \$25 per non-Medicare resident day.

### *Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that, if the proposed assessment rates are implemented, the annual aggregate assessment fees for nonexempt nursing facilities will total \$387.607 million (three quarters or \$290.705 million will be collected during FY 2009-2010 with the other one quarter being collected in FY 2010-2011). The Department will use the State revenue derived from the assessment fees and any associated Federal matching funds to support payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

### *Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to Tom Jayson, Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105. Comments must be submitted within 30 days of publication of the notice. See 62 P. S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2009-2010. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

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).

ESTELLE B. RICHMAN,  
Secretary

**Fiscal Note:** 14-NOT-618. No fiscal impact; (8) recommends adoption. Exactment of this re regulation is expected to generate \$290.705 million in State revenue.

[Pa.B. Doc. No. 09-1476. Filed for public inspection August 14, 2009, 9:00 a.m.]

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

### *Purpose of Notice*

The purpose of this announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services provided by nonpublic nursing facilities in Fiscal Years (FY) 2009-2010 and 2010-2011.

### *Background*

Act 2008-44 (Act 44) was enacted in Pennsylvania on July 4, 2008. Act 44 amended, among other things, provisions of the Public Welfare Code relating to payment for nursing facility services under the MA Program. More specifically, Act 44 directed the Department to extend the application of a budget adjustment factor (BAF) in calculating rates for MA nonpublic and county nursing facilities over a 3-year rate period beginning July 1, 2008, and ending June 30, 2011. Act 44 requires that the BAF shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the aggregate percentage rate of increase for the period that begins July 1, 2005, and ends on the last day of the FY is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the FY.

For FYs 2009-2010 and 2010-2011, the Department intends to calculate the BAF for nonpublic nursing facilities as set forth as follows.

### *Nonpublic Nursing Facilities' BAF Determination.*

#### *Base BAF Formula*

Prior to establishing the July rate for each rate year, the Department will use the following formula to determine the base BAF:

Target rate divided by the acuity-adjusted weighted average rate equals the base BAF.

#### *April BAF Formula*

Prior to establishing the April rate for each rate year, the Department will use the following formula to determine the April BAF:

The weighted average April rate will be compared to the April target rate. If the weighted average April rate is less than the April target rate and the difference is \$50 or more, the formula for the April BAF will be the April

target rate divided by the weighted average April rate at 100%. Otherwise, the April BAF is equal to the base BAF.

### *Terms Related to the BAF Determination.*

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

*Acuity-adjusted weighted average rate*—The weighted average July rate at 100% adjusted by the acuity factor.

*Acuity-factor*—The percentage of change from the July rate to the October, January and April rates representing the estimated quarterly change in payments for the nonpublic nursing facilities. (See 55 Pa. Code § 1187.95(b) (relating to general principles for rate and price setting).)

*April BAF*—The BAF applied to each nonpublic nursing facility's April rate.

*April target rate*—The rate year's Statewide day-weighted average April rate needed to meet the rate year target rate.

*Base BAF*—The BAF applied to each nonpublic nursing facility's July, October and January rates.

*Base days*—The source of days for the day-weighted calculation used in determining the base rate, the weighted average April rate at 100% and the weighted average July rate at 100%. The base days are the sum of each nonpublic nursing facility's paid facility days, therapeutic leave days and 1/3 of the hospital bed reserve days from the PROMISE data file used to determine disproportionate share payments preceding the rate year used to determine the base rate.

*Base rate*—For FY 2009-2010, the Statewide day-weighted average April 2009 rate for nonpublic nursing facilities, calculated using base days. For FY 2010-2011, the base rate is the FY 2009-2010 target rate.

*Target rate*—The base rate multiplied by one plus the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year.

*Weighted average April rate*—The Statewide day-weighted average of the nonpublic nursing facilities' April rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services), calculated using base days and the base BAF.

*Weighted average April rate at 100%*—The Statewide day-weighted average of the nonpublic nursing facilities' April rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187, calculated using base days, prior to application of a BAF.

*Weighted average July rate at 100%*—The Statewide day-weighted average of the nonpublic nursing facilities' July rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services), calculated using base days prior to application of the base BAF.

To obtain authorization for these changes, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS). Use of the calculations described above is contingent upon the approval by CMS of the SPA.

### *Fiscal Impact*

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

*Public Comment*

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

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-617. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1477. Filed for public inspection August 14, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Jack O' Lantern Jackpot '09 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 Jack O' Lantern Jackpot '09.

2. *Price:* The price of a Pennsylvania Jack O' Lantern Jackpot '09 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Jack O' Lantern Jackpot '09 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," "GAME 10," "GAME 11" and "GAME 12." Each "GAME" is played separately. The play symbols and their captions located in the 12 play areas are: Hat symbol (HAT), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Bat symbol (BAT), Snake symbol (SNAKE), Cat symbol (CAT), Witch symbol (WITCH), Ghost symbol (GHOST), Loot symbol (LOOT), Pumpkin symbol (PUMPKIN) and a Jackpot symbol (JACKPOT).

4. *Prize Symbols:* The prize symbols and their captions located in the play area for GAME 1 through GAME 12 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,200,000 tickets will be printed for the Pennsylvania Jack O' Lantern Jackpot '09 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with two like Pumpkin (PUMPKIN) play symbols in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Jackpot (JACKPOT) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Jackpot (JACKPOT) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with a Jackpot (JACKPOT) play symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that Jackpot (JACKPOT) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets with two like Pumpkin (PUMPKIN) play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with two like Pumpkin (PUMPKIN) play symbols in the same "GAME," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Jackpot (JACKPOT) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that Jackpot (JACKPOT) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with two like Pumpkin (PUMPKIN) play symbols in the same "GAME," and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a Jackpot (JACKPOT) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that Jackpot (JACKPOT) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets with two like Pumpkin (PUMPKIN) play symbols in the same "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets with a Jackpot (JACKPOT) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that Jackpot (JACKPOT) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets with two like Pumpkin (PUMPKIN) play symbols in the same "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets with two like Pumpkin (PUMPKIN) play symbols in the same "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get Two Like Symbols In The Same Game, Win Prize Shown For That Game. Win With Prize(s) Of</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,200,000 Tickets</i>
\$5	\$5	8.57	490,000
\$5 x 2	\$10	60	70,000
\$5 w/PUMPKINS	\$10	30	140,000
\$10	\$10	60	70,000
\$10 w/PUMPKINS	\$20	120	35,000
\$20	\$20	120	35,000
\$5 w/JACKPOT	\$25	120	35,000
\$25	\$25	120	35,000
\$5 x 8	\$40	600	7,000
(\$5 w/JACKPOT) + (\$5 x 3)	\$40	600	7,000
\$10 x 4	\$40	600	7,000
\$20 w/PUMPKINS	\$40	600	7,000
\$40	\$40	600	7,000
\$5 x 10	\$50	600	7,000
\$10 w/JACKPOT	\$50	600	7,000
(\$20 x 2) + (\$5 x 2)	\$50	600	7,000
\$25 w/PUMPKINS	\$50	600	7,000
\$50	\$50	600	7,000
\$10 x 10	\$100	2,000	2,100
\$20 w/JACKPOT	\$100	1,500	2,800
\$25 x 4	\$100	2,000	2,100
\$50 x 2	\$100	2,000	2,100
\$50 w/PUMPKINS	\$100	1,558	2,695
\$100	\$100	2,000	2,100
\$40 x 10	\$400	12,000	350
(\$50 w/JACKPOT) + (\$50 x 3)	\$400	12,000	350
(\$100 w/PUMPKINS) + (\$100 x 2)	\$400	12,000	350
\$400	\$400	12,000	350
\$50 x 10	\$500	30,000	140
\$100 x 5	\$500	30,000	140
(\$100 w/PUMPKINS) + (\$100 x 3)	\$500	30,000	140
\$100 w/JACKPOT	\$500	30,000	140
\$500	\$500	30,000	140
\$500 w/PUMPKINS	\$1,000	24,000	175
\$1,000	\$1,000	24,000	175
\$50,000	\$50,000	420,000	10

Get 2 Pumpkin (PUMPKIN) symbol is in the same game, win double the prize shown for that game. Get a Jackpot (JACKPOT) symbol, win 5 times the prize shown for that game.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jack O' Lantern Jackpot '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 Jack O' Lantern Jackpot '09, prize money from winning Pennsylvania Jack O' Lantern Jackpot '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 Jack O' Lantern Jackpot '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 Jack O' Lantern Jackpot '09 or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-1478. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Pennsylvania Lottery's Eagles™ 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 Lottery's Eagles™.

2. *Price:* The price of a Pennsylvania Lottery's Eagles™ instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Lottery's Eagles™ instant game ticket will contain one play area featuring an "EAGLES NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "EAGLES NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19

(NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Football symbol (FOOTBL) and a Goal symbol (GOAL).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$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), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000, \$5,000 and \$50,000. A player can win up to 10 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a second-chance drawing for non-winning Pennsylvania Lottery's Eagles™ instant game tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Lottery's Eagles™ instant game.

### 8. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$1,000 (ONE THO) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$100 (ONE HUN) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR 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.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$400 (FOR HUN) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR 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.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$100 (ONE HUN) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR 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 the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR 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.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol

(FOOTBL), and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR 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 the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR 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.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "EAGLES NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Eagles Numbers, Win With Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,320,000 Tickets</i>
\$5 w/FOOTBALL	\$5	20	216,000
\$5	\$5	15	288,000
\$10 w/FOOTBALL	\$10	30	144,000
\$5 x 2	\$10	60	72,000
\$10	\$10	60	72,000
\$20 w/FOOTBALL	\$20	120	36,000
\$5 x 4	\$20	120	36,000
\$20	\$20	60	72,000
\$40 w/FOOTBALL	\$40	600	7,200
\$5 x 8	\$40	600	7,200
\$10 x 4	\$40	600	7,200
\$20 x 2	\$40	600	7,200
\$40	\$40	600	7,200
\$50 w/FOOTBALL	\$50	600	7,200
\$5 x 10	\$50	600	7,200
\$5 w/GOAL	\$50	600	7,200
\$10 x 5	\$50	600	7,200
\$50	\$50	600	7,200
\$100 w/FOOTBALL	\$100	1,200	3,600
\$10 x 10	\$100	1,200	3,600



When Any Of Your  
Numbers Match Any Of The  
Eagles Numbers, Win With  
Prize(s) Of:

Prize(s) Of:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,320,000 Tickets
\$10 w/GOAL	\$100	1,200	3,600
\$50 × 2	\$100	1,200	3,600
\$100	\$100	1,200	3,600
\$400 w/FOOTBALL	\$400	10,909	396
\$40 × 10	\$400	10,909	396
\$40 w/GOAL	\$400	12,000	360
\$100 × 4	\$400	12,000	360
\$400	\$400	12,000	360
\$1,000 w/FOOTBALL	\$1,000	40,000	108
\$100 × 10	\$1,000	40,000	108
\$100 w/GOAL	\$1,000	40,000	108
(\$400 × 2) + (\$100 × 2)	\$1,000	40,000	108
\$1,000	\$1,000	30,000	144
\$5,000	\$5,000	120,000	36
\$50,000	\$50,000	720,000	6

FOOTBALL (FOOTBL) = Win prize shown under it automatically.

GOAL (GOAL) = Win 10 times the prize shown under it automatically.

Five (5) Second-Chance Drawings will be conducted during the sales period of the game to award additional prizes.

Prizes, including top prizes, are subject to availability at the time of purchase.

#### 10. Pennsylvania Lottery's Eagles™ Second-Chance Drawings Requirements:

(a) To be eligible for the Second-Chance Drawing, players must mail exactly three (3) non-winning Pennsylvania Lottery's Eagles™ instant lottery tickets in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery-Eagles™ Second-Chance Drawings, P. O. Box 555, Middletown, PA 17057-0555. The player shall affix proper postage to the entry.

(b) Envelopes containing less than or more than three (3) non-winning Pennsylvania Lottery's Eagles™ instant lottery tickets shall be disqualified.

(c) Non-winning Pennsylvania Lottery's Eagles™ instant lottery tickets received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery's Eagles™ instant lottery tickets received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery's Eagles™ instant lottery tickets submitted to the Pennsylvania Lottery-Eagles™ Second-Chance Drawing's address will not be paid or honored. Second-Chance Drawing entries containing winning Pennsylvania Lottery's Eagles™ instant lottery tickets will be disqualified.

(e) The back of each non-winning Pennsylvania Lottery's Eagles™ instant lottery ticket entered in the Pennsylvania Lottery's Eagles™ Second-Chance Drawings must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature. Only one claimant per ticket allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

#### 11. Second-Chance Drawings Procedures:

(a) The Lottery will conduct five Pennsylvania Lottery's Eagles™ Second-Chance Drawings. All Pennsylvania Lottery's Eagles™ Second-Chance Drawings entries received at Lottery Headquarters on or before 4:00 p.m. March 26, 2010, will be eligible to participate in one of the five Pennsylvania Lottery's Eagles™ Second-Chance Drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery's Eagles™ Second-Chance Drawing entries received at Lottery Headquarters on or before 4:00 p.m. September 1, 2009, will be eligible to participate in the Pennsylvania Lottery's Eagles™ Second-Chance Drawing which will be held at Lottery Headquarters the week of September 3, 2009.

(2) All Pennsylvania Lottery's Eagles™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. September 1, 2009, through and including 4:00 p.m. September 8, 2009, will be eligible to participate in the Pennsylvania Lottery's Eagles™ Second-Chance Drawing which will be held at Lottery Headquarters the week of September 11, 2009.

(3) All Pennsylvania Lottery's Eagles™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. September 8, 2009, through and including 4:00 p.m. October 6, 2009, will be eligible to participate in the Pennsylvania Lottery's Eagles™ Second-Chance Drawing which will be held at Lottery Headquarters the week of October 9, 2009.

(4) All Pennsylvania Lottery's Eagles™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. October 6, 2009, through and including 4:00 p.m. November 10, 2009, will be eligible to participate in the Pennsylvania Lottery's Eagles™ Second-Chance Drawing which will be held at Lottery Headquarters the week of November 13, 2009.

(5) All Pennsylvania Lottery's Eagles™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. November 10, 2009, through and including 4:00 p.m. March 26, 2010, will be eligible to participate in the final Pennsylvania Lottery's Eagles™ Second-Chance Drawing which will be held at Lottery Headquarters the week of March 31, 2010.

(6) The odds of an entry being selected in a Pennsylvania Lottery's Eagles™ Second-Chance Drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's Eagles™ Second-Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery's Eagles™ Second-Chance Drawings.

(2) A Pennsylvania Lottery's Eagles™ Second-Chance Drawing entry is eligible for only one Second-Chance Drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Second-Chance Drawing.

(3) If a Pennsylvania Lottery's Eagles™ Second-Chance Drawing entry is rejected during or following the Pennsylvania Lottery's Eagles™ Second-Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) Manner of conducting each of the Pennsylvania Lottery's Eagles™ Second-Chance Drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(d) The payment of a prize awarded in any of the Pennsylvania Lottery's Eagles™ Second-Chance Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner).

#### 12. *Description of Pennsylvania Lottery's Eagles™ Second-Chance Drawings Prizes:*

(a) The following prizes shall be awarded for the drawing held the week of September 3, 2009:

(i) The first winner selected in the drawing held the week of September 3, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the September 20, 2009 Eagles home game with the Saints.

(ii) The second through the fifth winners selected in the drawing held the week of September 3, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the September 20, 2009 Eagles home game with the Saints.

(b) The following prizes shall be awarded for the drawing held the week of September 11, 2009:

(i) The first winner selected in the drawing held the week of September 11, 2009 shall be entitled to a prize consisting of a VIP Road Trip for the winner and three

guests to an Eagles away game as determined by the Eagles. The trip will include round-trip commercial transportation, two double occupancy hotel rooms for one night, dinner and four game tickets. All other costs and expenses arising from or in connection with the road trip shall be the sole responsibility of the winner.

(ii) The second winner selected in the drawing held the week of September 11, 2009 shall be entitled to a prize consisting of the opportunity for the winner to join a cameraman of the Eagles Television Network during one Eagles home game. The Eagles shall determine the game.

(iii) The third and fourth winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to join the stadium staff in setting up the inflatable tunnel used during the announcement of the starting lineups at an Eagles home game. The Eagles shall determine the game. Each winner shall receive two tickets and pre-game sideline passes to the game.

(iv) The fifth winner selected in the drawing held the week of September 11, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the October 11, 2009 Eagles home game with the Buccaneers. This prize will include the opportunity for the winner to help the equipment staff set up the Eagles locker room at the stadium on a day prior to an Eagles home game, as determined by the Eagles.

(v) The sixth winner selected in the drawing held the week of September 11, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the September 27, 2009 Eagles home game with the Chiefs.

(vi) The seventh through the tenth winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the September 27, 2009 Eagles home game with the Chiefs.

(vii) The eleventh through the fourteenth winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the October 11, 2009 Eagles home game with the Buccaneers.

(c) The following prizes shall be awarded for the drawing held the week of October 9, 2009:

(i) The first winner selected in the drawing held the week of October 9, 2009 shall be entitled to a prize consisting of a VIP Road Trip for the winner and three guests to an Eagles away game as determined by the Eagles. The trip will include round-trip commercial transportation, two double occupancy hotel rooms for one night, dinner and four game tickets. All other costs and expenses arising from or in connection with the road trip shall be the sole responsibility of the winner.

(ii) The second and the third winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of an authentic autographed Eagles game-issued jersey to be awarded at a private event by the player who signed the jersey. The event will include lunch and a tour of the facility for the winner and a guest. The Eagles will determine the player and the facility for the event.

(iii) The fourth through the eleventh winners selected in the drawing held the week of October 9, 2009 shall

each be entitled to a prize consisting of an authentic autographed Eagles game-issued jersey. The Eagles will determine the player.

(iv) The twelfth through the nineteenth winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend one of the Eagles player's press conferences at the NovaCare Complex during the regular season. Eagles shall determine the date and time of the press conference.

(v) The twentieth through the twenty-seventh winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend one of the Eagles Head Coach's press conferences at the NovaCare Complex during the regular season. Eagles shall determine the date and time of the press conference.

(vi) The twenty-eighth winner selected in the drawing held the week of October 9, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the November 8, 2009 Eagles home game with the Cowboys.

(vii) The twenty-ninth winner selected in the drawing held the week of October 9, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the November 1, 2009 Eagles home game with the Giants.

(viii) The thirtieth through the thirty-third winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the November 8, 2009 Eagles home game with the Cowboys.

(ix) The thirty-fourth through the thirty-seventh winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the November 1, 2009 Eagles home game with the Giants.

(x) The thirty-eighth through the eighty-seventh winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a Breakfast with Legends event to be held at a facility and on a date as determined by the Eagles. The event will include two alumni player appearances as determined by the Eagles. The event will include breakfast and Eagles-related gifts.

(d) The following prizes shall be awarded for the drawing held the week of November 13, 2009:

(i) The first winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of the opportunity for the winner to join the Eagles Television Network in the control booth during an Eagles home game, as determined by the Eagles. The winner shall receive two tickets to the game.

(ii) The second winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of the opportunity for the winner and one guest to accompany the Eagles' Director of Player Programs as he transports the Eagles first pick in the NFL Draft to the NovaCare Complex. The winner and one guest will receive access passes to the draft pick's press conference. The Eagles will determine the date and time of the event. The draft pick will be determined by the Eagles.

(iii) The third through the twenty-second winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to watch one regular season Eagles home game, as determined by the Eagles, from a luxury suite at the stadium. The prize will include food and non-alcoholic beverages in the suite.

(iv) The twenty-third and the twenty-fourth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a Pre-Draft lunch at the NovaCare Complex with the Eagles' General Manager and Vice President of Player Personnel or other such prominent member of the Eagles' Scouting Department. The Eagles will determine the date of the event.

(v) The twenty-fifth through the twenty-eighth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to a tour of the NovaCare Complex, which shall include lunch with a current team player, as determined by the Eagles. The Eagles will determine the date of the event.

(vi) The twenty-ninth winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the November 29, 2009 Eagles home game with the Redskins.

(vii) The thirtieth winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the December 20, 2009 Eagles home game with the 49ers.

(viii) The thirty-first winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the December 27, 2009 Eagles home game with the Broncos.

(ix) The thirty-second through the thirty-fifth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the November 29, 2009 Eagles home game with the Redskins.

(x) The thirty-sixth through the thirty-ninth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the December 20, 2009 Eagles home game with the 49ers.

(xi) The fortieth through the forty-third winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the December 27, 2009 Eagles home game with the Broncos.

(xii) The forty-fourth winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the first Eagles playoff home game for the 2009-2010 season, if applicable.

(xiii) The forty-fifth winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two game tickets, two pre-game side-

line passes and one reserved parking pass for the second Eagles playoff home game for the 2009-2010 season, if applicable.

(xiv) The forty-sixth through the forty-ninth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the first Eagles playoff home game for the 2009-2010 season, if applicable.

(xv) The fiftieth through the fifty-third winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for the second Eagles playoff home game for the 2009-2010 season, if applicable.

(e) The following prizes shall be awarded for the drawing held the week of March 31, 2010:

(i) The first winner selected in the drawing held the week of March 31, 2010 shall be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass to each Eagles home game for the 2010 season, excluding the Super Bowl. The Eagles shall determine the location of the seats.

(ii) The second through the twenty-first winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to watch a 2010 preseason Eagles home game, as determined by the Eagles, from a luxury suite at the stadium. The prize will include food and non-alcoholic beverages in the suite.

(iii) The twenty-second through the twenty-seventh winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of an authentic autographed Eagles game-issued jersey. The Eagles will determine the player.

(iv) The twenty-eighth through the thirty-first winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a breakfast at the NovaCare Complex with one Eagles coach and the opportunity to watch the coach breakdown film. The Eagles will determine the date of the event and the coach.

(v) The thirty-second through the thirty-fifth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner to carry a piece of a player's equipment from the practice field to the outside of the locker room after a practice at the Eagles' training camp. The prize includes two sideline passes for the event. The Eagles will determine the player, the equipment and the date of the event.

(vi) The thirty-sixth through the eighty-fifth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a Punt, Pass and Kick event. The prize includes appropriate food and beverages following the event, Eagles-related prizes, scoring and instruction.

(vii) The eighty-sixth winner selected in the drawing held the week of March 31, 2010 shall be entitled to a prize consisting of two game tickets, two pre-game sideline passes and one reserved parking pass for the for each 2010 preseason Eagles home game.

(viii) The eighty-seventh through the eighty-ninth winners selected in the drawing held the week of March 31,

2010 shall each be entitled to a prize consisting of two Club Level III game tickets and one reserved parking pass for each 2010 preseason Eagles home game.

(ix) The ninetieth through the one-hundred and thirty-ninth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a VIP Chalk Talk by two Eagles assistant coaches. The assistant coaches, date and location will be determined by the Eagles. The prize includes appropriate food and beverages for the event, a tour of the complex, an Eagles gift bag for each participant and an address by the assistant coaches.

(x) The one-hundred and fortieth through the two-hundred and thirty-ninth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a VIP training camp tent party at the Eagles' annual training camp. The prize includes appropriate food and beverages for the event and the appearance of an Eagles player. The player and time of the appearance shall be determined by Eagles.

(xi) The two-hundred and fortieth through the two-hundred and seventy-ninth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of VIP sideline passes for one day of the Eagles' training camp for the winner and one guest. The Eagles shall select the day of training camp.

### 13. *Prize Information and Restrictions:*

(a) If no date is provided for a game or event that is part of a prize described in section 12, the date will be determined by the Eagles and provided to the winner by the Lottery.

(b) Prizes are transferable one time.

(c) In the event the winner or the winner's designee is not available on the date of the game or event that is part of a prize described in section 12, there will be no extensions or substitution of prizes and the winner will not receive any reimbursement for the unused prize.

(d) Prizes are not redeemable for cash.

(e) In the event a prize in section 12 is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

(f) The Lottery will make every reasonable effort to deliver a prize to the winner in a timely manner, however, the Lottery is not responsible for prizes lost or unusable due to untimely delivery.

(g) The winner is responsible for all costs, expenses and transportation, not specifically included in the prize descriptions in section 12, arising from or in connection with any prize won.

(h) Verification that the winner is 18 years of age or older will be required before delivery of prizes.

(i) In order to participate in certain prize events the winner and their guests may be required to execute a confidentiality agreement and waiver as determined by the Eagles.

(j) The winner and their guests, as applicable, shall participate in certain prize events at their own risk.

(k) Other restrictions may apply.

(l) All prizes having a value, as determined by the Secretary, of \$600 or more will include an appropriate federal withholding credit.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lottery's Eagles™ instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

15. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lottery's Eagles™ instant game, prize money from winning Pennsylvania Lottery's Eagles™ instant 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 Lottery's Eagles™ instant 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.

16. *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.

17. *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 Lottery's Eagles™ instant game or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-1479. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Pennsylvania Lottery's Steelers™ 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 Lottery's Steelers™.

2. *Price:* The price of a Pennsylvania Lottery's Steelers™ instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Lottery's Steelers™ instant game ticket will contain one play area featuring a "STEELERS NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "STEELERS NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22

(TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Football symbol (FOOTBL) and a Goal symbol (GOAL).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$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), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000, \$5,000 and \$50,000.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a second-chance drawing for non-winning Pennsylvania Lottery's Steelers™ instant game tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Lottery's Steelers™ instant game.

### 8. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$1,000 (ONE THO) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$100 (ONE HUN) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR 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.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$400 (FOR HUN) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR 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.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$100 (ONE HUN) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR 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 the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Goal symbol (GOAL), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Goal symbol (GOAL), on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR 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.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol

(FOOTBL), and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR 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 the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR 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.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "STEELERS NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Football symbol (FOOTBL), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Football symbol (FOOTBL), on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Steelers Numbers, Win With Prize(s) Of:*

<i>Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,320,000 Tickets</i>
\$5 w/FOOTBALL	\$5	20	216,000
\$5	\$5	15	288,000
\$10 w/FOOTBALL	\$10	30	144,000
\$5 x 2	\$10	60	72,000
\$10	\$10	60	72,000
\$20 w/FOOTBALL	\$20	120	36,000
\$5 x 4	\$20	120	36,000
\$20	\$20	60	72,000
\$40 w/FOOTBALL	\$40	600	7,200
\$5 x 8	\$40	600	7,200
\$10 x 4	\$40	600	7,200
\$20 x 2	\$40	600	7,200
\$40	\$40	600	7,200
\$50 w/FOOTBALL	\$50	600	7,200
\$5 x 10	\$50	600	7,200
\$5 w/GOAL	\$50	600	7,200
\$10 x 5	\$50	600	7,200
\$50	\$50	600	7,200
\$100 w/FOOTBALL	\$100	1,200	3,600
\$10 x 10	\$100	1,200	3,600

When Any Of Your Numbers  
Match Any Of The Steelers  
Numbers, Win With Prize(s)  
Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,320,000 Tickets
\$10 w/GOAL	\$100	1,200	3,600
\$50 × 2	\$100	1,200	3,600
\$100	\$100	1,200	3,600
\$400 w/FOOTBALL	\$400	10,909	396
\$40 × 10	\$400	10,909	396
\$40 w/GOAL	\$400	12,000	360
\$100 × 4	\$400	12,000	360
\$400	\$400	12,000	360
\$1,000 w/FOOTBALL	\$1,000	40,000	108
\$100 × 10	\$1,000	40,000	108
\$100 w/GOAL	\$1,000	40,000	108
(\$400 × 2) + (\$100 × 2)	\$1,000	40,000	108
\$1,000	\$1,000	30,000	144
\$5,000	\$5,000	120,000	36
\$50,000	\$50,000	720,000	6

FOOTBALL (FOOTBL) = Win prize shown under it automatically.

GOAL (GOAL) = Win 10 times the prize shown under it automatically.

Five (5) Second-Chance Drawings will be conducted during the sales period of the game to award additional prizes.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery's Steelers™ Second-Chance Drawings Requirements:*

(a) To be eligible for the Second-Chance Drawing, players must mail exactly three (3) non-winning Pennsylvania Lottery's Steelers™ instant lottery tickets in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery-Steelers™ Second-Chance Drawings, P. O. Box 2000, Middletown, PA 17057-2000. The player shall affix proper postage to the entry.

(b) Envelopes containing less than or more than three (3) non-winning Pennsylvania Lottery's Steelers™ instant lottery tickets shall be disqualified.

(c) Non-winning Pennsylvania Lottery's Steelers™ instant lottery game tickets received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery's Steelers™ instant lottery tickets received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery's Steelers™ instant lottery tickets submitted to the Pennsylvania Lottery's Steelers™ Second-Chance Drawing address will not be paid or honored. Second-Chance Drawing entries containing winning Pennsylvania Lottery's Steelers™ instant lottery tickets will be disqualified.

(e) The back of each non-winning Pennsylvania Lottery's Steelers™ instant lottery ticket entered in the Pennsylvania Lottery's Steelers™ Second-Chance Drawing must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature. Only one claimant per ticket allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. *Second-Chance Drawings Procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery's Steelers™ Second-Chance Drawings. All Pennsylvania Lottery's Steelers™ Second-Chance Drawing entries received at Lottery Headquarters on or before 4:00 p.m. March 26, 2009, will be eligible to participate in one of

the five Pennsylvania Lottery's Steelers™ Second-Chance Drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery's Steelers™ Second-Chance Drawing entries received at Lottery Headquarters on or before 4:00 p.m. September 1, 2009, will be eligible to participate in the Pennsylvania Lottery's Steelers™ Second-Chance Drawing which will be held at Lottery Headquarters the week of September 3, 2009.

(2) All Pennsylvania Lottery's Steelers™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. September 1, 2009, through and including 4:00 p.m. September 8, 2009, will be eligible to participate in the Pennsylvania Lottery's Steelers™ Second-Chance Drawing which will be held at Lottery Headquarters the week of September 11, 2009.

(3) All Pennsylvania Lottery's Steelers™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. September 8, 2009, through and including 4:00 p.m. October 6, 2009, will be eligible to participate in the Pennsylvania Lottery's Steelers™ Second-Chance Drawing which will be held at Lottery Headquarters the week of October 9, 2009.

(4) All Pennsylvania Lottery's Steelers™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. October 6, 2009, through and including 4:00 p.m. November 10, 2009, will be eligible to participate in the Pennsylvania Lottery's Steelers™ Second-Chance Drawing which will be held at Lottery Headquarters the week of November 13, 2009.

(5) All Pennsylvania Lottery's Steelers™ Second-Chance Drawing entries received at Lottery Headquarters after 4:00 p.m. November 10, 2009, through and including 4:00 p.m. March 26, 2010, will be eligible to participate in the final Pennsylvania Lottery's Steelers™ Second-Chance Drawing which will be held at Lottery Headquarters the week of March 31, 2009.

(6) The odds of an entry being selected in a Pennsylvania Lottery's Steelers™ Second-Chance Drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's Steelers™ Second-Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery's Steelers™ Second-Chance Drawings.

(2) A Pennsylvania Lottery's Steelers™ Second-Chance Drawing entry is eligible for only one Second-Chance Drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Second-Chance Drawing.

(3) If a Pennsylvania Lottery's Steelers™ Second-Chance Drawing entry is rejected during or following the Pennsylvania Lottery's Steelers™ Second-Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) Manner of conducting each of the Pennsylvania Lottery's Steelers™ Second-Chance Drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered container(s) from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered container(s). As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(d) The payment of a prize awarded in any of the Pennsylvania Lottery's Steelers™ Instant Game Second-Chance Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner).

#### 12. *Description of Pennsylvania Lottery's Steelers™ Second-Chance Drawings Prizes:*

(a) The following prizes shall be awarded for the drawing held the week of September 3, 2009:

(i) The first winner selected in the drawing held the week of September 3, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the September 10, 2009 Steelers home game with the Titans.

(ii) The second and the third winners selected in the drawing held the week of September 3, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass for the September 10, 2009 Steelers home game with the Titans.

(iii) The fourth and the fifth winners selected in the drawing held the week of September 3, 2009 shall each be entitled to a prize consisting of two tickets for the September 10, 2009 Steelers home game with the Titans.

(b) The following prizes shall be awarded for the drawing held the week of September 11, 2009:

(i) The first winner selected in the drawing held the week of September 11, 2009 shall be entitled to a prize consisting of the opportunity for the winner to join the Steelers Radio Network in the control booth during a Steelers home game, as determined by the Steelers. The winner shall receive two tickets to the game.

(ii) The second and the third winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to remain on the Steelers' sideline for the player introductions at one home game, as determined by the Steelers. Each winner shall receive two tickets and pre-game sideline passes to the game.

(iii) The fourth winner selected in the drawing held the week of September 11, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the October 4, 2009 Steelers home game with the Chargers.

(iv) The fifth winner selected in the drawing held the week of September 11, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the October 18, 2009 Steelers home game with the Browns.

(v) The sixth through the ninth winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend one of the Steelers Head Coach's press conferences during the regular season. The Steelers shall determine the date, time and location of the press conference.

(vi) The tenth and the eleventh winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass for the October 4, 2009 Steelers home game with the Chargers.

(vii) The twelfth and the thirteenth winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass for the October 18, 2009 Steelers home game with the Browns.

(viii) The fourteenth and the fifteenth winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of two tickets for the October 4, 2009 Steelers home game with the Chargers.

(ix) The sixteenth and the seventeenth winners selected in the drawing held the week of September 11, 2009 shall each be entitled to a prize consisting of two tickets for the October 18, 2009 Steelers home game with the Browns.

(c) The following prizes shall be awarded for the drawing held the week of October 9, 2009:

(i) The first winner selected in the drawing held the week of October 9, 2009 shall be entitled to a prize consisting of a VIP Road Trip for the winner and three guests to a Steelers regular season away game as determined by the Steelers. The trip will include round-trip commercial transportation, hotel accommodations, dinner and four game tickets. All other costs and expenses



arising from or in connection with the road trip shall be the sole responsibility of the winner.

(ii) The second winner selected in the drawing held the week of October 9, 2009 shall be entitled to a prize consisting of the opportunity for the winner to join the Steelers team photographer for one Steelers home game, as determined by the Steelers.

(iii) The third through the eighteenth winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to watch one regular season Steelers home game, as determined by the Steelers, from a party suite at the stadium. The prize will include food and non-alcoholic beverages in the suite.

(iv) The nineteenth winner selected in the drawing held the week of October 9, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the October 25, 2009 Steelers home game with the Vikings.

(v) The twentieth winner selected in the drawing held the week of October 9, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the November 15, 2009 Steelers home game with the Bengals.

(vi) The twenty-first through the twenty-fourth winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend one of the Steelers Head Coach's press conferences during the regular season. The Steelers shall determine the date, time and location of the press conference.

(vii) The twenty-fifth through the sixty-fourth winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a Breakfast with Legends event to be held at a facility and on a date as determined by the Steelers. The event will include two alumni player appearances as determined by the Steelers. The event will include breakfast and Steelers-related gifts.

(viii) The sixty-fifth and sixty-sixth winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass for the October 25, 2009 Steelers home game with the Vikings.

(ix) The sixty-seventh and the sixty-eighth winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass for the November 15, 2009 Steelers home game with the Bengals.

(x) The sixty-ninth and the seventieth winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of two tickets for the October 25, 2009 Steelers home game with the Vikings.

(xi) The seventy-first and the seventy-second winners selected in the drawing held the week of October 9, 2009 shall each be entitled to a prize consisting of two tickets for the November 15, 2009 Steelers home game with the Bengals.

(d) The following prizes shall be awarded for the drawing held the week of November 13, 2009:

(i) The first winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of a VIP Road Trip for the winner and three guests to a Steelers regular season away game as deter-

mined by the Steelers. The trip will include round-trip commercial transportation, hotel accommodations, dinner and four game tickets. All other costs and expenses arising from or in connection with the road trip shall be the sole responsibility of the winner.

(ii) The second and third winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of an authentic autographed Steelers game-issued jersey. The Steelers will determine the player.

(iii) The fourth winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of the opportunity for the winner and one guest to attend the Steelers' first round draft pick press conference. The Steelers will determine the date and time of the event. The draft pick will be determined by the Steelers.

(iv) The fifth and the sixth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a lunch with the Steelers' Director of Football Operations, President or other such prominent officer of the Steelers organization. The Steelers will determine the date and location of the event.

(v) The seventh winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the December 6, 2009 Steelers home game with the Raiders.

(vi) The eighth winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the December 20, 2009 Steelers home game with the Packers.

(vii) The ninth winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the December 27, 2009 Steelers home game with the Ravens.

(viii) The tenth through the nineteenth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a tailgate party before a Steelers home game, as determined by the Steelers. The prize includes appropriate food and beverages, a Steelers-related gift and tickets to the game.

(ix) The twentieth through the sixty-ninth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a Punt, Pass and Kick event. The prize includes appropriate food and beverages following the event, Steelers-related prizes, scoring and instruction.

(x) The seventieth and the seventy-first winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass to the December 6, 2009 Steelers home game with the Raiders.

(xi) The seventy-second and the seventy-third winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass to the December 20, 2009 Steelers home game with the Packers.

(xii) The seventy-fourth and the seventy-fifth winners selected in the drawing held the week of November 13,

2009 shall each be entitled to a prize consisting of two tickets and a parking pass to the December 27, 2009 Steelers home game with the Ravens.

(xiii) The seventy-sixth and seventy-seventh winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets to the December 6, 2009 Steelers home game with the Raiders.

(xiv) The seventy-eighth and the seventy-ninth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets to the December 20, 2009 Steelers home game with the Packers.

(xv) The eightieth and the eighty-first winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets to the December 27, 2009 Steelers home game with the Ravens.

(xvi) The eighty-second winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the first Steelers playoff home game for the 2009-2010 season, if applicable.

(xvii) The eighty-third winner selected in the drawing held the week of November 13, 2009 shall be entitled to a prize consisting of two Legends Club game tickets, a parking pass and pre-game sideline passes for the second Steelers playoff home game for the 2009-2010 season, if applicable.

(xviii) The eighty-fourth and the eighty-fifth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass for the first Steelers playoff home game for the 2009-2010 season, if applicable.

(xix) The eighty-sixth and the eighty-seventh winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets and a parking pass for the second Steelers playoff home game for the 2009-2010 season, if applicable.

(xx) The eighty-eighth and the eighty-ninth winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets to the first Steelers playoff home game for the 2009-2010 season, if applicable.

(xxi) The ninetieth and the ninety-first winners selected in the drawing held the week of November 13, 2009 shall each be entitled to a prize consisting of two tickets to the second Steelers playoff home game for the 2009-2010 season, if applicable.

(e) The following prizes shall be awarded for the drawing held the week of March 31, 2010:

(i) The first winner selected in the drawing held the week of March 31, 2010 shall be entitled to a prize consisting of two game tickets and a parking pass to each Steelers home game for the 2010 season, excluding the Super Bowl. The Steelers shall determine the location of the seats.

(ii) The second and the third winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of an authentic autographed Steelers game-issued jersey. The Steelers will determine the player.

(iii) The fourth through the seventh winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of an opportunity for the

winner to carry a piece of a player's equipment from the practice field to the outside of the locker room after a practice at a Steelers' training camp. The Steelers will determine the player and the date of the event.

(iv) The eighth winner selected in the drawing held the week of March 31, 2010 shall be entitled to a prize of two Legends Club game tickets, a parking pass and pre-game sideline passes for each 2010 preseason Steelers home game.

(v) The ninth through the fifty-eighth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a VIP Chalk Talk by one Steelers assistant coach. The assistant coach, date and location will be determined by the Steelers. The prize includes appropriate food and beverages for the event, a tour of the complex, a Steelers gift bag for each participant and an address by the assistant coaches.

(vi) The fifty-ninth through the ninetieth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to watch a 2010 preseason Steelers home game from a party suite at the stadium. The prize will include food and non-alcoholic beverages in the suite.

(vii) The ninety-first winner selected in the drawing held the week of March 31, 2010 shall be entitled to a prize consisting of two tickets and a parking pass for each 2010 preseason Steelers home game. This prize will include the opportunity for the winner to help the equipment staff set up the Steelers locker room at the stadium on a day prior to a Steelers preseason home game, as determined by the Steelers.

(viii) The ninety-second through the ninety-fifth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a breakfast with one Steelers coach and the opportunity to watch the coach breakdown film. The Steelers will determine the date of the event, the location and the coach.

(ix) The ninety-sixth through the one-hundred and ninety-fifth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to attend a VIP training camp tent party at the Steelers' annual training camp. The prize includes sideline passes, appropriate food and beverages for the event and the appearance of a Steelers player. The player and time of the appearance shall be determined by the Steelers.

(x) The one-hundred and ninety-sixth through the one-hundred and ninety-ninth winners selected in the drawing held the week of March 31, 2010 shall each be entitled to a prize consisting of the opportunity for the winner and one guest to a VIP Tour of the Steelers' practice facility, which shall include lunch with a current team player, as determined by the Steelers. The Steelers will determine the date of the event.

(xi) The two-hundredth and the two-hundredth and first winners selected in the drawing held the week of March 31, 2010 shall be entitled to a prize consisting of two tickets for each 2010 preseason Steelers home game.

### 13. *Prize Information and Restrictions:*

(a) If no date is provided for a game or event that is part of a prize described in section 12, the date will be determined by the Steelers and provided to the winner by the Lottery.

(b) Prizes are transferable one time.

(c) In the event the winner or the winner's designee is not available on the date of the game or event that is part of a prize described in section 12, there will be no extensions or substitution of prizes and the winner will not receive any reimbursement for the unused prize.

(d) Prizes are not redeemable for cash.

(e) In the event a prize in section 12 is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

(f) The Lottery will make every reasonable effort to deliver a prize to the winner in a timely manner, however, the Lottery is not responsible for prizes lost or unusable due to untimely delivery.

(g) The winner is responsible for all costs, expenses and transportation, not specifically included in the prize descriptions in section 12, arising from or in connection with any prize won.

(h) Verification that the winner is 18 years of age or older will be required before delivery of prizes.

(i) In order to participate in certain prize events the winner and their guests may be required to execute a confidentiality agreement and waiver as determined by the Steelers.

(j) The winner and their guests, as applicable, shall participate in certain prize events at their own risk.

(k) Other restrictions may apply.

(l) All prizes having a value, as determined by the Secretary, of \$600 or more will include an appropriate federal withholding credit.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lottery's Steelers<sup>TM</sup> instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

15. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lottery's Steelers<sup>TM</sup> instant game, prize money from winning Pennsylvania Lottery's Steelers<sup>TM</sup> instant 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 Lottery's Steelers<sup>TM</sup> instant 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.

16. *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.

17. *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 Lottery's Steelers<sup>TM</sup> instant game or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-1480. Filed for public inspection August 14, 2009, 9:00 a.m.]

## DEPARTMENT OF STATE

### State Plan Advisory Board Meeting

The State Plan Advisory Board (Board) will hold a meeting in the North Office Building, in Harrisburg, PA 17120 on Thursday, September 3, 2009, commencing at 10 a.m. in Room 302, located on the Third Floor. The agenda will include discussion of the Board's achievements and updates. Additionally the new members will be introduced to the Board, and the Secretary of the Commonwealth will address the members.

PEDRO A. CORTÈS,  
Secretary

[Pa.B. Doc. No. 09-1481. Filed for public inspection August 14, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Allegheny Casualty Company

International Fidelity Insurance Company has filed an application for approval to acquire control of Allegheny Casualty Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1402—991.1413).

Persons wishing to comment on the acquisition 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*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. 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.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1482. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Application for Domestic Certificate of Authority by Eternal Care Insurance Company

Eternal Care Insurance Company has applied for a Certificate of Authority to operate as a domestic stock property insurance company in this Commonwealth. The filing was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—991).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the

Department of the exact basis of the statement. 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.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1483. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Application for Merger of Aetna Health, Inc. (CO Corporation) with and into Aetna Health, Inc. (PA Corporation)**

An application has been received requesting approval of the merger of Aetna Health, Inc., a corporation organized under the laws of the State of Colorado (AHI-CO), with and into Aetna Health, Inc., a corporation organized under the laws of the Commonwealth (AHI-PA). The AHI-PA is licensed in the Commonwealth to operate a health maintenance organization. The AHI-CO is not licensed to operate in the Commonwealth. The initial filing was received on July 31, 2009, and was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1484. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Application for Merger of Aetna Health, Inc. (DE Corporation) with and into Aetna Health, Inc. (PA Corporation)**

An application has been received requesting approval of the merger of Aetna Health, Inc., a corporation organized under the laws of the State of Delaware (AHI-DE), with and into Aetna Health, Inc., a corporation organized under the laws of the Commonwealth (AHI-PA). The AHI-PA is licensed in the Commonwealth to operate a health maintenance organization. The AHI-DE is not licensed to operate in the Commonwealth. The initial filing was received on July 31, 2009, and was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this

notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1485. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Application for Merger of Aetna Health, Inc. (MD Corporation) with and into Aetna Health, Inc. (PA Corporation)**

An application has been received requesting approval of the merger of Aetna Health, Inc., a corporation organized under the laws of the State of Maryland (AHI-MD), with and into Aetna Health, Inc., a corporation organized under the laws of the Commonwealth (AHI-PA). AHI-PA is licensed in the Commonwealth to operate a health maintenance organization. AHI-MD is not licensed to operate in the Commonwealth. The initial filing was received on July 31, 2009, and was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1486. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Application for Merger of Aetna Health, Inc. (MO Corporation) with and into Aetna Health, Inc. (PA Corporation)**

An application has been received requesting approval of the merger of Aetna Health, Inc., a corporation organized under the laws of the State of Missouri (AHI-MO), with and into Aetna Health, Inc., a corporation organized under the laws of the Commonwealth (AHI-PA). The AHI-PA is licensed in the Commonwealth to operate a health maintenance organization. The AHI-MO is not licensed to operate in the Commonwealth. The initial filing was received on July 31, 2009, and was made under

the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1487. Filed for public inspection August 14, 2009, 9:00 a.m.]

### **Application for Merger of Aetna Health of the Carolinas, Inc. (NC Corporation) with and into Aetna Health, Inc. (PA Corporation)**

An application has been received requesting approval of the merger of Aetna Health of the Carolinas, Inc., a corporation organized under the laws of the State of North Carolina (AHI-NC), with and into Aetna Health, Inc., a corporation organized under the laws of the Commonwealth (AHI-PA). The AHI-PA is licensed in the Commonwealth to operate a health maintenance organization. The AHI-NC is not licensed to operate in the Commonwealth. The initial filing was received on July 31, 2009, and was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1488. Filed for public inspection August 14, 2009, 9:00 a.m.]

### **Blue Cross of Northeastern Pennsylvania; BlueCare Cooperative Plan; Rate Filing**

On July 22, 2009, Blue Cross of Northeastern Pennsylvania submitted a rate filing (No. 1510-BCNGCOOP-1/1/10) to increase the premium rates for the BlueCare Cooperative Plan by approximately 48.9%. This will affect

approximately 3,573 subscribers and produce additional premium income of about \$7 million annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto: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. 09-1489. Filed for public inspection August 14, 2009, 9:00 a.m.]

### **Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield; BlueCare Major Medical Plan; Rate Filing**

On July 22, 2009, Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield submitted a rate filing (No. 1509-MMNG-1/1/10) to increase the premium rates for the BlueCare Major Medical Individual Plan by approximately 22.8%. This filing will affect approximately 3,200 subscribers and produce additional premium income of about \$1.48 million annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto: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. 09-1490. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Filing No. 1507-SP-CARE-PRAG-16-RATE; Special Care Hospital Program; Rate Filing**

On July 22, 2009, Blue Cross of Northeastern Pennsylvania submitted a filing (No. 1507-SP-CARE-PRAG-16-RATE) requesting the Insurance Department's (Department) approval to increase the monthly rates by 27.0% for the Blue Cross Special Care Program for an effective date of January 1, 2010. The estimated additional annual revenue generated from this rate increase is \$920,000 and requires a contribution from company surplus of approximately \$1,674,000. The projected average number of members per month during the January 1, 2010—December 31, 2010, period is approximately 4,550 members.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1491. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Filing No. 1512-BCSEC65-A-1/1/10; Application for Approval of Revised Rates for Nongroup Medigap Hospitalization Program (Security 65) Standardized Benefit Package A; Rate Filing**

Blue Cross of Northeastern Pennsylvania has filed for approval revised rates for standardized benefit Package A of its nongroup Security 65 hospitalization program. The rate increase percentage requested is 14.33%, and the average monthly premium increase is \$5.24. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$35.62, and the requested rate is \$40.72. The rate adjustments would affect approximately 193 members, and would produce approximately \$12,100 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1492. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Filing No. 1512-BCSEC65-B-1/1/10; Application for Approval of Revised Rates for Nongroup Medigap Hospitalization Program (Security 65) Standardized Benefit Package B; Rate Filing**

Blue Cross of Northeastern Pennsylvania has filed for approval revised rates for standardized benefit Package B of its nongroup Security 65 hospitalization program. The rate increase percentage requested is 17.25%, and the average monthly premium increase is \$10.46. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$60.03, and the requested rate is \$70.39. The rate adjustments would affect approximately 4,371 members, and would produce approximately \$549,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1493. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Filing No. 1512-BCSEC65-C-1/1/10; Application for Approval of Revised Rates for Nongroup Medigap Hospitalization Program (Security 65) Standardized Benefit Package C; Rate Filing**

Blue Cross of Northeastern Pennsylvania has filed for approval revised rates for standardized benefit Package C

of its nongroup Security 65 hospitalization program. The rate increase percentage requested is 20.37%, and the average monthly premium increase is \$17.46. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$84.98, and the requested rate is \$102.29. The rate adjustments would affect approximately 26,230 members, and would produce approximately \$5,500,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1494. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Filing No. 1512-BCSEC65-H W RX-1/1/10; Application for Approval of Revised Rates for Nongroup Medigap Hospitalization Program (Security 65) Standardized Benefit Package H with Rx Benefits; Rate Filing**

Blue Cross of Northeastern Pennsylvania has filed for approval revised rates for standardized benefit Package H with prescription drug benefits of its nongroup Security 65 hospitalization program. The rate increase percentage requested is 14.61%, and the average monthly premium increase is \$18.84. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$128.31, and the requested rate is \$147.05. The rate adjustments would affect approximately 632 members, and would produce approximately \$143 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer

Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1495. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Filing No. 1512-BCSEC65-H WO RX-1/1/10; Application for Approval of Revised Rates for Nongroup Medigap Hospitalization Program (Security 65) Standardized Benefit Package H without Rx Benefits; Rate Filing**

Blue Cross of Northeastern Pennsylvania has filed for approval revised rates for standardized benefit Package H without prescription drug benefits of its nongroup Security 65 hospitalization program. The rate increase percentage requested is 20.88%, and the average monthly premium increase is \$17.67. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$84.22, and the requested rate is \$101.81. The rate adjustments would affect approximately 1,616 members, and would produce approximately \$343,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1496. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Capital Blue Cross and Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Program for HIPAA and HCTC Eligible Individuals; Rate Filing**

By filing No. 09-KK, Capital Blue Cross and Capital Advantage Insurance Company request approval of adjusted rates for the Individual Direct Pay Comprehensive Major Medical Benefit Program for HIPAA and HCTC Eligible Individuals for both the \$750 Deductible and \$1,500 Deductible options. The requested average rate

increase is 7.9% and applies to the Plans' 21 county Central Pennsylvania and Lehigh Valley service area. The proposed rate increase would affect approximately 461 contracts and would produce additional income of about \$305,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1497. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Capital Blue Cross; Proposed 8% Rate Increase for the Hospitalization Portion of the Special Care Individual Direct Pay Basic Hospitalization/Medical-Surgical Contract; Filing No. 09-LL; Rate Filing

By filing No. 09-LL, Capital Blue Cross submitted to the Insurance Department (Department), for its review and approval, adjusted rates for the hospitalization portion of its Special Care Individual Direct Pay Basic Hospitalization/Medical-Surgical Program. The requested average rate increase is 8.0%. An effective date of January 1, 2010, has been requested. The proposed rate increase would affect approximately 2,921 contracts and would produce additional annual premium income of \$304,524.

The current and requested rates are as follows:

#### *Individual Special Care Hospitalization Rates*

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percent Increase</i>
<i>Tier I</i>			
Single	\$90.07	\$97.28	8.0%
Husband and Wife	\$180.16	\$194.57	8.0%
Parent and Child	\$153.13	\$165.38	8.0%
Parent and Children	\$153.13	\$165.38	8.0%
Family	\$243.22	\$262.68	8.0%
<i>Tier II</i>			
Single	\$137.28	\$148.26	8.0%
Husband and Wife	\$274.55	\$296.51	8.0%
Parent and Child	\$233.37	\$252.04	8.0%
Parent and Children	\$233.37	\$252.04	8.0%
Family	\$370.65	\$400.30	8.0%

No rate change has been requested for 2010 for the Medical Surgical portion of this product issued by Capital

Advantage Insurance Company. Thus, contract holders will see an overall rate increase of either 3.9%, 4.7 or 4.8% for continued Special Care coverage as shown.

#### *Special Care Individual Direct Pay Basic Hospitalization / Medical-Surgical Program—Total Rate Increase*

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percent Increase</i>
<i>Tier I</i>			
Single	\$185.79	\$193.00	3.9%
Husband and Wife	\$371.60	\$386.01	3.9%
Parent and Child	\$312.21	\$324.46	3.9%
Parent and Children	\$312.21	\$324.46	3.9%
Family	\$498.02	\$517.48	3.9%
<i>Tier II</i>			
Single	\$233.00	\$243.98	4.7%
Husband and Wife	\$465.99	\$487.95	4.7%
Parent and Child	\$392.45	\$411.12	4.8%
Parent and Children	\$392.45	\$411.12	4.8%
Family	\$625.45	\$655.10	4.7%

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1498. Filed for public inspection August 14, 2009, 9:00 a.m.]

### First Priority Health HMO; Individual Conversion HMO; Rate Filing

By filing No. H-1500-FPH NGConver-10-01-2009, First Priority Health HMO requests approval to increase the rates for the Conversion Plan with Pharmacy coverage by 27.7%. The Plan also requests approval to increase the rates for the Conversion Plan without Pharmacy coverage by 12.2%. This filing will affect approximately 809 contracts and will produce additional income of about \$887,000 annually, for both products combined. The requested effective date of the change is October 1, 2009.

Unless formal administrative action is taken prior to October 29, 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 Regional office.



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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1499. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Direct Pay ClassicBlue Hospital Plan (Western Region); Rate Filing

By filing No. 1A-CPE-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its Direct Pay ClassicBlue Hospital Plan (Western Region). The filing requests an average increase of about 30% or \$112.84 per contract per month. This will affect about 1,300 contractholders and produce additional premium income of about \$1.74 million annually. For HIPAA and HCTC eligibles, the filing requests an average increase of about 32.2% or \$126.19 per contract per month. This will affect an estimated 440 contractholders and produce additional premium income of about \$672,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1500. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Direct Pay ClassicBlue Major Medical Plan (Western Region); Rate Filing

By filing No. 1A-PMM-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for the Direct Pay ClassicBlue Major Medical Plan (Western region). The filing requests an average increase of about 30% or \$44.14 per contract per month. This will affect about 920 contractholders and produce additional premium income

of about \$492,000 annually. For HIPAA and HCTC eligibles, the filing requests an average increase of about 32.2% or \$48.23 per contract per month. This will affect an estimated 410 contractholders and produce additional premium income of about \$240,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1501. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Direct Pay ClassicBlue Medical Surgical Plan (Western Region); Rate Filing

By filing No. 1A-DPMS-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its Direct Pay ClassicBlue Medical Surgical Plan (Western Region). For Plan C Non-HIPPA and Non-HCTC eligibles, the filing requests an average increase of about 0.6% or \$0.39 per contract per month. This will affect about 330 contractholders and produce additional premium income of about \$1,560 annually. For Plan UCR 100 Non-HIPPA and Non-HCTC eligibles, the filing requests an average increase of about 4.4% or \$7.29 per contract per month. This will affect about 960 contractholders and produce additional premium income of about \$84,000 annually. For Plan UCR 100 HIPAA and HCTC eligibles, the filing requests an average increase of about 32.2% or \$55.95 per contract per month. This will affect an estimated 440 contractholders and produce additional premium income of about \$300,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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Regulation, 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. 09-1502. Filed for public inspection August 14, 2009, 9:00 a.m.]

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**Highmark Blue Cross Blue Shield; Filing No. 1A-SSC-09-HBCBS; Request to Increase Rates for the Direct Pay Special Care Hospital Plan (Western Region); Rate Filing**

By filing No. 1A-SSC-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase its premium rates for its Direct Pay Special Care Hospital Plan (Western Region). The filing requests an increase of about 15.0% or \$17.04 per contract per month. This will affect about 9,200 contractholders and produce additional premium income of about \$1,884,000 per year. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

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JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1503. Filed for public inspection August 14, 2009, 9:00 a.m.]

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**Highmark Blue Cross Blue Shield (Western Region); Direct Pay Guaranteed Issue PPO High Deductible Health Plans; Rate Filing**

By filing No. 1A-HDHP/WDP-GI-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its Direct Pay Guaranteed Issue PPO High Deductible Health Plans (Western Region). The filing requests an average increase of 21.4% or \$136.30 per contract per month. This filing will affect approximately 620 contractholders and will produce additional income of about \$948,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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Interested parties are invited to submit written or email comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1504. Filed for public inspection August 14, 2009, 9:00 a.m.]

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**Highmark Blue Cross Blue Shield (Western Region); Guaranteed Issue PreferredBlue Individual Preferred Provider Plan; Rate Filing**

By filing No. 1A-GI\_INGPPO-09-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its Guaranteed Issue PreferredBlue Individual Preferred Provider Plan (Western Region). The filing requests an average increase of 15.8% or \$89.27 per contract per month. This filing will affect approximately 5,900 contractholders and will produce additional income of about \$6.3 million annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1505. Filed for public inspection August 14, 2009, 9:00 a.m.]

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**Highmark Blue Shield (Central Region); Direct Pay Guaranteed Issue PPO High Deductible Health Plans; Rate Filing**

By filing No. 1A-HDHP/CDP-GI-09-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase the premium rates for its Direct Pay Guaranteed Issue PPO High Deductible Health Plans (Central Re-

gion). The filing requests an average increase of 30.0% or \$150.64 per contract per month. This filing will affect approximately 790 contractholders and will produce additional income of about \$1.4 million annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1506. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark Blue Shield; Filing No. 1A-SSC-09-HBS; Request to Increase Rates for the Direct Pay Special Care Hospital Plan (Central Region); Rate Filing**

By filing No. 1A-SSC-09-HBS, Highmark Inc., d/b/a Highmark Blue Shield, requests approval to increase its premium rates for its Direct Pay Special Care Hospital Plan (Central Region). The filing requests an increase of about 15.0% or \$15.67 per contract per month. This will affect about 2,100 contractholders and produce additional premium income of about \$396,000 per year. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

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

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1507. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (AA)-E-09-HBCBS; Application for Approval of Revised Rates for Attained Age Nongroup MedigapBlue Plan E for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan E, policy number MB/W-E, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 30.0%, and the average monthly premium increase is \$53.98. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rates for First Eligible issues is \$164.60 in Region 1 and \$147.25 in Region 2, and the requested rates are \$214 in Region 1 and \$191.45 in Region 2. The rate adjustment would affect approximately 3,396 members, and would produce approximately \$2,200,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1508. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (AA)-I-09-HBCBS; Application for Approval of Revised Rates for Attained Age Nongroup MedigapBlue Plan I without Rx Benefits for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan I without prescription drug benefits, policy number MB/W-I, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 18.3%, and the average monthly premium increase is \$35.45. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rates for First Eligible issues are \$179.90 in Region 1 and \$160.90 in Region 2, and the requested rates are \$212.85 in Region 1 and \$190.35 in Region 2. The rate adjustment would affect approximately 2,617 members, and would produce approximately \$1,114,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1509. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (AA)-IRx-09-HBCBS; Application for Approval of Revised Rates for Attained Age Nongroup MedigapBlue Plan I with Rx Benefits for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan I with prescription drug benefits, policy number MB/W-I, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 5.4%, and the average monthly premium increase is \$13.61. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rates for First Eligible issues are \$219.60 in Region 1 and \$196.40 in Region 2, and the requested rates are \$231.50 in Region 1 and \$207.05 in Region 2. The rate adjustment would affect approximately 251 members, and would produce approximately \$41,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1510. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (IA)-A-09-HBCBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan A for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan A, policy number MB/W-A, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 5.1%, and the average monthly premium increase is \$5.71. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$107.45, and the requested rate is \$112.95. The rate adjustment would affect approximately 776 members, and would produce approximately \$53,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1511. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (IA)-B-09-HBCBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan B for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan B, policy number MB/W-B, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 7.3%, and the average monthly premium increase is \$11. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$149.80, and the requested rate is \$160.70. The rate adjustment would affect approximately 14,843 members, and would produce approximately \$1,957,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1512. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (IA)-C-09-HBCBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan C for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan C, policy number MB/W-C, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 11.7%, and the average monthly premium increase is \$22.39. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$191.10, and the requested rate is \$213.50. The rate adjustment would affect approximately 17,306 members, and would produce approximately \$4,650,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1513. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (IA)-H-09-HBCBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan H without Rx Benefits for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan H without prescription drug benefits, policy number MB/W-H, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 16.8%, and the average monthly premium increase is \$29.01. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$172.65, and the requested rate is \$201.65. The rate adjustment would affect approximately 3,095 members, and would produce approximately \$1,078,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1514. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-MGP (IA)-HRx-09-HBCBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan H with Rx Benefits for the Western Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan H with prescription drug benefits, policy number MB/W-H, of its nongroup MedigapBlue in the western Pennsylvania region. The rate increase percentage requested is 17.3%, and the average monthly premium increase is \$36.09. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$209, and the requested rate is \$245.10. The rate adjustment would affect approximately 873 members, and would produce approximately \$378,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1515. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; ClassicBlue Comprehensive Major Medical Plan (Central Region); Filing No. 1A-CMM-09-HBS; Rate Filing**

On July 20, 2009, the Insurance Department (Department) received from Highmark Blue Shield a filing for a rate increase for ClassicBlue Comprehensive Major Medical Plan (Central Region).

The company requests a 27.2% increase or \$124.97 per contract per month on average. This will affect about 6,000 contractholders and will produce additional income of about \$8,916,647 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to J. Sabater, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jsabater@state.pa.us](mailto:jsabater@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1516. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Direct Pay ClassicBlue Hospital, Medical/Surgical and Major Medical Plans (Central Region); Rate Filing**

By filing No. 1A-TRAD-09-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase the

premium rates for its Direct Pay ClassicBlue Hospital, Medical/Surgical and Major Medical Plans (Central Region). The filing requests an average increase of about 20.6% or \$156.90 per contract per month. The increase will affect about 150 contractholders and produce additional premium income of about \$276,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto: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. 09-1517. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-DPMGA (MIDA)-09-HBS; Application for Approval of Revised Rates for Security65 Direct Pay Medicare Supplement Plan A, Providing Medical/Surgical Benefits in the Blue Cross of Northeastern Pennsylvania (BCNP) and Independence Blue Cross (IBC) Service Areas; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan A, policy number MDGAP-A (BCNP service area) and 5450 (IBC service area) of its direct pay Security65 Medicare Supplement program.

In the BCNP service area, the rate increase percentage requested is 0%, and the average monthly premium increase is \$0.00. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$63.80, and the requested rate is \$63.80. The rate adjustment would affect approximately 1,046 members, and would produce no additional premium annually.

In the IBC service area, the rate increase percentage requested is 18.34%, and the average monthly premium increase is \$22.05. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$120.20, and the requested rate is \$142.25. The rate adjustment would affect approximately 626 members, and would produce approximately \$166,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1518. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-DPMGB (MIDA)-09-HBS; Application for Approval of Revised Rates for Security65 Direct Pay Medicare Supplement Plan B, Providing Medical/Surgical Benefits in the Blue Cross of Northeastern Pennsylvania (BCNP) and Independence Blue Cross (IBC) Service Areas; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan B, policy number MDGAP-B (BCNP service area) and 5451 (IBC service area) of its direct pay Security65 Medicare Supplement program.

In the BCNP service area, the rate increase percentage requested is 13.01%, and the average monthly premium increase is \$9.85. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$75.70, and the requested rate is \$85.55. The rate adjustment would affect approximately 4,242 members, and would produce approximately \$501,000 in additional premium annually.

In the IBC service area, the rate increase percentage requested is 18.34%, and the average monthly premium increase is \$22.05. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$120.20, and the requested rate is \$142.25. The rate adjustment would affect approximately 6,327 members, and would produce approximately \$1,674,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer

Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1519. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-DPMGC (MIDA)-09-HBS; Application for Approval of Revised Rates for Security65 Direct Pay Medicare Supplement Plan C, Providing Medical/Surgical Benefits in the Blue Cross of Northeastern Pennsylvania (BCNP) and Independence Blue Cross (IBC) Service Areas; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan C, policy number MDGAP-C (BCNP service area) and 5452 (IBC service area) of its direct pay Security65 Medicare Supplement program.

In the BCNP service area, the rate increase percentage requested is 12.75%, and the average monthly premium increase is \$11.05. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$86.65, and the requested rate is \$97.70. The rate adjustment would affect approximately 28,080 members, and would produce approximately \$3.7 million in additional premium annually.

In the IBC service area, the rate increase percentage requested is 17.46%, and the average monthly premium increase is \$22.95. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$131.45, and the requested rate is \$86.65. The rate adjustment would affect approximately 28,443 members, and would produce approximately \$7.8 million in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1520. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-DPMGH (MIDA)-09-HBS; Application for Approval of Revised Rates for Security65 Direct Pay Medicare Supplement Plan H, Providing Medical/Surgical Benefits in the Blue Cross of Northeastern Pennsylvania (BCNP) and Independence Blue Cross (IBC) Service Areas; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan H, policy number MDGAP-H (BCNP service area) and 5453 (IBC service area) of its direct pay Security65 Medicare Supplement program.

In the BCNP service area, the rate increase percentage requested is 13.01%, and the average monthly premium increase is \$9.85. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$75.70, and the requested rate is \$85.55. The rate adjustment would affect approximately 2,185 members, and would produce approximately \$258,000 in additional premium annually.

In the IBC service area, the rate increase percentage requested is 18.34%, and the average monthly premium increase is \$22.05. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$120.20, and the requested rate is \$142.25. The rate adjustment would affect approximately 4,031 members, and would produce approximately \$1,067,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1521. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (AA)-E-09-HBS; Application for Approval of Revised Rates for Attained Age Nongroup MedigapBlue Plan E for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan E, policy number MB/C-E, of its nongroup MedigapBlue program in the central Pennsylvania region.

The rate increase percentage requested is 29.6%, and the average monthly premium increase is \$38.74. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$116.05, and the requested rate is \$150.45. The rate adjustment would affect approximately 9,920 members, and would produce approximately \$4,610,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1522. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (IA)-H-09-HBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan H without Rx Benefits for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan H without prescription drug benefits, policy number MB/C-H, of its nongroup MedigapBlue program in the central Pennsylvania region. The rate increase percentage requested is 13.5%, and the average monthly premium increase is \$23.04. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$170.05, and the requested rate is \$193.05. The rate adjustment would affect approximately 3,041 members, and would produce approximately \$840,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1523. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (IA)-HRx-09-HBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan H with Rx Benefits for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan H with prescription drug benefits, policy number MB/C-H, of its nongroup MedigapBlue program in the central Pennsylvania region. The rate increase percentage requested is 12.0%, and the average monthly premium increase is \$24.73. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$205.20, and the requested rate is \$229.90. The rate adjustment would affect approximately 843 members, and would produce approximately \$251,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120; mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1524. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (AA)-I-09-HBS; Application for Approval of Revised Rates for Attained Age Nongroup MedigapBlue Plan I without Rx Benefits for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan I with prescription drug benefits, policy number MB/C-I, of its nongroup MedigapBlue program in the central Pennsylvania region. The rate increase percentage requested is 25.0%, and the average monthly premium increase is \$34.54. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is

\$125.15, and the requested rate is \$156.45. The rate adjustment would affect approximately 6,228 members, and would produce approximately \$2,581,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1525. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (AA)-IRx-09-HBS; Application for Approval of Revised Rates for Attained Age Nongroup MedigapBlue Plan I with Rx Benefits for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan I with prescription drug benefits, policy number MB/C-I, of its nongroup MedigapBlue program in the central Pennsylvania region. The rate increase percentage requested is 12.5%, and the average monthly premium increase is \$23.12. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$156.15, and the requested rate is \$176.65. The rate adjustment would affect approximately 167 members, and would produce approximately \$47,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1526. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (IA)-A-09-HBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan A for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan A, policy number MB/C-A, of its nongroup MedigapBlue in the central Pennsylvania region. The rate increase percentage requested is 15.6%, and the average monthly premium increase is \$13.97. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$83.70, and the requested rate is \$100.90. The rate adjustment would affect approximately 620 members, and would produce approximately \$104,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1527. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (IA)-B-09-HBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan B for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan B, policy number MB/C-B, of its nongroup MedigapBlue program in the central Pennsylvania region. The rate increase percentage requested is 15.2%, and the average monthly premium increase is \$18.27. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$119.70, and the requested rate is \$137.85. The rate adjustment would affect approximately 8,071 members, and would produce approximately \$1,770,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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).

[state.pa.us](http://state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1528. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc., d/b/a Highmark Blue Shield; Filing No. 1-MGP (IA)-C-09-HBS; Application for Approval of Revised Rates for Issue Age Nongroup MedigapBlue Plan C for the Central Pennsylvania Region; Rate Filing**

Highmark, Inc. has filed for approval revised rates for Plan C, policy number MB/C-C, of its nongroup MedigapBlue program in the central Pennsylvania region. The rate increase percentage requested is 17.5%, and the average monthly premium increase is \$28.52. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2009. The current rate for First Eligible issues is \$162.95, and the requested rate is \$191.45. The rate adjustment would affect approximately 11,676 members, and would produce approximately \$3,996,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1529. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc.; Filing No. 1A-SCMS-09-HI; Requesting Approval to Increase Rates for Special Care Medical Surgical Plans; Rate Filing**

By filing No. 1A-SCMS-09-HI, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield and Highmark Blue

Shield, requests approval to revise premium rates for its Special Care Medical/Surgical programs in the Central region, Southeastern (IBC) region, Western Pennsylvania region, and Northeastern Pennsylvania region.

Region	Percentage Increase	Additional Premium per Month	Number of Contracts
Central Region	15.0%	\$20,000	2,100
Western Region (HBCBS)	15.0%	\$93,000	9,200
Independence Blue Cross (IBC)	6.1%	\$17,000	4,000
Blue Cross of Northeastern PA	2.8%	\$6,000	3,400
All Regions Combined	11.0%	\$136,000	18,700

The filing requests an average increase of 11.0% or \$7.28 per contract per month. This will affect about 18,700 contractholders and produce additional premium income of about \$1,632,000 per year. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

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

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1530. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Highmark, Inc.; Filing No. 1-DPMS (MIDA)-09-HBS; Requesting Approval to Increase Rates for Direct Pay Medical Surgical Products in the IBC and BCNEPA Plan Areas; Rate Filing**

By filing No. 1-DPMS (MIDA)-09-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase its premium rates for its Direct Pay Medical/Surgical products in the Independence Blue Cross and Blue Cross of Northeastern Pennsylvania plan areas. This Filing requests an overall increase of approximately 16.1% or \$22.14 per contract per month. Increases vary by plan area and program, reflecting differences in claim costs and expenses. This Filing will affect about 6,100 contractholders and produce additional premium income of about \$1,620,000 per year. The requested effective date of the change is January 1, 2010.

The filing requests an average increase of 11.0% or \$7.28 per contract per month. This will affect about 18,700 contractholders and produce additional premium income of about \$1,632,000 per year. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

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

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1531. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Independence Blue Cross; Filing No. 7-P-09; Application for Approval of Revised Rates for Nongroup and Community Group Security 65 Medigap Hospitalization Program, Standardized Benefit Plan B; Rate Filing**

Independence Blue Cross has filed for approval revised rates for standardized benefit Plan B of its nongroup and community group Security 65 hospitalization program. The rate increase percentage requested is 4.6%, and the average monthly premium increase is \$3.48. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2001. The current rate for First Eligible issues is \$74.50, and the requested rate is \$77.90. The rate adjustments would affect approximately 6,600 members, and would produce approximately \$276,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiol@state.pa.us](mailto:mgurgiol@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1532. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Independence Blue Cross; Filing No. 7-P-09; Application for Approval of Revised Rates for Nongroup and Community Group Security 65 Medigap Hospitalization Program, Standardized Benefit Plan C; Rate Filing**

Independence Blue Cross has filed for approval revised rates for standardized benefit Plan C of its nongroup and community group Security 65 hospitalization program. The rate increase percentage requested is 17.2%, and the average monthly premium increase is \$16.24. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2006. The current rate for First Eligible issues is \$93.05, and the requested rate is \$109.05. The rate adjustments would affect approximately 29,500 members, and would produce approximately \$5,748,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1533. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Independence Blue Cross; Filing No. 7-P-09; Application for Approval of Revised Rates for Nongroup and Community Group Security 65 Medigap Hospitalization Program, Standardized Benefit Plan H without Rx Benefits; Rate Filing**

Independence Blue Cross has filed for approval revised rates for standardized benefit Plan H without prescription drug benefits of its nongroup and community group Security 65 hospitalization program. The rate increase percentage requested is 17.2%, and the average monthly premium increase is \$16. The requested effective date of the revised rates is January 1, 2010. The most recent prior rate adjustment for this program took effect on January 1, 2006. The current rate for First Eligible issues is \$92.30, and the requested rate is \$108.20. The rate adjustments would affect approximately 2,500 members, and would produce approximately \$480,000 in additional premium annually.

Unless formal administrative action is taken prior to October 28, 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).

[state.pa.us](http://state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Reviewer Name, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1534. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Keystone Health Plan West; Direct Pay Keystone-Blue for Kids; Rate Filing**

By filing No. 1A-CHK-09-KHPW, Keystone Health Plan West, Inc. requests approval to increase the premium rates for its Direct Pay KeystoneBlue Kids Plan. The filing requests an increase of about 30.0% or \$33.35 per member per month. This filing will affect approximately 1,300 members and will produce additional income of about \$516,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1535. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Keystone Health Plan West; Individual Conversion HMO; Rate Filing**

By filing No. 1-CONV-09-KHPW, Keystone Health Plan West HMO requests approval to increase the conversion rates by 10%. This filing will affect approximately 700 contracts and will produce additional income of about \$312,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 29, 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 Regional 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](mailto: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. 09-1536. Filed for public inspection August 14, 2009, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Randall J. Weston; file no. 09-169-73660; State Farm Mutual Automobile Insurance Company; Doc. No. P09-07-033; September 22, 2009, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated represen-

tatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1537. Filed for public inspection August 14, 2009, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Manual M210.3—Index of Issuances, Amended July 21, 2009.

Management Directive No. 210.1—Directives Management System, Amended July 14, 2009.

Management Directive No. 310.32—Voyager Fleet Card Invoice Processing for Agencies Using SAP, Dated July 20, 2009.

Administrative Circular No. 09-12—Revised Revenue Estimates, 2009-10 Fiscal Year, Dated July 17, 2009.

MARY JANE PHELPS,  
*Director,*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 09-1538. Filed for public inspection August 14, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Order

Public Meeting held  
April 30, 2009

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli; Wayne E. Gardner; Robert F. Powelson

*Cyber Security Plans Required by 52 Pa. Code §§ 101.1, et seq.; M-2009-2104273*

### Order

*By the Commission:*

The security of public utility infrastructure is central to the Commission's mission of ensuring safe and reliable

public utility service and of the utmost concern to this Commission. Providing guidance on the safety and reliability of such infrastructure falls squarely within our charge of ensuring that public utilities comply with the mandates of 66 Pa.C.S. § 1501.

As part of this duty, the Commission issued final Regulations on Public Utility Security Planning and Readiness at 52 Pa. Code §§ 101.1, *et seq.*, which became effective on June 11, 2005, requiring jurisdictional utilities to develop and maintain written physical security, cyber security, emergency response and business continuity plans. In addition, the Regulations require jurisdictional utilities to file a Self Certification Form with the Commission documenting compliance with the above-mentioned plans.

Additional information recently came to the attention of this Commission regarding the cyber security of public utility infrastructure, particularly that of electric utilities. The information that prompted the necessity for Commission action included the following:

- On March 10, 2009, in its Smart Grid Issues Summary, The National Institute of Standards and Technology (NIST) noted that cyber security standards adopted by North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) working group only apply to the bulk power system, which excludes most of the electrical distribution assets and systems and could leave security gaps.

- On March 19, 2009, Mr. Joseph M. Weiss, a nuclear engineer and Managing Partner of Applied Control Solutions, testified before the U.S. Senate Committee on Commerce, Science and Transportation on the current status of cyber security of critical infrastructures. He advised the Congress that the growing interconnectedness of utility control systems is increasing the risk of a cyber security incident, whether through an intentional act or not. He also noted that the NERC CIP cyber security standards were inadequate, and that additional regulation was needed.

- On April 7, 2009, the NERC issued a letter to industry stakeholders advising them of its concerns regarding the proper classification of critical cyber assets.

- On April 8, 2009, the *Wall Street Journal* published an article alleging that the U.S. electrical grid had been penetrated by spies who left software programs in place that could be used to disrupt the safe and reliable delivery of electricity.

The Commission issues this Order to clarify the scope of its existing Public Utility Security Planning and Readiness Regulations in order to address these concerns.

It is this Commission's goal to ensure that there are no security gaps at the distribution level of electric utility systems in the Commonwealth. There should be no doubt that *all* utility infrastructure assets squarely within the jurisdiction of this Commission, including electric utility distribution assets, must be included in a utility's development of security planning and readiness against potential cyber threats to a utility's ability to maintain safe and reliable facilities.

Jurisdictional electric utilities particularly should be aware that the adoption of NERC CIP cyber security standards alone may not adequately address the cyber security of distribution assets. Accordingly, the Commission makes the clarifications regarding its Public Utility Security Planning and Readiness Regulations:

- The definition of "Cyber security" at 52 Pa. Code § 101.2 is interpreted by this Commission to include the protection of all utility distribution assets from Internet or other cyber-related incidents.

- The definition of "Cyber security plan" at 52 Pa. Code § 101.2 is interpreted by this Commission to mean a plan that has components addressing the security of distribution, and not just bulk power system, utility assets.

It is incumbent upon all jurisdictional public utilities, not just electric utility systems, to review their current cyber security plans for compliance with this Order. While the primary impetus of our action is the security of electric utility systems, all utilities subject to Commission regulation should review and revise their plans as needed to ensure that all infrastructure assets are included in the development of security planning and readiness against potential cyber threats. It is further understood that our action also maintains the flexibility of our Regulations to changes in technology and standards developed by stakeholders such as NERC and NIST. *Therefore,*

*It Is Ordered That:*

1. Clarifications to the Commission's final Regulations on Public Utility Security and Readiness at 52 Pa. Code §§ 101.1, *et seq.*, are adopted.

2. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. A copy of this Order shall be served on all jurisdictional utilities subject to the provisions of 52 Pa. Code §§ 101.1, *et seq.*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1539. Filed for public inspection August 14, 2009, 9:00 a.m.]

## Order

Public Meeting held  
July 23, 2009

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli; Wayne E. Gardner; Robert F. Powelson

*Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund;*  
*Doc. No. I-00040105*

## Order

*By the Commission:*

Presently before this Commission for consideration is the Joint Motion of The Pennsylvania Telephone Association<sup>1</sup> (PTA), Office of Consumer Advocate (OCA), and The

<sup>1</sup>The PTA consists of the following rural incumbent local exchange carriers: Armstrong Telephone Company—Pennsylvania, Armstrong Telephone Company—North, Bentleyville Telephone Company, Buffalo Valley Telephone Company, Citizens Telephone Company of Kecksburg, Citizens Telecommunications Company of New York, Frontier Communications Commonwealth Telephone Company, LLC (d/b/a Frontier Commonwealth), Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Canton, LLC, Frontier Communications—Lakewood, LLC, Frontier Communications—Oswayo River, LLC, Frontier Communications of PA, LLC, Conestoga Telephone & Telegraph Company, D&E Telephone Company, Hickory Telephone Company, Ironton Telephone Company, Lackawaxen Telecommunications Services, Laurel Highland Telephone Company, Mahanoy & Mahantango Telephone Company, Marianna & Scenery Hill Telephone Company, The North-Eastern Pennsylvania Telephone Company, North Penn Tele-

United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania ("Embarq PA"), (collectively "Joint Movants"). The Joint Motion concerns the PTA/OCA/Embarq PA's request that the Commission grant a further stay of the above-captioned investigation at I-00040105. Several parties support the Joint Motion and other parties object to a further stay of the investigation.

By Order entered April 24, 2008, the stayed investigation was opened for the limited purpose of addressing the \$18.00 cap on R-1 benchmark/caps and any equivalent B-1 benchmark/cap. This limited investigation is intended to determine whether there is a need to increase the rate caps and/or funding for the Pennsylvania Universal Service Fund ("PaUSF") in order to accommodate the revenue increases authorized for rural ILECs that are now resulting in increased local service rates beyond benchmark rate caps. If it is determined that the \$18.00 cap should be increased, the investigation should also determine whether the size of the fund should be increased, decreased or remain the same. Further, the current investigation is examining whether a needs based test should be used to determine whether rural ILECs qualify for PaUSF funding. On July 23, 2009, Administrative Law Judge Susan D. Colwell issued a Recommended Decision regarding the limited investigation.

#### *Procedural History*

##### *Intrastate Access Charge Investigation Procedural History*

Our *Global Order*<sup>2</sup> of September 30, 1999 reduced access charges of all local incumbent exchange carriers operating in Pennsylvania. That order established the PaUSF to enable the rural ILECs and Sprint/United<sup>3</sup> to reduce access charges and intraLATA toll rates while, at the same time, ensuring that residential basic local service rates did not exceed the designated price cap of \$16.00 per month. The *Global Order* also called for an investigation to be initiated in January 2001 to further refine a solution to the question of how the carrier charge (CC) pool could be reduced and to consider the appropriateness of a toll line charge to recover any resulting revenue reductions.

On July 15, 2003, at Docket Nos. M-00021596, P-00991648, P-00991649, M-00031694, M-00031694 C0001, and P-00930715, this Commission entered an order granting a Joint Procedural Stipulation filed on June 5, 2003, by the RTCC, Sprint/United, OTS, OCA, OSBA, AT&T Communications of Pennsylvania, Inc., Verizon and MCI WorldCom Network Services, Inc. The July 15, 2003 order further reduced intrastate access charges for the rural telephone companies operating within the Commonwealth and increased the cap on basic residential local service rates from \$16.00 to \$18.00 per month. The size of the PaUSF was not changed. No regulations were promulgated to alter the regulations<sup>4</sup> governing the PaUSF or to terminate the fund. The PaUSF continues until a further rulemaking is completed.

phone Company, Consolidated Communications of Pennsylvania Company (f/k/a North Pittsburgh Telephone Company), Palmerton Telephone Company, Pennsylvania Telephone Company, Pymatuning Independent Telephone Company, South Canaan Telephone Company, Sugar Valley Telephone Company, Venus Telephone Corporation, Windstream Pennsylvania, LLC f/k/a ALLTEL Pennsylvania, Inc., and Yukon-Waltz Telephone Company.

<sup>2</sup>Re *Nextlink Pennsylvania, Inc.*, Docket No. P-00991648; P-00991649, 93 PaPUC 172 (September 30, 1999) (*Global Order*); 196 P.U.R. 4th 172, *aff'd sub nom. Bell Atlantic-Pennsylvania, Inc. v. Pennsylvania Public Utility Commission*, 763 A.2d 440 (Pa.Cmwlth. 2000), *alloc. granted*, 844 A.2d 1239 (Pa. 2004).

<sup>3</sup>Sprint/United later divested its landline operations. The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania is the local landline telephone company.

<sup>4</sup>The regulations governing the PaUSF are found at 52 Pa. Code §§ 63.161—63.171. There is no sunset provision in the regulations; however, in December, 2004, the Commission was contemplating whether it should begin the legal process of rulemaking to terminate the fund on December 31, 2006.

On December 20, 2004, the Commission entered an order in the above-captioned case instituting an investigation into whether there should be further intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural incumbent local exchange carriers. This investigation was instituted as a result of the Commission's prior order of July 15, 2003, which discussed implementing continuing access charge reform in Pennsylvania. The July 15, 2003, order also provided that a rulemaking proceeding would be initiated no later than December 31, 2004, to address possible modifications to the PaUSF regulations and the simultaneous institution of a proceeding to address all resulting rate issues should disbursements from the PaUSF be reduced in the future.

The December 20, 2004, order directed the Office of Administrative Law Judge (OALJ) to conduct the appropriate proceedings including, but not limited to, a fully developed analysis and recommendation on the following questions:

- a) Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the rural ILECs' territories.
- b) What rates are influenced by contributors to and/or disbursements from the PaUSF?
- c) Should disbursements from the PaUSF be reduced and/or eliminated as a matter of policy and/or law?
- d) Assuming the PaUSF expires on or about December 31, 2006, what action should the Commission take to advance the policies of this Commonwealth?
- e) If the PaUSF continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the Commission know which wireless carriers to assess? Will the Commission need to require wireless carriers to register with the Commission? What would a wireless carrier's contribution be based upon? Do wireless companies split their revenue bases by intrastate, and if not, will this be a problem?
- f) What regulatory changes are necessary to 52 Pa. Code §§ 63.161—63.171 given the complex issues involved as well as recent legislative developments?

Following the institution of this investigation, the Federal Communications Commission (FCC), on March 3, 2005, entered a further order addressing its intercarrier compensation proceeding at CC Docket No. 01-92 (FNPRM). The FCC is comprehensively examining the intercarrier compensation regime including interstate and intrastate access, reciprocal compensation and universal service. The FCC stated that one of the main reasons reform is needed is because the current intercarrier compensation system is based on jurisdictional and regulatory distinctions that are no longer linked to technological or economic differences. FNPRM at par. 15. The FCC also established goals for intercarrier compensation reform including the preservation of universal service and the promotion of economic efficiency (FNPRM at par. 33).

By order entered August 30, 2005, this Commission stayed the instant investigation for a period not to exceed 12 months unless extended by Commission order, or until the FCC issued its ruling in its *Unified Intercarrier Compensation* proceeding. We further ordered that upon the expiration of the 12-month stay of the investigation or

the issuance of a FCC ruling in the *Unified Intercarrier Compensation* proceeding, whichever occurred earlier, the parties to the proceeding should submit status reports to the Commission pertaining to common or related matters in the instant investigation and the FCC's *Unified Intercarrier Compensation* proceeding and the need for any coordination of those matters or any new matters that may arise once the instant investigation is reinstated. We also stated that we would entertain future requests for further stays of this investigation for good cause shown and for the purpose of coordinating this Commission's action with the FCC's ruling in its *Unified Intercarrier Compensation* proceeding. Our order stated that upon receipt of the status reports, Commission Staff should prepare a recommendation regarding the reinstatement of this investigation and taking of any other appropriate action.

In July, 2006, the so-called Missoula Plan<sup>5</sup> was submitted to the FCC. Generally, the Missoula Plan sought to unify intercarrier charges for all traffic over a 4-year time period, reduce intercarrier compensation rates, provide an ability to recover those reduced rates through explicit means, move rates for all traffic closer together, and establish uniform default interconnection rules. By notice issued July 25, 2006, the FCC requested parties submit comments on the Missoula Plan by September 25, 2006, and reply comments by November 9, 2006.

On August 17, 2006, this Commission adopted a motion of Vice Chairman James H. Cawley convening a workshop and facilitated discussion of interested participants, to facilitate the development of comments to the FCC. The workshop was conducted and Commission comments were submitted to the FCC on October 25, 2006. The Missoula Plan and other intercarrier compensation reform proposals are currently pending before the FCC for consideration. This FCC proceeding continues to have significant potential to directly impact the issues in the instant proceeding.

On or about August 30, 2006, status reports were submitted to the Commission by the RTCC, OTS, OCA, Embarq,<sup>6</sup> Verizon, Sprint/Nextel Corp.,<sup>7</sup> the Wireless Carriers, and Qwest Communications. Additionally, the RTCC, OTS, OCA and Embarq filed a Joint Motion for further stay of investigation to which the other parties filed status reports in objection. That Joint Motion was granted by order dated November 15, 2006, which again stayed the investigation pending the outcome of the FCC's *Unified Intercarrier Compensation* proceeding at CC Docket No. 01-92, or until November 15, 2007, whichever was earlier. The order further directed that upon expiration of the 12-month stay, the parties should again submit status reports to the Commission pertaining to common or related matters in the investigation and the FCC's proceeding and the need for any coordination of those matters or any new matters that may arise once the Investigation is reinstated. Ordering Paragraph No. 4. Status reports were due 30 days prior to the expiration of the 12-month stay or 30 days following the FCC decision, whichever occurred earlier. The Commission granted the stay but allowed for a limited investigation into the rate caps on residential and business rates, as

<sup>5</sup>The Missoula Plan was filed on July 24, 2006, by the National Association of Regulatory Utility Commissioners (NARUC) in recognition of one meeting site where the proposal was considered. It was not endorsed by NARUC, but the filing is one in a series of intercarrier compensation proposals in the FCC's CC Docket No. CC 01-92.

<sup>6</sup>The RTCC, OTS, OCA and Embarq filed a joint status report.

<sup>7</sup>Sprint Nextel Corp. filed on behalf of Sprint Communications Company L.P., its interexchange and competitive local exchange carrier entity, and its wireless entities operating in the Commonwealth: Sprint Spectrum, L.P. d/b/a Sprint PCS and Nextel Communications, Inc., and NPCR, Inc. d/b/a Nextel Partners.

well as the PaUSF. A recommended decision regarding the limited investigation is expected on July 27, 2009, by ALJ Susan Colwell.

The FCC has not made a decision to date regarding its intercarrier compensation proceeding. On March 25, 2009, PTA, OCA, and Embarq PA filed a Joint Motion for further stay of our investigation. Verizon, Sprint, Qwest, and AT&T filed Answers to the Motion. Said motion for a fourth stay is ripe for a decision.

#### **Background of the PaUSF from the *Global Order***

We established the PaUSF through our *Global Order* wherein we stated:

The USF is a means to reduce access and toll rates for the ultimate benefit of the end-user and to encourage greater toll competition, while enabling carriers to continue to preserve the affordability of local service rates. Although it is referred to as a fund, it is actually a pass-through mechanism to facilitate the transition from a monopoly environment to a competitive environment—an exchange of revenue between telephone companies which attempts to equalize the revenue deficits occasioned by mandated decreases in their toll and access charges.

*Global Order*, page 142.

The establishment of the PaUSF was carried out on a revenue-neutral basis and included the rebalancing of intrastate access charges, toll rates, and local rates by the rural local exchange carriers. The PaUSF was a modified version of a settlement plan submitted by the RTCC and Bell Atlantic-Pennsylvania, Inc. (Bell is now Verizon-PA).

The components of the PaUSF, from the standpoint of the RTCC members, are briefly summarized below:

1. All small incumbent local exchange carriers, which included all ILECs other than Bell and GTE North (GTE North is now Verizon-North), were directed to be recipients of the PaUSF. The PaUSF was established for the purpose of the rate rebalancing needs of the rural local exchange carriers including reductions in their intrastate access and toll rates. All Pennsylvania telecommunications service providers (excluding wireless carriers) were directed to contribute to the PaUSF based upon their intrastate end-user revenues.

2. The RTCC members were permitted to restructure, modify and reduce their access, toll and local rates, as follows:

- a) Intrastate traffic sensitive switched access rates and structure (including local transport restructure) were converted to mirror interstate switched access rates and structure in effect on July 1, 1998.

- b) The Common Carrier Line Charge ("CCLC") was restructured as a flat-rate Carrier Charge ("CC") and reduced to an intrastate rate not exceeding \$7.00 per line and allocated to intrastate toll providers based on their relative minutes of use.

- c) The RTCC members were given the opportunity to reduce their intrastate toll rates to an average rate not lower than \$.09 per minute.

- d) The RTCC members with low local exchange rates were permitted to increase their residential one-party basic, local rates to an average monthly charge of at least \$10.83, to the extent necessary to offset the reduced toll rates.

- e) Those RTCC members with an average monthly R-1 rate above \$16.00 (inclusive of touch-tone) were



directed to provide their customers with a Universal Service credit to effectively reduce the rate to \$16.00 with the difference coming out of the PaUSF.

See *Global Order* at pp. 151-152. Sprint/United (now known as Embarq PA) was not an original participant in the RTCC plan in the *Global* proceeding, but after pleading its inclusion in the PaUSF at the *Global Order* hearings, the Commission ordered that Sprint/United be included as a recipient carrier and in exchange for access charge reductions, it be allowed to draw \$9,000,000 from the PaUSF annually.

We also stated in our *Global Order*:

[W]e shall initiate an investigation on or about January 2, 2001, to further refine a solution to the question of how the Carrier Charge (CC) pool can be reduced. At its conclusion, but no later than December 31, 2001, the pool will be reduced. In addition, we shall consider the appropriateness of a Toll Line Charge (TLC)[or an intrastate Subscriber Line Charge] to recover any resulting reductions.

*Global Order* at 60.

### Further Access Charge/Federal USF Reform History

In addition to the Commission's competitive undertakings on the intrastate side, the FCC instituted numerous proceedings aimed at further addressing an orderly transition from monopoly to a more competitive environment.

Pursuant to TA-96, the FCC undertook reform of both interstate access charges and federal universal service support mechanisms. Beginning in 1997, the FCC adopted several measures to move interstate access charges for price cap carriers toward lower, cost-based levels by revising the recovery of loop and other non-traffic sensitive costs from per-minute charges to flat per line charges thereby aligning rates more closely with the way the costs are incurred.

For example, in order to phase out interstate carrier common line ("CCL") charges, the per-minute charges assessed on interexchange ("IXC") carriers through which ILECs recover their residual non-traffic sensitive interstate loop costs that are not recovered through their capped federal subscriber line charges ("SLCs"), the FCC created the presubscribed interexchange carrier charge ("PICC"), a flat, per line monthly charge imposed on IXCs. The FCC also shifted the non-traffic sensitive costs of the line ports from per-minute local switching charges to the common line category and established a mechanism to phase out the per-minute transport interconnection charge (TIC). The FCC held that more rate structure modifications would be required to create a system that accurately reflects the true cost of service in all respects.

In its *Interstate Access Support Order*<sup>8</sup> the FCC continued the process of access charge and universal service reform for price cap local exchange carriers. That order prescribed a more straightforward, and purportedly economically rational, common line rate structure by increasing the caps on the SLC, a flat monthly charge assessed directly on end-users to recover interstate loop costs, and phasing out the PICC, which the FCC viewed as economically inefficient due to the indirect flow of loop costs to end-users through IXCs. The FCC also revisited the controversial "X-factor," in the federal price cap mechanism changing its function from a productivity offset to a

tool for reducing per-minute access charges to target levels proposed by parties participating before the federal agency.

The FCC also established a new interstate access support mechanism, capped at \$650 million annually, to replace what the FCC deemed implicit support included in the interstate access charges of price cap carriers, finding \$650 million to be a reasonable amount that would provide sufficient, but not excessive, support. In this regard, the FCC observed that a range of funding levels might be deemed "sufficient" for purposes of TA-96, and that "identifying an amount of implicit support in our interstate access charge system to make explicit is an imprecise exercise."<sup>9</sup>

In recognition of the need for a more comprehensive review of the issues of access charge and universal service reform for the remaining 1,300 or so rural local exchange carriers serving less than 2% of the nation's access lines, the FCC placed such reforms for the nonprice cap carriers on a separate track. As documented in a series of white papers prepared by the Rural Task Force, an *ad hoc* stakeholder group constituted by the FCC to study the differences between the provision of telecommunications services in rural and non-rural areas, rural carriers generally have higher operating and facilities costs due to lower subscriber population density, smaller exchanges and limited economies of scale.<sup>10</sup> Significantly, rural carriers rely more heavily on revenues from access charges and universal service support in order to provide ubiquitous and affordable local service. On May 23, 2001, the FCC released its *Fourteenth Report and Order and Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Report and Order, 16 FCC RCD 11244 (released May 23, 2001) ("*Rural Task Force Order*").

The *Rural Task Force Order* changed the manner in which rural interstate universal service support is currently calculated and applied. Among other things, the *Rural Task Force Order* endorsed use of a modified embedded cost mechanism for rural carriers, as opposed to a forward-looking cost mechanism required for price cap carriers, to determine rural carrier support, and included implementation of a rural growth factor (the sum of annual line growth and a general inflation factor) and a "safety net" additive and "safety valve" to provide support for new investment and growth above stated thresholds. While created as an interim plan, the FCC also made clear its intention to develop "a long-term plan that better targets support to carriers serving high-cost areas, while at the same time recognizing the significant differences among rural carriers, and between rural and non-rural carriers."<sup>11</sup>

The FCC also took major steps in beginning to reform interstate high-cost support, interstate access charges and universal service support systems for non-rural carriers through a series of reports and orders in the matter of *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 and the *Interstate Access Support Order*, and the interstate high-cost support for rural carriers through the *Rural Task Force Order*, the FCC began to address the matter of interstate access charge and univer-

<sup>8</sup>*Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charges*, CC Docket Nos. 96-262, 94-1, 91-213, 95-72, First Report and Order, 12 FCC Red 15982, May 31, 2000, (*Access Charge Reform Order*) at 15998 par. 35.

<sup>9</sup>*Interstate Access Support Order* at 13046 par. 201.

<sup>10</sup>See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9164-65 (1977) (*Universal Service First Report and Order*) at 8917 par. 253 (subsequent history omitted); *Rural Task Force Order*.

<sup>11</sup>*Id.* at 11249 par. 8.

sal service support reforms for the rural carriers. On November 8, 2001, the FCC issued its *Second Report and Order* at CC Docket Nos. 01-304, 00-256 (MAG Plan), 96-45 (USF), 98-77 (Access Charge Reform) and 98-166 (Authorized ROR), in what is referred to as the *MAG Order*. In the *MAG Order*, the FCC stated its intent to align the interstate access rate structure with a lower, more cost-based level, remove what the FCC deemed to be implicit support for universal service and replace it with explicit, portable and competitively neutral support. Specifically, the *MAG Order* lowered interstate access charges from approximately \$0.046 per minute to possibly as low as \$0.022 per minute, increased the interstate SLC over a period of time, and phased out the CCL by July 1, 2003, replacing it with a portable interstate common line support (“ICLS”) universal service mechanism. In addition, SLC caps were increased effective January 1, 2002, raising monthly per line SLC rates from a range of \$3.50—\$5.00 for residence and single line business to a range of \$6.00—\$6.50. These interstate changes have resulted in significant increases to most Pennsylvania consumers, which are in addition to the intrastate increases in local service rates under Pennsylvania’s intrastate access charge reforms and the rate effects of Chapter 30.

On March 12, 2009, the House Subcommittee on Communications, Technology and the Internet held hearings on a bill to reform the Federal Universal Service Fund (“USF”). Called the Universal Service Reform Act of 2007, the bill proposed to cap the growth of the Federal USF, in part, by limiting the number of eligible carriers and also by compensating them based upon their actual costs. This proposed legislation also sought to allow disbursements to be used for broadband deployment. Chairman Boucher has indicated he is in the process of revising the legislation.

On November 5, 2008, at CC Docket No. 01-92, the FCC issued a pending *Intercarrier Compensation Notice of Proposed Rulemaking* (“ICC NOPR”) which considers a radical restructuring of the intercarrier compensation system and federal USF as proposed by former FCC Chairman Martin. The plan includes the concept of subjecting all traffic to a new reciprocal compensation methodology designed to drive down interstate and intrastate access rates and to be implemented by state regulators. The plan further proposes to raise the cap on the national subscriber line charge up to \$8.00—\$8.50 per month from the current \$6.50 level. Chairman Martin’s draft was released at CC Docket No. 01-92 as a Notice of Proposed Rulemaking and appeared in the *Federal Register* on November 10, 2008.

There are also pending state matters before this Commission. In January 2007, this Commission entered an order staying a pending investigation involving the Verizon companies pending the outcome of the FCC’s Intercarrier Compensation proceeding or for a period of one year until January 8, 2008, whichever is less. The Commission granted Verizon a further one-year stay by order entered September 11, 2008.

Currently, pending before the Commonwealth Court are two appeals that could affect the PaUSF.<sup>12</sup> Briefs have been filed and the parties are awaiting the scheduling of oral argument.

Finally, there exist 96 complaints requesting further intrastate access charge reductions pending before the

Commission *In re: AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company—Pennsylvania, et al.*; Docket No. C-2009-2098380, *et al.*; *TCG New Jersey, Inc. v. Armstrong Telephone Company—Pennsylvania, et al.*; Docket No. C-2009-2099805, *et al.*; and *TCG Pittsburgh, Inc. v. Armstrong Telephone Company—Pennsylvania, et al.*, Docket No. C-2009-2098735, *et al.* On June 26, 2009, the Pennsylvania Telephone Association (PTA) and Embarq PA submitted a Petition Requesting Interlocutory Review and Answer to Material Questions to this Commission regarding issues arising from these complaints. These material questions for review includes question of whether the ALJ erred in denying the Preliminary Objections filed by the PTA and Embarq PA seeking to dismiss the complaints and whether the Commission should grant the Motion for Stay or Consolidation seeking to stay or consolidate AT&T’s complaint with the pending PUC investigation at Docket No. I-00040105. These material questions are being addressed in a separate Commission Order.

### Discussion

In the instant proceeding, the Joint Movants request that the Commission issue an order staying the above-captioned investigation for at least one year after the Commission enters an order acting on this Joint Motion, or until the FCC rules on its *Unified Intercarrier Compensation* proceeding at CC Docket No. 01-92, whichever is earlier. This would be the fourth such 12-month stay. The parties in opposition to the Joint Motion request the Commission resume a full investigation of all issues.

The Joint Movants claim that because the FCC’s *Unified Intercarrier Compensation* proceeding at CC Docket No. 01-92 and pending federal legislation may substantially alter the law governing intrastate universal service programs, these continuing federal administrative and legislative activities present a “moving target” of uncertain result with respect to the parameters and outcomes of any further investigation undertaken in this docket at this time. Joint Movants argue that the federal proposals and the pending state level litigation could have a significant impact on rural access reform. The federal proposals cover both interstate and intrastate access charge reform and affect both the federal and Pennsylvania USFs. Accordingly, Joint Movants claim it would be unreasonable, unproductive and impractical for this Commission to act further on rural access reform in advance of the FCC. Therefore, a further stay of the full-blown access charge investigation regarding the lowering of intrastate access charges is warranted.

Verizon<sup>13</sup> responded to the Joint Motion on April 17, 2009, opposing continuation of a stay of the investigation. Instead, Verizon requested the Commission act to reduce the gap between the highest rural local exchange carrier’s access rates and the rates Verizon and other carriers are permitted to charge for the same services. Verizon requests the Commission require the rural ILECs to make substantial progress towards reducing their access rates and to disclose their intrastate switched access rate elements and average rate per minute of use for the years 2006 and 2007. Verizon claims that it charges on average about \$0.017 per minute for intrastate switched access service in Pennsylvania, a rate below the national average, while most of the rural ILECs’ switched access rates average over \$0.04 per minute, and some are as high as \$0.09 or \$0.11 per minute.

<sup>12</sup>*Buffalo Valley Telephone Company, Conestoga Telephone and Telegraph Company, and Denver and Ephrata Telephone and Telegraph Company v. Pennsylvania Public Utility Commission*, No. 847 C.D. 2008 and *Irwin A. Popowsky, Consumer Advocate v. Pennsylvania Public Utility Commission*, No. 940 C.D. 2008.

<sup>13</sup>Verizon filed on behalf of the Verizon ILECs, Verizon Pennsylvania, Inc. and Verizon North, Inc. as well as Verizon’s CLEC, MCImetro Access Transmission Services, LLC, d/b/a Verizon Access Transmission Services, (collectively referred to as “Verizon”).

Verizon contends that consumers in the RLECs' territories suffer as their choices of competitive providers are limited. Additionally, Verizon claims its customers suffer because Verizon has to pay high intrastate access charges to support the RLECs, and this money could be used to provide better and less expensive services and products to its own customers.

Verizon contends that the limited investigation has shown that the RLECs are not little "Mom and Pop" companies. In fact, a number of RLECs are affiliated with large, sophisticated national carriers yet they still charge high access rates. Verizon contends Frontier/Commonwealth averages among the highest of the RLECs at over \$0.07 per minute for intrastate switched access, Embarq charges almost \$0.05 per minute, and Windstream, Consolidated/North Pittsburgh and the D&E Companies charge around \$0.04 per minute. Verizon avers that if the rural ILEC rates were lower and the disparity between their rates and those of other carriers were reduced, then the balance might tilt in favor of waiting for the FCC to decide its intercarrier compensation regime. However, Verizon argues the Commission should uphold its duty to investigate the intrastate access rates, regardless of any pending action at the FCC. Verizon admits that it would be good for a state to coordinate its requirements with the federal government's, but because there is no imminent FCC action in intercarrier compensation, there is no basis to postpone the proceeding and delay further access charge reductions.

Verizon points to Virginia as a state moving forward with access charge reform for Embarq as a result of a Sprint petition. Other access charge reform is being considered in Kentucky, Washington, and Kansas. Therefore, Verizon contends that Pennsylvania ought to be reconsidering its access charge reform.

AT&T Communications of Pennsylvania, LLC ("AT&T") filed an Answer on April 17, 2009, requesting the Commission resume this proceeding with the objective of removing implicit subsidies by reducing intrastate access rates to appropriate levels and rebalancing reduced ILEC revenues through increases to retail rates and a state universal service funding mechanism that would result in more economically rational prices for all rural incumbent local exchange carriers ("rural ILECs") services.

Primarily, AT&T argues it has been 4 years since access charge reform in Pennsylvania, and it is time for Pennsylvania to fulfill its promise to complete the access charge investigation and decide three issues. AT&T requests the Commission decide whether the RLECs' intrastate access charges should be reduced to mirror the interstate access charges.

AT&T claims that the rural carriers in Pennsylvania are not so rural or small in that more than a million of the 1.1 million lines served by the Rural ILECs are provided by just five companies, all large national carriers which, with one exception, are headquartered outside of Pennsylvania. Embarq recently merged with Century Tel to form an even larger national carrier, headquartered in Louisiana. Embarq serves approximately 300,000 lines as does Frontier. Windstream serves nearly 200,000, and the D&E Companies serve more than 100,000. The fifth largest carrier, North Pittsburgh, part of Consolidated Communications based in Mattoon, Illinois, serves some 50,000 lines in Pittsburgh's suburbs.

AT&T asserts these 5 largest national carriers should be the central focus of the Commission's access reform

effort. Of the 19 other RLECs, none serve more than 12,000 lines and collectively, they serve fewer than 100,000 lines.

AT&T avers that the Commission should resume the proceeding and remove implicit subsidies by reducing intrastate access charges to appropriate levels and rebalance revenues through increases to retail rates and the PaUSF. AT&T believes the more states that engage in intrastate access reform, the less likely it will be that the FCC would take any action that could be construed as punitive towards those states. AT&T encourages this Commission to join West Virginia, Virginia, and New Jersey who have recently opened full intrastate access charge investigations. AT&T does not believe the FCC or the federal government will act quickly with regard to intercarrier compensation and intrastate access charges "given the laser focus on the nation's economic woes." *AT&T Answer* p. 9.

Qwest Communications Corporation ("Qwest") filed a status report on March 25, 2009, requesting the Commission reinstitute its investigation of rural intrastate access charges because it is unlikely the federal government will issue a ruling soon on intercarrier compensation. Qwest argues that "traffic pumping" of IXC traffic to rural carriers with high access charges is occurring by third parties. The profitable access charge revenues are then being shared by the rural carrier and the third party. Qwest argues this is a nationwide problem.

Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel Communications of the Mid-Atlantic, Inc. and NPCR, Inc., (collectively "Sprint") submitted an Answer to the Joint Motion requesting the Commission resume the investigation because no federal action directly impacting rural local exchange company intrastate access charges is imminent and further delay prevents the Commission from making progress on the important access charge and universal service issues we identified as the focus of this investigation in December, 2004. Sprint asserts that unless the Commission loses or cedes its jurisdiction over intrastate traffic, neither of which Sprint sees as a likely outcome of the *Unified Intercarrier Compensation* proceeding, action by the Commission will be required to effectuate any solution to Pennsylvania's inflated access rates announced by the FCC. Therefore, Sprint urges this Commission to deny the Joint Motion on the grounds that intrastate access reform, particularly for the rural carriers, is urgently needed.

## Resolution

The Commission has repeatedly stayed the examination of the intrastate carrier access charges of rural incumbent local exchange carriers (RLECs) in the context of its *Intrastate Access Charge Investigation* for valid reasons.<sup>14</sup> These reasons were partially based on the parallel initiatives of the FCC on intercarrier compensation reform at the national level, and their potential interaction with intrastate carrier access charges and basic telephone service retail rates under Chapter 30 of the Public Utility Code.<sup>15</sup> With its April 24, 2008 Order in the *Intrastate Access Charge Investigation* the Commission directed the

<sup>14</sup>See generally *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund*, Docket No. I-00040105, Order entered August 30, 2005, Order entered November 16, 2006.

<sup>15</sup>*In re Developing a Unified Intercarrier Compensation Regime* (FCC March 3, 2005), CC Docket No. 01-92, *Further Notice of Proposed Rulemaking*, FCC 05-33 (*Unified Intercarrier Compensation*). See also 66 Pa. C.S. § 3017(a).

limited reopening of that proceeding and referred the examination of certain issues to the Office of Administrative Law Judge (OALJ).<sup>16</sup>

During the intervening time frame, we have not seen any substantial resolution of intercarrier compensation issues by the FCC on the national level. The latest FCC proposals on national intercarrier compensation and federal universal service fund (USF) reform were put forward in November 2008.<sup>17</sup> However, the FCC still must take substantive action, and it is unclear whether the FCC will appropriately prioritize the area of intercarrier compensation and federal USF reform for ultimate resolution any time soon.

This Commission, unlike what has occurred in many other states, has proceeded with numerous intrastate carrier access charge reforms and the institution of a Pennsylvania-specific USF. However, ongoing proceedings both before the Commission and the Pennsylvania Commonwealth Court<sup>18</sup> have provided serious indications that, in the absence of substantive FCC actions in the areas of national intercarrier compensation reform and the federal USF, this Commission may need to again undertake the initiative of reexamining the area of intrastate carrier access charges for the RLECs. The AT&T complaint underlines the need for such action.

Therefore, based upon these circumstances and our review of the parties' positions, we are persuaded that the access charge investigation should be resumed at this time. The pending proposals that are before the FCC to impose a \$0.0007 rate to interstate and intrastate access charges alike nationwide and of pending federal legislation do not alone warrant a fourth one-year stay of the investigation as FCC action does not appear to be imminent.<sup>19</sup>

The Recommended Decision by ALJ Susan Colwell entered on July 23, 2009, as well as the evidentiary record in that limited investigation will assist us in resolving the full investigation, and the issues already adjudicated before Administrative Law Judge Susan Colwell during the limited reopening of the investigation shall not be relitigated absent extraordinary circumstances.

In the event that the FCC makes a final determination regarding intercarrier compensation regimes during our full investigations, the impact of said determination should be addressed by all interested parties as part of the proceeding. We acknowledge that former Chairman Martin's proposal as well as other proposals before the FCC in the *Unified Intercarrier Compensation* proceeding

could have a significant impact on rural access reform as many of these proposals advocate interstate and intrastate access charge reform as well as federal and state universal service funds. Most of the proposals suggest that rural carriers should continue to receive funding of their networks to foster universal service and in many cases create supplemental rural universal service funding or access charge replacement funding to compensate rural carriers for additional required access reform.

We submitted comments to the FCC on November 26, 2008, to the *ICC NOPR* declaring Pennsylvania to be one of several states that have undertaken extensive reform of our intercarrier compensation rates and have established a state universal service fund in connection with intrastate access charge reductions. This Commission already has affected in excess of \$1 billion in intercarrier compensation reform in Pennsylvania broken down into \$605.9 million on Verizon's access rate reductions, \$189.4 million on rural carrier access rate reductions, and \$218.3 million from the PaUSF to support access rate reform since 2000.

Although the Joint Motion does not expressly state whether the Joint Movants advocate a continuation of the current PaUSF under the existing regulations codified at 52 Pa. Code §§ 63.161—63.171, it can be inferred that it is the position of the Joint Movants that the *status quo* be maintained until there is a resolution after an investigation and until a future rulemaking determines otherwise consistent with the eventual rulings of this Commission at the limited reopened stage of this Investigation. We are of the opinion that maintaining the *status quo* will also ensure that the current levels of intrastate access charges will not be increased during the stay. It has been, and continues to be the intention of this Commission, since the *Global Order* of 1999, to gradually lower intrastate access charges so as to allow for greater competition in the intrastate and interexchange toll markets. At the same time we recognize the mandates of Chapter 30 require that local service rates be reasonable and affordable in all areas of this Commonwealth.

Accordingly, for these above-stated reasons, the Joint Motion will be denied. Until there is a resolution to access charge reform, the *status quo* stays in place, and the PaUSF shall continue under the existing regulations codified at 52 Pa. Code §§ 63.161—63.171 until such time as new regulations are promulgated eliminating or modifying the Fund; *therefore*,

*It Is Ordered That:*

1. The Joint Motion of The Pennsylvania Telephone Association, Office of Consumer Advocate, and The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania is hereby denied.
2. The stay of the intrastate access charges portion of this investigation is hereby lifted.
3. This investigation at Docket No. I-00040105 consolidated with the 96 complaints at Docket Nos. C-2009-2098380 *et al.*, *In Re: AT&T Communications of Pennsylvania, LLC et al. v. Armstrong Telephone Company-Pennsylvania, et al.* are hereby assigned to the Office of Administrative Law Judge for the development of the appropriate evidentiary record and the issuance of a Recommended Decision within twelve (12) months from the date of entry of this Order.
4. The participating parties shall be afforded due process opportunities to supplement the evidentiary record; however, in the interest of judicial efficiency, the issues already adjudicated before Administrative Law Judge

<sup>16</sup>*Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund et al.*, Docket No. I-00040105 *et al.*, Order entered April 24, 2008, Order entered September 25, 2008, and Recommended Decision by ALJ Susan Colwell entered July 23, 2009.

<sup>17</sup>*In re High-Cost Universal Service Support et al.*, (FCC November 5, 2008), WC Docket No. 05-337 *et al.*, *Order on Remand and Report and Order and Further Notice of Proposed Rulemaking*, FCC 08-262.

<sup>18</sup>*Buffalo Valley Tel. Co. et al. v. Pa. Pub. Util. Comm'n.*, No. 847 C.D. 2008 (Pa. Cmwlth.) case pending; *Popowsky v. Pa. Pub. Util. Comm'n.*, No. 940 C.D. 2008 (Pa. Cmwlth.) case pending.

<sup>19</sup>*Federal Communication Commission's Public Notice of Proposed Rulemaking on Intercarrier Compensation* (Docket No. 01-92) at FCC 08-262 published in the *Federal Register* on November 10, 2008 (the *ICC NOPR*). The Intercarrier Compensation proposals establish an interim reciprocal compensation rate of \$0.0007 per Minute of Use (MOU). *Id.* The proposals uniformly require state commissions to conduct a series of cost-study proceedings to arrive at a reciprocal compensation rate that does not exceed the transitional rate. The cost studies are to replace total element long-run incremental cost (TELRIC) rates, which contained cost allocations for non-traffic sensitive and traffic sensitive costs, with a new incremental cost model that allocates only traffic sensitive costs to access termination rates. The states would have a 10-year period to transition from current rates to the uniform rate. The imposition of the uniform rate is essentially constructive preemption of the PaPUC's right and jurisdictional duty to set intrastate access charge rates. The PaPUC has traditionally implemented the TELRIC standard in numerous proceedings for the establishment of cost-based rates in interconnection agreements and related exchange and termination of traffic.

Susan Colwell during the limited reopening of the *Intrastate Access Charge Investigation* at Docket No. I-00040105 shall not be relitigated absent extraordinary circumstances.

5. The participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between: a) any Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa.C.S. §§ 3015 and 3017; c) the Pennsylvania Universal Service Fund; and d) the potential effects on rates for the basic local exchange services of the rural ILECs to the extent this is consistent with the Commission's determinations in the limited investigation.

6. The Commission Staff from the Office of Special Assistants and the Law Bureau is hereby directed to continue monitoring the Federal Communications Commission's *Unified Intercarrier Compensation* proceeding.

7. The Pennsylvania Universal Service Fund shall continue under the existing regulations codified at 52 Pa. Code §§ 63.161—63.171 until such time as new regulations are promulgated eliminating or modifying the Fund.

8. Absent extraordinary circumstances, intrastate access charges of the rural incumbent local exchange carriers including Embarq shall not increase during the investigation.

9. The current average benchmark caps on residential R-1 rates and corresponding business rate caps shall remain in effect unless modified by future Commission Order.

10. That a copy of this order be delivered to all telecommunications carriers operating in Pennsylvania, the Office of Consumer Advocate, Office of Small Business Advocate, and to Solix, Inc., the current Administrator of the Pennsylvania Universal Service Fund.

11. That a copy of this order be delivered for publication to the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-1540. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Petition of BLC Management, LLC, d/b/a Angles Communications Solutions, for Designation as an Eligible Telecommunications Carrier under section 214(e) of the Telecommunications Act of 1996; Doc. No. P-2009-2104963**

BLC Management LLC, d/b/a Angles Communications Solutions (ACS), petitions for designation as an Eligible Telecommunications Carrier (ETC) for low-income Federal universal service funding. The petition seeks approval for a service area which extends to wire centers in service areas of Verizon Pennsylvania, Inc., and Verizon North, Inc., as set forth in approved tariffs. The Pennsylvania Public Utility Commission (Commission) invites any interested party to comment on this petition. Interested parties must submit comments on the petition within 7 days of publication in the *Pennsylvania Bulletin*. Reply Comments must be submitted within 14 days of publica-

tion in the *Pennsylvania Bulletin*. Parties must submit an original and 15 copies to the attention of the Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

Copies of the petition may be obtained from the Commission, Office of the Secretary, upon request, or by accessing the Commission's web page <http://www.puc.state.pa.us>. The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-1541. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Petition of Full Service Network, LP for a Declaratory Order or, in the Alternative, an Exemption/Waiver of Various Chapter 64 Regulations as Applied to Prepaid Landline Service; Doc. No. P-2009-2097542**

Full Service Network, LP, (Full Service), petitions for declaratory order that certain sections of Chapter 64 consumer protection regulations do not apply to Full Service's prepaid landline service. As an alternative to declaratory order, Full Service seeks exemption and/or waiver from the various Chapter 64 Consumer protection regulations which would be in conflict with the proposed prepaid landline telecommunications service. The Pennsylvania Public Utility Commission (Commission) invites any interested party to comment on this petition. Interested parties must submit comments on the Full Service petition within 7 days of publication in the *Pennsylvania Bulletin*. Reply Comments must be submitted within 14 days of publication in the *Pennsylvania Bulletin*. Parties must submit an original and 15 copies to the attention of the Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

Copies of the petition may be obtained from the Commission, Office of the Secretary, upon request, or available on the Commission's web page at [www.puc.state.pa.us](http://www.puc.state.pa.us). The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-1542. Filed for public inspection August 14, 2009, 9:00 a.m.]

**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 31, 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.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2009-2119961. Goodwill Industries of the Conemaugh Valley, Inc.** (540 Central Avenue, Johnstown, Cambria County, PA 15902), a corporation of the Commonwealth—persons, in paratransit service: (1) to individuals with disabilities or disadvantages, including persons ages 7 to 20 with severe behavioral and social issues, through subcontract with Community Action Partnership of Cambria and Somerset County, the designated Cambria and Somerset County Medical Assistance Transportation Program (MATP) administrators, to eligible and authorized mental health clientele prescribed due to medical necessity to attend Goodwill day treatment services or psychiatric rehabilitation services; and (2) clientele, including those with disadvantages and disabilities, to places of employment between the Counties of Bedford, Blair, Cambria, Huntingdon, Indiana, Somerset and Westmoreland.

**A-2009-2122410. Pamela Jean Wright** (P. O. Box 81, Millville, Union County, PA 17867)—persons, in paratransit service, from points in the Counties of Columbia and Montour, to points in Pennsylvania, and return.

**A-2009-2123038. Mid-Atlantic Limousine, Inc.** (1401 Larch Lane, West Chester, Chester County, PA 19380), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Chester, Delaware, Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

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

**A-2009-2122647. Boaz Cab Corp.** (1405 West Pike Street, Philadelphia, Philadelphia County, PA 19140), a corporation of the Commonwealth—persons, upon call or demand, in the Township of Upper Merion, Montgomery County and in the Borough of Phoenixville, Chester County, which is to be a transfer of all the right authorized under the certificate issued at A-00122147 to Eli-Al Cab Co., t/a Cabs Valley Forge, subject to the same limitations and conditions.

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

**A-2009-2122074. Black Top Limousine, Inc.** (1727 West Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145)—a corporation of the Commonwealth—for the additional right to begin to transport persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia, to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Christopher Hill, Arangio & George, LLP, 2000 Market Street, Suite 1440, Philadelphia, PA 19103.

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

**A-2009-2120805. Dimon and Sons Transportation Corporation** (93 Industrial Park Boulevard, Elmira, Chemung County, NY 14901), a corporation of the State of New York, and registered with the Commonwealth as a foreign business corporation, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use: (1) and office furniture and equipment, in use, from points within 10 miles by the usually traveled highways of Highway Route 220, between Dushore, Sullivan County, and the New York-Pennsylvania state line, near South Waverly, Bradford County, to points in Pennsylvania, and vice versa; and (2) and personal effects and property used or to be used in a dwelling when part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the County of Bradford, and from points in said county, to points in Pennsylvania, and vice versa, which is to be a transfer of part of the operating authority authorized under the Certificate of Public Convenience issued at A-00108518 to James Ennis, Jr., t/d/b/a Ennis Trucking, on June 19, 1989, subject to the same limitations and conditions. *Attorney:* James W. Patterson, Esquire, 2929 Arch Street, 13th Floor, Philadelphia, PA 19104.

**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-2009-2122477. Robert E. Weickel** (2124 Kirkwood Pike, Kirkwood, Lancaster County, PA 17536)—discontinuance of service and cancellation of its certificate—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

**A-2009-2122701. North Warren Volunteer Fire Department** (12 South State Street, Warren, Warren County, PA 16365)—discontinuance of service—persons, in paratransit service, between points in the County of Warren.

**A-2009-2122487. Elsie Jeanette Yoder** (4322 East Main Street, Belleville, Mifflin County, PA 17004)—discontinuance of service—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Mifflin, and from points in said county, to points in Pennsylvania, and return.

**A-2009-2122893. DRS Transport, LLC** (1051 Walnut Street, P. O. Box 308, Columbia, Lancaster County, PA

17512)—for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service from points in the County of Lancaster, to points in Pennsylvania, and return; subject to the following condition: That no right, power or privilege is granted to originate service in the following territory, located in Lancaster County: the Boroughs of Adamstown, Akron, Terre Hill, Denver and Ephrata, and the Townships of Brecknock, Caernarvon, East Cocalico, Ephrata, Clay, West Cocalico, West Earl and west of the Conestoga River in Earl Township.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Autumn Industries, Inc.;  
Doc. No. C-2009-2112163*

#### COMPLAINT

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

1. That all authority issued to Autumn Industries, Inc. (respondent) is under suspension effective August 22, 2007, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 518 Perkins-Jones Road, Warren, OH 44483.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 16, 2004, at A-00111891F0002.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00111891F0002 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division

Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

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

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and  
Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer ***and receipt of your fine payment***, the Complaint proceeding shall be closed.

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

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1543. Filed for public inspection August 14, 2009, 9:00 a.m.]

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### Telecommunications

**A-2009-2122382. Verizon North, Inc. and InfoTelecom, LLC.** Joint petition of Verizon North, Inc. and InfoTelecom, LLC for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and InfoTelecom, LLC, by its counsel, filed on July 30, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and InfoTelecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1544. Filed for public inspection August 14, 2009, 9:00 a.m.]

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### Telecommunications

**A-2009-2085734. Verizon North, Inc. and XO Communications Services, Inc.** Joint petition of Verizon North, Inc. and XO Communications Services, Inc. for approval of revised amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and XO Communications Services, Inc., by its counsel, filed on June 19, 2009, at the

Pennsylvania Public Utility Commission (Commission), a joint petition for approval of revised amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and XO Communications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1545. Filed for public inspection August 14, 2009, 9:00 a.m.]

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### Telecommunications

**A-2009-2122226. Verizon Pennsylvania, Inc. and InfoTelecom, LLC.** Joint petition of Verizon Pennsylvania, Inc. and InfoTelecom, LLC for approval of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and InfoTelecom, LLC, by its counsel, filed on July 30, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and InfoTelecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1546. Filed for public inspection August 14, 2009, 9:00 a.m.]

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### Telecommunications

**A-2009-2122444. Verizon Pennsylvania, Inc. and New Dimension Wireless, Ltd.** Joint petition of Verizon Pennsylvania, Inc. and New Dimension Wireless, Ltd. for approval of an interconnection agreement under section 252 of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and New Dimension Wireless, Ltd., by its counsel, filed on July 31, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania



Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and New Dimension Wireless, Ltd. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1547. Filed for public inspection August 14, 2009, 9:00 a.m.]

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### Telecommunications

**A-2009-2085611. Verizon Pennsylvania, Inc. and XO Communications Services, Inc.** Joint petition of Verizon Pennsylvania, Inc. and XO Communications Services, Inc. for approval of revised amendment No. 8 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and XO Communications Services, Inc., by its counsel, filed on June 19, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of revised amendment No. 8 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and XO Communications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1548. Filed for public inspection August 14, 2009, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v. Nga Thi Phan; Doc. No. 1204-45-2009**

On June 29, 2009, Nga Thi Phan, license no. CL016770L, of Philadelphia, Philadelphia County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This order represents the State Board of Cosmetology (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. Individu-

als 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.

JANET G. M. SANKO,  
*Chairperson*

[Pa.B. Doc. No. 09-1549. Filed for public inspection August 14, 2009, 9:00 a.m.]

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**Bureau of Professional and Occupational Affairs v. Tracy Ngoc Quan; Doc. No. 1170-45-2009**

On June 25, 2009, Tracy Ngoc Quan, license no. CL181425, of Ambler, Montgomery County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated June 19, 2009, which the Court issued under section 4355 of the Domestic Relations Code. The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

JANET G. M. SANKO,  
*Chairperson*

[Pa.B. Doc. No. 09-1550. Filed for public inspection August 14, 2009, 9:00 a.m.]

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## STATE CONSERVATION COMMISSION

**Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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, so individuals interested in challenging this action should show this

notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Thistle Creek Farm 10696 Jonestown Road Annville, PA 17003	Lebanon County East Hanover Township	83.88	Broilers	New	7/13/2009
Eric Gemmill 458 Gemmill Road Delta, PA 17314	York County Peach Bottom Township	517.15	Swine	New	7/16/2009
Montour Farms Inc. 30 Greenleaf Road Bloomsburg, PA 17815	Montour County Derry Township	276.3	Broilers	New	7/22/2009
Anthony Oberholtzer 1500 Pine Grove Road Bethel, PA 19507	Berks County Bethel Township	374.8	Broilers	New	7/23/2009

JOHN HANGER,  
*Secretary*

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## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

August 26, 2009	Larry J. Duncan Purchase Nonintervening Military Service	1:30 p.m.
September 10, 2009	Christine Nelson Discontinuance of Temporary Disability Benefits	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to

General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 09-1552. Filed for public inspection August 14, 2009, 9:00 a.m.]

## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 09-0002 for boiler and associated equipment requiring cleaning and service to meet PA codes for three Cleaver Brooks 450 H. P. boilers and one heater and associated pumps. Scope of work documents can be obtained from Nancy Froeschle, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

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