

PENNSYLVANIA BULLETIN

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**Latest Pennsylvania Code Reporter
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No. 419, October 2009

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 2, 5, 6, 11, 12, 15 AND 16]

Order Amending Rules 242, 512, 513, 515, 610, 1154, 1240, 1242, 1512, 1515 and 1609, and adding New Rules 147 and 1147 of the Rules of Juvenile Court Procedures

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modifications of Rules 242, 512, 513, 515, 610, 1154, 1240, 1242, 1512, 1515, and 1609 and new Rules 147 and 1147 be adopted and prescribed. Most of the proposed amendments concern the educational, health and disability needs of a juvenile or child, therefore, these issues are very important for the court to address. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

A. Christine Riscili, Esq.
Staff Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635

no later than Monday, Nov 9, 2009.

*By the Juvenile Court
Procedural Rules Committee*

CYNTHIA K. STOLTZ, Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELIQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B(1). EDUCATION AND HEALTH OF CHILD

(Editor's Note: The following Rule 147 is new and has been printed in regular print to enhance readability.)

Rule
147. Educational Decision Maker.

Rule 147. Educational Decision Maker.

A. *Generally.* At any proceeding or upon motion, if the court determines a juvenile is in need of an educational decision maker, the court shall appoint an educational decision maker for the juvenile.

B. *Duties.* The educational decision maker shall ensure:

- 1) the juvenile's educational stability;

- 2) the juvenile is receiving appropriate education, including any necessary special education, early intervention, or remedial services;

- 3) juveniles, who are 16 years of age or older, are receiving the necessary educational services to transition the juvenile to independent living, if and when appropriate; and

- 4) juveniles, who are aging out of care within 90 days, are receiving a transition plan that addresses the juvenile's educational needs if appropriate.

Comment

The educational decision maker should refer to the Fostering Connections Act (P. L. 110-351) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.) for guidance in educational stability. The educational decision maker should ensure the right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. § 675(1)(G), 42 U.S.C. § 11431 et seq.; 2) an appropriate education, including any necessary special education, early intervention, or remedial services under 55 Pa. Code § 3130.87, 24 P. S. § 13-1371, 1372, 20 U.S.C. § 1400 et seq.; 3) educational services necessary to support the child's transition to independent living under 42 Pa.C.S. § 6351 if the child is 16 years of age or older; and 4) a transition plan that addresses the child's educational needs under 42 USC § 675(5)(H) if the child will age out of care within 90 days.

PART B(2). COUNSEL

Rule
150. Attorneys—Appearances and Withdrawals.
151. Assignments of Counsel.
152. Waiver of Counsel.

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART D. PRE-ADJUDICATORY DETENTION

Rule 242. Detention Hearing.

A. Informing juvenile of rights. Upon commencement of the hearing, the court shall:

- 1) provide a copy of the written allegation to the juvenile and the juvenile's guardian, if present;

- 2) inform the juvenile of the right to counsel and to assigned counsel; and

- 3) inform the juvenile of the right to remain silent with respect to any allegation of delinquency.

B. Manner of hearing.

- 1) *Conduct.* The hearing shall be conducted in an informal but orderly manner.

- 2) *Recording.* If requested by the juvenile or the Commonwealth, or if ordered by the court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

- 3) *Testimony and evidence.* All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied

upon to the extent of its probative value even though not competent in the hearing on the petition. The juvenile's attorney, the juvenile, if unrepresented, and the attorney for the Commonwealth shall be afforded an opportunity to examine and controvert written reports so received.

4) **Juvenile's rights.** The juvenile shall be present at the detention hearing and the juvenile's attorney or the juvenile, if unrepresented, may:

a) cross-examine witnesses offered against the juvenile; and

b) offer evidence or witnesses, if any, pertinent to the probable cause or detention determination.

C. **Findings.** The court shall determine whether:

1) there is probable cause that a delinquent act was committed by the juvenile; [and]

2) detention of the juvenile is warranted[.]; and

3) **there are any conditions that the court deems necessary to address the special needs of the juvenile while in detention.**

D. **Filing of petition.** If a juvenile remains detained after the hearing, a petition shall be filed with the clerk of courts within twenty-four hours or the next court business day.

E. **Court's order.** At the conclusion of the detention hearing, the court shall enter a written order setting forth its findings under paragraph (C).

Comment

A detention hearing consists of two stages. The first stage of a detention hearing is a probable cause hearing. If probable cause is not found, the juvenile is to be released. If probable cause is found, then the court is to proceed to the second stage.

The second stage of a detention hearing is a detention determination hearing. The court should hear pertinent evidence concerning the detention status of the juvenile, review and consider all alternatives to secure detention, and determine if the detention of the juvenile is warranted.

An additional determination is required in paragraph (C)(3) although this is not a third stage of the detention hearing. It is important that the court address any special needs of the juvenile while the juvenile is in detention. The juvenile's attorney or the juvenile probation officer is to present any special needs to the court if known at the time of the hearing. Special needs may include special education needs, early intervention, remedial services, and health care and disability needs. If the court determines a child is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

When addressing the juvenile's health care and disability needs, the court's order should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and healthcare services, 42 U.S.C. § 1396d(r), 55 Pa. Code § 3800.32; and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132; 28 CFR 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 CFR 84.1 *et seq.*

Under the Juvenile Act, the court has authority to order a physical or mental examination of a

juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

The procedures of paragraph (D) deviate from the procedures of the Juvenile Act. *See* 42 Pa.C.S. § 6331. Under paragraph (D), a petition does not have to be filed within twenty-four hours of the juvenile's detention; rather, the petition should be filed within twenty-four hours of the conclusion of the detention hearing if the juvenile is detained. *See* Rule 800. If the juvenile is not detained, a petition may be filed at any time prior to the adjudicatory hearing. However, the juvenile's attorney should have sufficient notice of the allegations prior to the adjudicatory hearing to prepare for the defense of the juvenile. *See* **Rule 330 for petition requirements, Rule 331 for service of the petition, and Rule 363 for time of service. [See Rule 331 for service of the petition. See Rule 330 for petition requirements.]**

See 42 Pa.C.S. §§ 6332, 6336, and 6338 for the statutory provisions concerning informal hearings and other basic rights.

Official Note: Rule 242 adopted April 1, 2005, effective October 1, 2005.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 242 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 512. Dispositional Hearing.

A. **Manner of hearing.** The court shall conduct the dispositional hearing in an informal but orderly manner.

1) **Evidence.** The court shall receive any oral or written evidence which is helpful in determining disposition, including evidence that was not admissible at the adjudicatory hearing.

2) **Opportunity to be heard.** Before deciding disposition, the court shall give the juvenile and the victim an opportunity to make a statement.

B. **Recording.** The dispositional hearing shall be recorded. The recording shall be transcribed:

- 1) at the request of a party;
- 2) pursuant to a court order; or
- 3) when there is an appeal.

C. **Ex parte Communication.**

1) **Except as provided by these rules, no person shall communicate with the court in any way.**

2) **If the court receives any ex parte communication, the court shall inform all parties of the communication and its content.**

D. **Duties of the court.** The court shall determine on the record that the juvenile has been advised of the following:

- 1) the right to file a post-dispositional motion;
- 2) the right to file an appeal;

3) the time limits for a post-dispositional motion and appeal;

4) the right to counsel to prepare the motion and appeal;

5) the time limits within which the post-dispositional motion shall be decided; and

6) that issues raised before and during adjudication shall be deemed preserved for appeal whether or not the juvenile elects to file a post-dispositional motion.

E. Court's findings. The court shall enter its findings on the record and enter an order pursuant to Rule 515. The court shall state:

1) its findings and conclusions that formed the basis of its decision, including the following factors that shall be considered by the court;

- a) the protection of the community;
 - b) the treatment needs of the juvenile;
 - c) the educational, health care, and disability needs of the juvenile;
 - d) the supervision needs of the juvenile;
 - e) the development of competencies to enable the juvenile to become a responsible and productive member of the community;
 - f) accountability for the offense(s) committed; and
 - g) any other factors that the court deems appropriate;
- 2) the terms and conditions of the disposition;
- 3) if the juvenile is placed:
- a) the name of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile; and
 - b) why the agency or institution is the least restrictive alternative for the juvenile.

Comment

Under paragraph (A)(2), for victim's right to be heard, see Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

Under paragraph (C), no *ex parte* communications with the court are to occur. Attorneys and judges understand the impropriety of *ex parte* communications but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented. Normal methods of practice and procedure such as motions, scheduling, and communications with court personnel, are not considered *ex parte* communications.

Under paragraph (E), when the court has determined the juvenile is in need of treatment, supervision, and rehabilitation, the court is to consider all the factors in paragraph (E)(1) and state its findings and conclusions on the record.

Under paragraph (E)(1)(c), the court should address the juvenile's educational needs. The court's order should address the right to: 1) an educational decision maker, 20 U.S.C. § 1439(a)(5), 34 CFR

300.519; and 2) an appropriate education, including any necessary special education, early intervention, or remedial services, 20 U.S.C. § 1400 *et seq.*, 55 Pa. Code § 3130.87, 24 P. S. § 13-1371, 1372. See also Rule 147 for appointment of an educational decision maker.

The court should also address the juvenile's health care and disability needs. The court's order should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and healthcare services, 42 U.S.C. § 1396d(r), 55 Pa. Code § 3800.32; and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132; 28 CFR 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 CFR 84.1 *et seq.*

Under the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Under paragraph (E)(4), the court is to state the specific reasons why the agency or institution is the least restrictive placement for the juvenile, rather than a statement that it is the least restrictive alternative available.

Official Note: Rule 512 adopted April 1, 2005, effective October 1, 2005; amended May 17, 2007, effective August 20, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 512 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 37 Pa.B. 2509 (June 2, 2007).

Rule 513. Aids in Disposition.

A. Social Study.

1) The court may order the preparation of a social study in any case to aid in the decision for disposition.

2) If a social study is ordered, the study shall address any educational, health care, and disability needs of the juvenile.

B. *Examinations.* The court may order the juvenile to undergo health, psychological, psychiatric, drug and alcohol, or any other examination, as it deems appropriate to aid in the decision for disposition.

C. *Victim-Impact Statement.* The victim may submit a victim-impact statement to the court. If the victim has submitted a victim-impact statement, the court shall accept and consider the victim-impact statement in determining disposition.

Comment

Section 6341(e) of the Juvenile Act requires the court to receive reports and other evidence bearing on the disposition or need of treatment, supervision, or rehabilitation. *In re McDonough*, 430 A.2d 308 (Pa. Super. Ct. 1981).

Paragraph (C) addresses a statement submitted by the victim to the court. For the victim's opportunity to be heard, see Rule 512(A)(2). See also Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

Official Note: Rule 513 adopted April 1, 2005, effective October 1, 2005.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 513 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Rule 515. Dispositional Order.

A. *Generally.* When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order, which provides balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

- 1) [the terms and conditions of the disposition;
- 2) the name of any agency or institution that is to provide care, treatment, supervision, or rehabilitation of the juvenile] the court's findings pursuant to Rule 512(E);
- [3]2) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1)(i) for limited public information;
- 3) any directive relating to the educational, health care, or disability needs of the juvenile;
- 4) the date of the order; and
- 5) the signature and printed name of the judge entering the order.

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

- 1) a specific amount of restitution to be paid by the juvenile;
- 2) to whom the restitution is to be paid; and
- 3) a payment schedule, if so determined by the court.

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

Comment

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

Under paragraph (A)(3), the court should address the juvenile's educational needs. The court's order should address the right to: 1) an educational decision maker, 20 U.S.C. § 1439(a)(5), 34 CFR 300.519; and 2) an appropriate education, including any necessary special education, early intervention, or remedial services, 20 U.S.C. § 1400 *et seq.*, 55 Pa. Code § 3130.87, 24 P. S. § 13-1371, 1372. See also Rule 147 for appointment of an educational decision maker.

The court should also address the juvenile's health care and disability needs. The court's order

should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and healthcare services, 42 U.S.C. § 1396d(r), 55 Pa. Code § 3800.32; and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132; 28 CFR 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 CFR 84.1 *et seq.*

Under the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

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

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

Official Note: Rule 515 adopted April 1, 2005, effective October 1, 2005; amended August 20, 2007, effective December 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 515 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4868 (September 8, 2007).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 39 Pa.B. 4748 (August 8, 2009).

CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

PART B. MODIFICATIONS, REVIEWS, AND APPEALS

Rule 610. Dispositional and Commitment Review.

A. *Dispositional Review Hearing.*

- 1) [A] The court may schedule a review hearing at any time.
- 2) In all cases when the juvenile is removed from the home, the court shall hold dispositional review hearings at least every six months.

B. *Change in dispositional order.* Whenever there is a request for a change in the dispositional order, other than a motion to revoke probation as provided in Rule 612, the court shall give the parties notice of the request and an opportunity to be heard.

- 1) The juvenile may be detained pending a court hearing.

2) A detention hearing shall be held within seventy-two hours of the juvenile's detention, if detained.

3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or request for change in the dispositional order.

4) A review hearing shall be held within twenty days of the discharge from the placement facility or request for change in the dispositional order.

C. *Advanced Communication Technology.* If the parties agree, commitment and dispositional review hearings may be held by teleconferencing, two-way simultaneous audio-visual communication, or another similar method when a juvenile is committed to a placement facility. The juvenile shall be permitted to communicate fully and confidentially with the juvenile's attorney immediately prior to and during the proceeding.

Comment

Under paragraph (A), the court may hold a review hearing at any time; however, if the juvenile is removed from the home, the court is to conduct a hearing at least every six months. See Rule 800.

At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

Nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing, when a juvenile is in a placement facility, to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

Official Note: Rule 610 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 610 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the revisions of Rule 610 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART B(1). [EXAMINATION AND TREATMENT] EDUCATION AND HEALTH OF CHILD

(Editor's Note: The following Rule 1147 is new and has been printed in regular print to enhance readability.)

Rule 1147. Educational Decision Maker.

Rule 1147. Educational Decision Maker.

A. *Generally.* At any proceeding or upon motion, if the court determines a child is in need of an educational decision maker, the court shall appoint an educational decision maker for the child.

B. *Duties.* The educational decision maker shall ensure:

1) the child's educational stability;

2) the child is receiving appropriate education, including any necessary special education, early intervention, or remedial services;

3) children, who are sixteen years of age or older, are receiving the necessary educational services to transition the child to independent living, if and when appropriate; and

4) children, who are aging out of care within 90 days, are receiving a transition plan that addresses the child's educational needs if appropriate.

Comment

The court may appoint the guardian ad litem to be the child's educational decision maker if the guardian ad litem is familiar with a child's educational rights. See Rule 1154(7) for duties of the guardian ad litem.

The educational decision maker should refer to the Fostering Connections Act (P.L. 110-351) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.) for guidance in educational stability. The educational decision maker should ensure the right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. § 675(1)(G), 42 U.S.C. § 11431 et seq.; 2) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 55 Pa. Code § 3130.87, 24 P.S. § 13-1371, 1372, 20 U.S.C. § 1400 et seq.; 3) educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is 16 years of age or older; and 4) a transition plan that addresses the child's educational needs under 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days.

PART B(2). COUNSEL

Rule 1154. Duties of Guardian ad litem.

A guardian ad litem shall:

1) Meet with the child as soon as possible following assignment pursuant to Rule 1151 and on a regular basis thereafter in a manner appropriate to the child's age and maturity;

2) On a timely basis, be given access to relevant court and county agency records, reports of examination of the guardians or the child, and medical, psychological, and school records;

3) Participate in all proceedings, including hearings before masters, and administrative hearings and reviews to the degree necessary to adequately represent the child;

4) Conduct such further investigation necessary to ascertain the facts;

5) Interview potential witnesses, including the child's guardians, caretakers, and foster parents, examine and cross-examine witnesses, and present witnesses and evidence necessary to protect the best interests of the child;

6) At the earliest possible date, be advised by the county agency having legal custody of the child of:

a) any plan to relocate the child or modify custody or visitation arrangements, including the reasons, prior to the relocation or change in custody or visitation; and

b) any proceeding, investigation, or hearing under the Child Protective Services Law, 23 Pa.C.S. § 6301 et seq. or the Juvenile Act, 42 Pa.C.S. § 6301 et seq., directly affecting the child;

7) Make any specific recommendations to the court relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, **including the child's educational, health care, and disability needs;**

8) Explain the proceedings to the child to the extent appropriate given the child's age, mental condition, and emotional condition; and

9) Advise the court of the child's wishes to the extent that they can be ascertained and present to the court whatever evidence exists to support the child's wishes. When appropriate because of the age or mental and emotional condition of the child, determine to the fullest extent possible the wishes of the child and communicate this information to the court.

Comment

If there is a conflict of interest between the duties of the guardian ad litem pursuant to paragraphs (7) & (9), **the guardian ad litem for the child may move the court for appointment as legal counsel and assignment of a separate guardian ad litem when, for example, the information that the guardian ad litem possesses gives rise to the conflict and can be used to the detriment of the child [the guardian ad litem may move the court for appointment of a separate guardian ad litem or legal counsel]. If there is not a conflict of interest, the guardian ad litem represents the legal interests and best interests of the child at every stage of the proceedings. 42 Pa.C.S. § 6311(b). To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended.** See Rules 1151 and 1800. See also Pa.R.P.C. 1.7 and 1.8.

Under paragraph (7), the guardian ad litem is to make specific recommendations to the court regarding the appropriateness of the child's placement, giving consideration to the proximity and appropriateness of the child's school. See 42 Pa.C.S. § 6311(b)(7) and 42 U.S.C. § 675(1)(G). Inquiries into the child's education should include the right to: 1) educational stability, including the right to remain in the same school regardless of a change in placement when in the child's best interest and the right to immediate enrollment when a school change is in the child's best interest, 42 U.S.C. § 675(1)(G), 42 U.S.C. § 11431 et seq.; 2) an educational decision maker under Rule 1147, 20 U.S.C. § 1439(a)(5), 34 CFR 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services, 55 Pa. Code § 3130.87, 24 P.S. §§ 13-1371, 1372, and 20 U.S.C. § 1400 et seq.; 4) the educational services necessary to support the child's transition to independent living, 42 Pa.C.S. § 6351 if a child is sixteen or older; and 5) a transition plan that addresses the child's educational needs, 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days.

See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750, 753-54 (1990)), for issues addressing a child's mental and moral welfare.

Under paragraph (7), the guardian ad litem is to make specific recommendations to the court re-

garding the appropriateness of the child's placement, giving consideration to protecting the child's health care and disability needs. Inquiries into the child's health should include the right of: 1) the child to receive timely and medically appropriate screenings and healthcare services, 55 Pa. Code § 3700.51, 55 Pa. Code § 3800.32, 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 CFR 35.101 et seq., Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 and implementing regulations at 45 CFR 84.1 et seq.

Official Note: Rule 1154 adopted August 21, 2006, effective February 1, 2007.

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART C. SHELTER CARE

Rule 1240. Shelter Care Application.

A. Filings. A shelter care application may be oral. Within twenty-four hours of exercising protective custody pursuant to Rule 1210, the county agency shall reduce to writing and file a shelter care application with the Juvenile Court.

B. Application contents. Every shelter care application shall set forth plainly:

- 1) the name of the applicant;
- 2) the name, date of birth, and address of the child, if known;
- 3) the name and address of the child's guardian, or if unknown, the name and address of the nearest adult relative;
- 4) the date that the child was taken into custody;
- 5) a concise statement of facts in support of the allegation of dependency;
- 6) **[if a child is in shelter care,]** a statement **[that]** detailing:
 - a) **the reasonable efforts made** to prevent placement; **[were made]** and
 - b) **why** there are no less restrictive alternatives available;
 - 7) a verification by the applicant that the facts set forth in the petition are true and correct to the applicant's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;
 - 8) the signature of the applicant and the date of the execution of the application; and
 - 9) the whereabouts of the child unless the county agency has determined it would pose a risk to the safety of the child or the guardian, or disclosure is prohibited by the court.

Comment

In lieu of a shelter care application, the county agency may file a petition as set forth in Rule 1330.

The primary focus of the shelter care application is to assert that protective custody is needed and the child should remain in the custody of the county agency. A

shelter care hearing is to be held within seventy-two hours of taking the child into protective custody. See Rule 1242(D).

Under paragraph (B)(6), the application is to contain a statement detailing the reasonable efforts made to prevent placement and the specific reasons why there are no less restrictive alternatives available. This statement may include information such as: 1) the circumstances of the case; 2) contact with family members or other kin; 3) the child's special needs, including educational stability and health care needs; and 4) any need for emergency actions.

Official Note: Rule 1240 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1240 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1242. General Conduct of Shelter Care Hearing.

A. *Informing of rights.* Upon commencement of the hearing, the court shall ensure that:

- 1) a copy of the shelter care application is provided to the parties; and
- 2) all parties are informed of the right to counsel.

B. *Manner of hearing.*

1) *Conduct.* The hearing shall be conducted in an informal but orderly manner.

2) *Recording.* If requested, or if ordered by the court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

3) *Testimony and evidence.* All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied upon to the extent of its probative value even though not competent in the hearing on the petition. The child's attorney, the guardian, if unrepresented, and the attorney for the guardian shall be afforded an opportunity to examine and controvert written reports so received.

C. *Findings.* The court shall determine whether:

1) there are sufficient facts in support of the shelter care application;

2) custody of the child is warranted **by finding that;**

[3] a) remaining in the home would be contrary to the welfare and best interests of the child;

b) reasonable efforts were made by the county agency to prevent the child's placement; **[or]**

c) **the child's placement is the least restrictive placement that meets the needs of the child, stating the reasons why there are no less restrictive alternatives available; and**

d) **the lack of efforts was reasonable** in the case of an emergency placement where services were not offered **[, whether the lack of efforts were reasonable]**; and

[4]3) [if] a person, other than the county agency, submitting a shelter care application, [is submitted by a person other than the county agency, the court shall make a determination if the person] is a party to the proceedings.

D. *Prompt hearing.* The court shall conduct a hearing within seventy-two hours of taking the child into protective custody.

E. *Court order.* At the conclusion of the shelter care hearing, the court shall enter a written order as to the following:

- 1) its findings pursuant to paragraph (C);
- 2) any conditions placed upon any party;
- 3) any orders for placement or temporary care of the child; **[and]**
- 4) **any findings or orders that address the stability and appropriateness of the child's education;**
- 5) **any findings or orders that identify, monitor, and address the health care and disability needs of the child; and**
- 6) any orders of visitation.

Comment

Pursuant to paragraph (C), the court is to make a determination that the evidence presented with the shelter care application under Rule 1240 is supported by sufficient facts. After this determination, the court is to determine that the custody of the child is warranted by finding that: 1) remaining in the home would be contrary to the health and welfare of the child; 2) reasonable efforts were made by the county agency to prevent the placement of the child; 3) the child was placed in the least restrictive placement available; and 4) if the child was taken into emergency placement without services being offered, there is to be evidence that the lack of efforts was reasonable. Additionally, the court is to state the reasons why there are no less restrictive alternatives available.

[Under] Pursuant to paragraph (C)(**[4]3**), the court is to determine whether or not a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

Under paragraph (D), the court is to ensure a timely hearing.

[Under paragraph (E), the court is to include in its order specific findings that: 1) there are sufficient facts in support of the dependency petition; 2) custody of the child is warranted; and 3) remaining in the home would be contrary to the welfare and best interests of the child, or reasonable efforts were made by the county agency to prevent the child's placement, or in the case of an emergency placement where services were not offered, whether the lack of efforts were reasonable.]

See 42 Pa.C.S. § 6332.

Pursuant to paragraph (E), the court is to enter a written order. It is important that the court address any special needs of the child while the juvenile is in shelter care. The child's attorney or the county agency is to present any special needs to the court if known at the time of the hearing. Special needs may include special education needs, early intervention, remedial services, and health and disability needs. If the court determines a child is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 1147.

When addressing the child's health and disability needs, the court's order should address the right of: 1) a child to receive timely and medically appropriate screenings and healthcare services, 42 USC § 1396d(r), 55 Pa. Code § 3800.32; and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132; 28 CFR 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 CFR 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Nothing in this rule prohibits informal conferences, narrowing of issues, if necessary, and the court making appropriate orders to expedite the case through court. The shelter care hearing may be used as a vehicle to discuss the matters needed and narrow the issues. The court is to insure a timely adjudicatory hearing is held.

See 42 Pa.C.S. § 6339 for orders of physical and mental examinations and treatment.

See Rule 1330(A) for filing of a petition.

Official Note: Rule 1242 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1242 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

A. *Manner of hearing.* The court shall conduct the dispositional hearing in an informal but orderly manner.

1) *Evidence.* The court shall receive any oral or written evidence which is helpful in determining disposition, including evidence that was not admissible at the adjudicatory hearing.

2) *Opportunity to be heard.* Before deciding disposition, the court shall give the parent, child's foster parent, preadoptive parent, relative providing care for the child and court appointed special advocate, if assigned, an opportunity to make a statement.

B. *Recording.* The dispositional hearing shall be recorded. The recording shall be transcribed:

- 1) pursuant to a court order; or
- 2) when there is an appeal.

C. *Ex parte Communication.*

1) Except as provided by these rules, no person shall communicate with the court in any way.

2) If the court receives any ex parte communication, the court shall inform all parties of the communication and its content.

D. *Duties of the court.* The court shall determine on the record that the parties have been advised of the following:

- 1) the right to file an appeal;
- 2) the time limits for an appeal; and
- 3) the right to counsel to prepare the appeal.

E. *Court's findings.* On the record, the court shall state:

1) its findings and conclusions that formed the basis of its decision consistent with 42 Pa.C.S. § 6351;

- 2) the terms and conditions of the disposition;
- 3) if placed, a finding that:

a) remaining in the home would be contrary to the welfare, safety, or health of the child;

b) reasonable efforts were made by the county agency to prevent the child's placement;

c) the child's placement is the least restrictive placement that meets the needs of the child, stating the reasons why there are no less restrictive alternatives available; and

d) if preventive services were not offered due to the necessity of an emergency placement, whether such lack of services was reasonable under the circumstances; and

4) any educational, health care, and disability needs of the child.

Comment

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a child should preside over the dispositional hearing for the same child.

Paragraph (A)(2) does not infringe on the right to call witnesses to testify, in addition to those specified individuals. See Rule 1123 for subpoenaing a witness.

For transcription of the record under paragraph (B), see also Rule 1127.

Under paragraph (C), no ex parte communications with the court are to occur. Attorneys and judges understand the impropriety of ex parte communications but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented. Normal methods of practice and procedure such as motions, scheduling, and communications with court personnel, are not considered ex parte communications.

Under paragraph (E)(4), the court should address the child's educational needs. The court's order should address the right to: 1) an educational decision maker, 20 U.S.C. § 1439(a)(5), 34 CFR 300.519; and 2) an appropriate education, including any necessary special education, early intervention, or remedial services, 20 U.S.C. § 1400 *et seq.*, 55 Pa. Code § 3130.87, 24 P. S. § 13-1371, 1372. See also Rule 147 for appointment of an educational decision maker.

The court should also address the child's health and disability needs. The court's order should address the right of: 1) a child to receive timely and medically appropriate screenings and healthcare services, 42 U.S.C. § 1396d(r), 55 Pa. Code § 3800.32; and 2) a child with disabilities to receive necessary

accommodations, 42 U.S.C. § 12132; 28 CFR 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 CFR 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Official Note: Rule 1512 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1512 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Rule 1515. Dispositional Order.

A. *Generally.* When the court enters a disposition, the court shall issue a written order, which provides that the disposition is best suited to the safety, protection, and physical, mental, and moral welfare of the child. The order shall include:

1) the terms, conditions, and limitations of the disposition;

2) the name of any person or the name, type, category, or class of agency, licensed organization, or institution that is to provide care, shelter, and supervision of the child;

3) **any findings pursuant to Rule 1512;**

4) any findings pursuant to Rule 1514 if a child is being removed from the home;

5) any findings or orders necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;

6) **any findings or orders necessary to identify, monitor, and address the health care and disability needs, if any, of the child and if parental consent cannot be obtained, authorize evaluations and treatment needed;**

[4] 7) any ordered evaluations, tests, counseling, accommodations, [or] treatments, and services;

[5] 8) any ordered family service plan or permanency plan if not already prepared;

[6] 9) any visitations, including any limitations;

[7] 10) the date of the order; and

[8] 11) the signature and printed name of the judge entering the order.

B. *Transfer of legal custody.* If the court decides to transfer legal custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, the dispositional order shall include:

1) the name and address of such person or agency, unless the court determines disclosure is inappropriate;

2) the limitations of the order; and

3) any visitation rights.

C. *Orders concerning guardian.* The court shall include any conditions, limitations, restrictions, and obligations in its dispositional order imposed upon the guardian.

Comment

See 42 Pa.C.S. §§ 6310, 6351.

When issuing a dispositional order, the court should issue an order that is "best suited to the safety, protection, and physical, mental and moral welfare of the child." 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750, 753-54 (1990)), for issues addressing a child's mental and moral welfare.

Under paragraph (D), the court's order is to address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. § 675(1)(G), 42 U.S.C. § 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 20 U.S.C. § 1439(a)(5), 34 CFR 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 55 Pa. Code § 3130.87, 24 P.S. § 13-1371, 1372, 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living under 42 Pa.C.S. § 6351 if the child is 16 years of age or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days.

Under paragraph (E), the court's order is to address the child's health care and disability needs. The order should address the right of: 1) a child to receive timely and medically appropriate screenings and healthcare services pursuant to 55 Pa. Code § 3700.51, 55 Pa. Code § 3800.32, and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days; and 3) a child with disabilities to receive necessary accommodations under 42 U.S.C. § 12132; 28 CFR 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 CFR 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Under the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

45 CFR [§] 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

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

See *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990).

Official Note: Rule 1515 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1515 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B. PERMANENCY HEARING

Rule 1609. Court Orders of Permanency Hearing Determinations.

A. [**Findings**] **Court order.** After every permanency hearing, the court shall issue a written order, which provides whether the permanency plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. **Determination made.** The court's order shall reflect a determination made [**consistent with 42 Pa.C.S. § 6351(f.1)**] pursuant to Rule 1608(B).

C. **Transfer of legal custody.** If the court decides to transfer permanent legal custody of the child to a person found to be qualified to provide care, shelter, and supervision of the child, the permanency order shall include:

- 1) the name and address of such person unless disclosure is prohibited by court order;
- 2) the limitations of the order; and
- 3) any temporary visitation rights of parents.

D. **Orders concerning education.**

- 1) **The court's order shall address the stability and appropriateness of the child's education; and**
- 2) **When appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147.**

E. **Orders concerning health and disability.**

- 1) **The court's order shall identify, monitor, and address the health care and disability needs of the child;**
- 2) **The court's orders shall authorize evaluations and treatment if parental consent cannot be obtained.**

F. **Orders concerning [guardian] guardians.** The [**court**] **court's order** shall include any conditions, limitations, restrictions, and obligations [**in its permanency order**] imposed upon the guardian.

Comment

Under paragraph (B), the court's order is to reflect whether: 1) If the court finds that return of the child is best suited to the safety, protection, and physical, mental, and moral welfare of the child, the court shall specify: a) the conditions of the return of the child; and b) the projected date of the return of the child; or 2) If the court finds that the return of the child is not best suited to the safety, protection, and physical, mental, and moral welfare of the child, the court shall determine if and when the child will be placed: a) for adoption and the county agency will file for termination of parental rights pursuant to Pa.O.C.R., Rule 15.4; b) with a legal custodian; c) with a fit and willing relative; or d) in another living arrangement intended to be permanent in nature which is approved by the court and where the county agency has documented a compelling reason explaining why options under (a) through (c) are not feasible.

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental and moral welfare of the child." 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750, 753-54 (1990)), for issues addressing a child's mental and moral welfare.

Under paragraph (D), the court's order is to address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. § 675(1)(G), 42 U.S.C. § 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 20 U.S.C. § 1439(a)(5), 34 CFR 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 55 Pa. Code § 3130.87, 24 P.S. § 13-1371, 1372, 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living under 42 Pa.C.S. § 6351 if the child is 16 or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days.

Pursuant to paragraph (E), the court's order is to address the child's health care and disability needs. The order should address the right of: 1) a child to receive timely and medically appropriate screenings and healthcare services under 55 Pa. Code § 3700.51, 55 Pa. Code § 3800.32, and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care under 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days; and 3) a child with disabilities to receive necessary accommodations under 42 U.S.C. § 12132; 28 CFR 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 CFR 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Under the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Official Note: Rule 1609 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1609 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Explanatory Report

Educational, Health Care and Disability Amendments

The majority of the proposed rule amendments address the educational, health and disability needs of a juvenile or child. The Committee spent a considerable amount of time discussing what types of issues the court should be looking at during its hearings and in its order.

Under the Juvenile Act, the court shall provide for the welfare, health and safety of children under its supervision. (42 Pa.C.S. § 6301). To achieve this purpose, the court must address the basic needs of juveniles or children, which include educational, health and disability needs.

Educational, health care and disability needs of juveniles or children in the system must be met to ensure their welfare. The court's role in addressing these needs is not merely a matter of best practice, but rather an essential component when addressing the fundamental needs of juveniles or children under its supervision.

With the proposed amendments relating to education, the rules effectively address the educational needs by focusing on three key issues at every stage of the court proceedings: 1) minimizing school changes; 2) ensuring that a juvenile or child is attending school, receiving educational services, and making progress toward graduation; and 3) ensuring that each juvenile or child has a legally authorized educational decision maker.

With the proposed amendments relating to health care and disability, the court must ensure that juveniles' or children's health care and disability needs are identified, monitored and addressed; including that children with disabilities are receiving necessary accommodations.

As set forth in the proposed amendments, each of these educational, health care and disability needs would be addressed at each stage of the proceedings and in the court's orders.

New Rules 147 and 1147 provide for the appointment and duties of an educational decision maker. If, at any time, the court determines a juvenile or a child is in need of an educational decision maker, the court shall appoint an appropriate person to fulfill this role.

As early as the detention or shelter care hearing, under Rules 242 and 1242, the court must inquire about any special needs of the juvenile or child. Then, as the case progresses to the dispositional, dispositional review, commitment review and permanency hearings, under Rules 512, 515, 610, 1512, 1515 and 1609, the court must

ensure that the identified needs are addressed at the hearing and in its order following the hearing.

Rules 513 and 1154 require the juvenile probation officer or the guardian *ad litem* to make specific recommendations concerning these needs.

Other Amendments

The other proposed amendments to these rules relate to the reasonable efforts made to prevent placement and *ex parte* communications.

The Committee has noticed that courts, when placing a juvenile or child, are not explaining why there are no less restrictive alternatives available in their orders. The Committee is proposing that courts must be required to state specific reasons, rather than merely a statement that there are no less restrictive alternative available. These amendments can be found in Rules 512, 1240, 1242 and 1512.

In Rule 512, the Committee is proposing language concerning *ex parte* communications. The Committee has been including this language when updating its rules. See Rules 1406 and 1512.

[Pa.B. Doc. No. 09-1921. Filed for public inspection October 16, 2009, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 1 AND 3]

Order Adopting New Rule 141 and Amending Rules 140 and 311 of the Rules of Juvenile Court Procedure; No. 482; Supreme Court Rules

Order

Per Curiam

And Now, this 30th day of September, 2009, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 38 Pa.B. 6262 (November 15, 2008), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 957, No. 2, November 14, 2008), and on the Supreme Court's 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 adoption of new Rule 141 and the modifications to Rules 140 and 311 are approved as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2010.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

Rule 140. Bench Warrants for Failure to Appear at Hearings.*A. Issuance of warrant.*

1) Before a bench warrant may be issued by a judge, the judge shall find that the subpoenaed or summoned person received sufficient notice of the hearing and failed to appear.

2) For the purpose of a bench warrant, a judge may not find notice solely based on first-class mail service.

B. Entry of warrant information. Upon being notified by the court, the juvenile probation officer or other court designee shall enter or request that a law enforcement officer enter the bench warrant in all appropriate registries.

*C. Juvenile.*1) *Where to take the juvenile.*

a) When a juvenile is taken into custody pursuant to a bench warrant, the juvenile shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

b) If the juvenile is not brought before a judge, the juvenile shall be released unless:

i) the warrant specifically orders detention of the juvenile; or

ii) there are circumstances learned at the time of the surrender or apprehension that warrant detention of the juvenile.

c) If a juvenile is detained, the juvenile shall be detained in a detention facility or other facility designated in the bench warrant by the judge pending a hearing.

2) *Prompt hearing.*

a) If a juvenile is detained pursuant to a specific order in the bench warrant, the juvenile shall be brought before the judge who issued the warrant, a judge designated by the President Judge to hear bench warrants, or an out-of-county judge pursuant to paragraph ([B]C)(4) within seventy-two hours.

b) If the juvenile is not brought before a judge within this time, the juvenile shall be released.

3) *Notification of guardian.* If a juvenile is taken into custody pursuant to a bench warrant, the arresting officer shall immediately notify the juvenile's guardian of the juvenile's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a juvenile is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) Arrangements to transport the juvenile shall be made immediately.

c) If transportation cannot be arranged immediately, then the juvenile shall be taken without unnecessary delay to a judge of the county where the juvenile is found.

d) The judge will identify the juvenile as the subject of the warrant, decide whether detention is warranted, and order that arrangements be made to transport the juvenile to the county of issuance.

5) *Time requirements.* The time requirements of Rules 240, 391, 404, 510, and 605 shall be followed.

[C]D. Witnesses.1) *Where to take the witness.*

a) When a witness is taken into custody pursuant to a bench warrant, the witness shall be taken without unnecessary delay to the judge who issued the warrant or a judge designated by the President Judge to hear bench warrants.

b) If the witness is not brought before a judge, the witness shall be released unless the warrant specifically orders detention of the witness.

c) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge may order detention of the witness pending a hearing.

1) *Minor.* If a detained witness is a minor, the witness shall be detained in a detention facility.

2) *Adult.* If a detained witness is an adult, the witness shall be detained at the county jail.

2) *Prompt hearing.*

a) If a witness is detained pursuant to paragraph ([C]D)(1)(c) or brought back to the county of issuance pursuant to paragraph ([C]D)(4)(f), the witness shall be brought before the judge by the next business day.

b) If the witness is not brought before a judge within this time, the witness shall be released.

3) *Notification of guardian.* If a witness who is taken into custody pursuant to a bench warrant is a minor, the arresting officer shall immediately notify the witness's guardian of the witness's whereabouts and the reasons for the issuance of the bench warrant.

4) *Out-of-county custody.*

a) If a witness is taken into custody pursuant to a bench warrant in a county other than the county of issuance, the county of issuance shall be notified immediately.

b) The witness shall be taken without unnecessary delay and within the next business day to a judge of the county where the witness is found.

c) The judge will identify the witness as the subject of the warrant, decide whether detention as a witness is warranted, and order that arrangements be made to transport the witness to the county of issuance.

d) Arrangements to transport the witness shall be made immediately.

e) If transportation cannot be arranged immediately, the witness shall be released unless the warrant or other order of court specifically orders detention of the witness.

i) *Minor.* If the witness is a minor, the witness may be detained in an out-of-county detention facility.

ii) *Adult.* If the witness is an adult, the witness may be detained in an out-of-county jail.

f) If detention is ordered, the witness shall be brought back to the county of issuance within seventy-two hours from the execution of the warrant.

g) If the time requirements of this paragraph are not met, the witness shall be released.

[D]E. Return and execution of the warrant for juveniles and witnesses.

1) The bench warrant shall be executed without unnecessary delay.

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear bench warrants.

3) When the bench warrant is executed, the arresting officer shall immediately execute a return of the warrant with the judge.

4) Upon the return of the warrant, the judge shall vacate the bench warrant.

5) Once the warrant is vacated, the juvenile probation officer or other court designee shall remove or request that a law enforcement officer remove the bench warrant in all appropriate registries.

Comment

Pursuant to paragraph (A), the judge is to ensure that the person received sufficient notice of the hearing and failed to attend. The judge may order that the person be served in-person or by certified mail, return receipt. The judge may rely on first-class mail service if additional evidence of sufficient notice is presented. For example, testimony that the person was told in person about the hearing is sufficient notice. Before issuing a bench warrant, the judge should determine if the guardian was notified.

Under Rule 800, 42 Pa.C.S. § 6335(c) was suspended only to the extent that it is inconsistent with this rule. Under paragraph (A)(1), the judge is to find a subpoenaed or summoned person failed to appear and sufficient notice was given to issue a bench warrant. The fact that the juvenile or witness may abscond or may not attend or be brought to a hearing is not sufficient evidence for a bench warrant. This rule, however, does not prohibit probation from recommending detention for a juvenile. The normal rules of procedure in these rules are to be followed if a juvenile is detained. See Chapter Two, Part D.

Pursuant to paragraph ([B]C), the “juvenile” is the subject of the delinquency proceedings. When a witness is a child, the witness is referred to as a “minor.” This distinction is made to differentiate between children who are alleged delinquents and children who are witnesses. See paragraph ([B]C) for alleged delinquents and paragraph ([C]D) for witnesses. See also Rule 120 for definition of “juvenile” and “minor.”

Pursuant to paragraph ([B]C)(1)(a), the juvenile is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. Pursuant to paragraph ([B]C)(1)(b), if a bench warrant specifically provides that the juvenile may be detained in a detention facility, the juvenile may be detained without having to be brought before the judge until a hearing within seventy-two hours under paragraph ([B]C)(2)(a). The juvenile is not to languish in a detention facility. Pursuant to this paragraph, if a hearing is not held promptly, the juvenile is to be released. See paragraph ([B]C)(2)(b).

Under paragraphs ([B]C)(2) and ([B]C)(4), a juvenile taken into custody pursuant to a bench warrant is to have a hearing within seventy-two hours regardless of where the juvenile is found. See Rule 240(C).

Pursuant to paragraph ([B]C)(4), the juvenile may be detained out-of-county until transportation arrangements can be made.

Pursuant to paragraph ([B]C)(5), the time requirements of all other rules are to apply to juveniles who are detained. See, e.g., Rules 240, 391, 404, 510, and 605.

Pursuant to paragraph ([C]D)(1)(a), the witness is to be taken immediately to the judge who issued the bench warrant or a judge designated by the President Judge of that county to hear bench warrants. Pursuant to paragraph ([C]D)(1)(b), if the judge is not available, the witness is to be released immediately unless the warrant specifically orders detention. Pursuant to paragraph ([C]D)(1)(c), a motion for detention as a witness may be filed. If the witness is detained, a prompt hearing pursuant to paragraph ([C]D)(2) is to be held by the next business day or the witness is to be released. See paragraph ([C]D)(2)(b).

Pursuant to paragraph ([C]D)(4)(b), a witness is to be brought before an out-of-county judge by the next business day unless the witness can be brought before the judge who issued the bench warrant within this time. When the witness is transported back to the county of issuance within seventy-two hours of the execution of the bench warrant, the witness is to be brought before the judge who issued the bench warrant by the next business day. See paragraph ([C]D)(4)(f).

Pursuant to paragraph ([D]E)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph ([D]E)(3).

Pursuant to paragraph ([D]E)(4), the bench warrant is to be vacated after the return of the warrant is executed [**so the juvenile or witness is not taken into custody on the same warrant if the juvenile or witness is released**]. “Vacated” is to [**mean**] denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

Pursuant to paragraph (E)(5), once the warrant is vacated, the juvenile probation officer, other court designee, or law enforcement officer is to remove the warrant from all appropriate registries so the juvenile is not taken into custody on the same warrant if the juvenile is released.

See 42 Pa.C.S. § 4132 for punishment of contempt for juveniles and witnesses.

Official Note: Rule 140 adopted February 26, 2008, effective June 1, 2008; **amended September 30, 2009, effective January 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 140 published with the Court’s Order at 38 Pa.B. 1145 (March 8, 2008).

Final Report explaining the amendments to Rule 140 with the Court’s Order at 39 Pa.B. 6033 (October 17, 2009).

(Editor’s Note: The following Rule 141 is new and has been printed in regular print to enhance readability.)

Rule 141. Bench Warrants for Absconders.

A. Issuance of warrant. The juvenile probation officer shall immediately notify the court upon notification or

recognition that a juvenile has absconded from the supervision of the court. The court may issue a bench warrant for the juvenile.

B. *Entry of warrant information.* Upon being notified by the court, the juvenile probation officer or other court designee shall enter or request that a law enforcement officer enter the bench warrant in all appropriate registries.

C. *Where to take the juvenile.* The juvenile shall be detained in a detention facility or other facility designated in the bench warrant pending a hearing pursuant to paragraph (D).

D. *Prompt hearing.* The juvenile shall have a detention hearing within seventy-two hours of the placement in detention.

E. *Time requirements.* The time requirements of Rules 240, 391, 404, 510, and 605 shall be followed.

F. *Notification of guardian.* When the juvenile is taken into custody pursuant to a bench warrant, the arresting officer shall immediately notify the juvenile's guardian of the juvenile's whereabouts and the reasons for the issuance of the bench warrant.

G. *Return and execution of the warrant.*

1) The bench warrant shall be executed without unnecessary delay.

2) The bench warrant shall be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear bench warrants.

3) When the bench warrant is executed, the arresting officer shall immediately execute a return of the warrant with the judge.

4) Upon the return of the warrant, the judge shall vacate the bench warrant.

5) Once the warrant is vacated, the court shall order the probation officer or other court designee to remove or request that a law enforcement officer remove the warrant from all appropriate registries.

Comment

Pursuant to paragraph (A), when a juvenile: 1) escapes from a placement facility, detention facility, shelter care facility, foster-care, or other court-ordered program or placement; 2) fails to report to juvenile probation; 3) cannot be located by juvenile probation; or 4) otherwise leaves the jurisdiction of the court, the court may issue a warrant for the juvenile.

Pursuant to paragraph (B), the court is to notify the juvenile probation officer or another court designee to enter or request that a law enforcement officer enter the bench warrant in all appropriate registries, such as JNET, CLEAN, PCIC, and NCIC.

Pursuant to paragraph (C), the juvenile is to be detained in a detention facility or any other facility designated in the bench warrant. If a juvenile is taken into custody pursuant to the bench warrant in a county other than the county of issuance, the juvenile is to be transported back to the county of issuance prior to the seventy-two-hour detention hearing mandated pursuant to paragraph (D).

Pursuant to paragraphs (D) and (E), the time requirements of the Rules of Juvenile Court Procedure are to apply, including the seventy-two hour detention hearing. See, e.g., Rules 240, 391, 404, 510, and 605.

The arresting officer is to notify the juvenile's guardian of the arrest, the reasons for the arrest, and the juvenile's whereabouts under paragraph (F).

Pursuant to paragraph (G)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph (G)(3).

Pursuant to paragraph (G)(4), the bench warrant is to be vacated after the return of the warrant is executed. "Vacated" is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

Pursuant to paragraph (G)(5), once the warrant is vacated, the juvenile probation officer or other court designee is to remove the warrant or request that a law enforcement officer remove the warrant from all appropriate registries so the juvenile is not taken into custody on the same warrant if the juvenile is released.

Official Note: Rule 141 adopted September 30, 2009, effective January 1, 2010.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 141 published with the Court's Order at 39 Pa.B. 6033 (October 17, 2009).

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART B. INTAKE AND INFORMAL ADJUSTMENT

Rule 311. Intake Conference.

A. **Generally.** The juvenile probation officer may conduct an intake conference to determine what further action, if any, should be taken.

B. **Juvenile probation officer's duties.** Before proceeding with an intake conference, the juvenile probation officer shall:

1) provide a copy of the written allegation to the juvenile, the juvenile's guardian, if present, and the juvenile's attorney, if present; and

2) inform the juvenile and the juvenile's guardian, if present, of the juvenile's rights; and

3) afford the victim the opportunity to offer prior comment on the disposition of the case if informal adjustment or an alternative resolution of the case is being considered.

C. **Rescheduling.** If a juvenile fails to appear for an intake conference, the juvenile probation officer may attempt to reschedule the conference.

D. Bench Warrants.

1) **If the juvenile fails to appear for an intake conference, the juvenile probation officer may notify the court that the juvenile has failed to appear for the conference.**

2) **If a judge finds that sufficient notice of the intake conference was given, the judge may issue a bench warrant. The judge may not find notice solely based on first-class mail service.**

3) **If a bench warrant is issued, the case shall proceed pursuant to Rules 140 and 240.**

E. Notice, motion, and hearing.

1) The juvenile probation officer shall provide the attorney for the Commonwealth with notice of the decision resulting from the intake conference.

2) Within a reasonable time of receiving the notice, the attorney for the Commonwealth may file a motion requesting review by the court of the juvenile probation officer's action.

3) The court shall conduct a hearing on the motion.

Comment

Under paragraph (A), in making a decision, the juvenile probation officer should balance the interests of the victim and protection of the community, imposition of accountability on the juvenile for offenses committed, and the development of competencies for the juvenile. *See* 42 Pa.C.S. § 6301. The juvenile probation officer should consult with the victim, the attorney for the Commonwealth, the juvenile, the juvenile's attorney, if present, and the juvenile's guardian to determine how the case should be handled. *See* Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

For the statutory protections concerning statements made by the juvenile, *see* 42 Pa.C.S. § 6323(e).

Pursuant to paragraphs (C) and (D), if a juvenile fails to appear for an intake conference, juvenile probation officers should use their discretion in determining whether to reschedule the intake conference or ask the court to issue a bench warrant.

Pursuant to paragraph (D)(2), in determining sufficient notice, the judge may not find notice solely based on first-class mail service. *See also* Rule 140(A)(2) and its Comment.

Under paragraph ([C]E), it is anticipated that the attorney for the Commonwealth should consult with the juvenile probation officer before any court action.

Nothing in these rules is intended to confer a right upon any person, not already afforded by law, to attend an intake conference.

Official Note: Rule 311 adopted April 1, 2005, effective October 1, 2005; amended September 30, 2009, effective January 1, 2010.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 311 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 311 with the Court's Order at 39 Pa.B. 6033 (October 17, 2009).

Introduction

The Supreme Court of Pennsylvania has adopted new Rule 141 and the proposed changes to Rules 140 and 311. The changes are effective January 1, 2010.

EXPLANATORY REPORT

SEPTEMBER 2009

Rule 140—Bench Warrants for Failure to Appear at Hearings.

“At hearings” was added to the title of this rule to clarify that this rule applies to bench warrants for failure to appear at hearings. The new Rule 141 applies to bench warrants for absconders.

Also, a new paragraph (B) has been added. A bench warrant shall be entered in all appropriate registries,

such as JNET, CLEAN, PCIC, and NCIC, by the juvenile probation officer, other court designee, or a law enforcement officer once a warrant has been issued by the judge. This ensures that law enforcement is aware of the bench warrant so it may be executed.

Rule 141—Bench Warrants for Absconders.

This new rule provides for the procedures governing when a juvenile absconds from the supervision of the court. This covers all incidences when the court no longer has contact with the juvenile. This would include, but is not limited to, a juvenile who: 1) has escaped from a placement facility, detention facility, shelter care facility, foster care, or other court-ordered program or placement; 2) fails to report to juvenile probation; 3) cannot be located by juvenile probation; or 4) otherwise leaves the jurisdiction of the court.

Paragraph (B) ensures that the bench warrant is entered in all appropriate registries by the juvenile probation officer, other court designee, or a law enforcement officer once a warrant has been issued by the judge. This also ensures that law enforcement is aware of the bench warrant so it may be executed.

Paragraph (C) requires that the juvenile shall be detained in a detention facility or any other facility deemed appropriate by the court until a prompt hearing pursuant to paragraph (D) is held.

The guardian of the juvenile shall be notified immediately when a juvenile is taken into custody pursuant to a bench warrant. The arresting officer shall explain the reasons the warrant was issued and where the juvenile is being detained. *See* paragraph (F).

Paragraph (G) provides for the procedures regarding returning and executing the warrant.

Rule 311—Intake Conference.

With the changes in the title to Rule 140, a new paragraph (D) has been added in Rule 311 to address bench warrants when a juvenile fails to appear for an intake conference. Instead of issuing a warrant, the juvenile probation officer may choose to reschedule the conference under new paragraph (C).

[Pa.B. Doc. No. 09-1922. Filed for public inspection October 16, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY Amended Civil Rules of Procedure

Order

And Now, this 30th day of September, 2009 at 10:30 a.m., Schuylkill County Civil Rule of Procedure No. 1303(e) is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts;

2. Forward two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version;

3. Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania;

4. Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5. Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By The Court

WILLIAM E. BALDWIN,
President Judge

**Schuylkill County Local Rule of Procedure
Rule 1303(e)**

Hearing, Notice and Continuances

(e) Arbitrators may not grant continuances. Applications for continuances of any scheduled arbitration hearing shall be on the Application for Continuance Form available from the Prothonotary or Court Administrator's Office. The Application for Continuance must be filed with the Prothonotary and the Continuance Fee must be paid upon filing. Continuance requests should be submitted to the Prothonotary at least 20 days before such hearing and after reasonable notice of such application has been provided to the opposing counsel. The application shall indicate the number of continuances previously requested, and whether or not the continuance is opposed.

The Prothonotary shall promptly serve the Continuance Form upon the Court Administrator.

[Pa.B. Doc. No. 09-1923. Filed for public inspection October 16, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) amends Chapter 1021 (relating to practice and procedures) as set forth in Annex A. The amendments modify the rules of practice and procedure before the Board by implementing improvements in practice and procedure.

The Board approved the final-form regulations at its March 30, 2009, meeting.

Effective Date

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

Contact Person

For further information, contact either Maryanne Weddock, Senior Assistant Counsel, 1507 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 565-3511, or William T. Phillipy, IV, Secretary to the Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. If information concerning this notice is required in an alternative form, William T. Phillipy, IV may be contacted at the previous number. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Statutory Authority

The regulations are promulgated under the authority of section 5 of the Environmental Hearing Board Act (Act) (35 P.S. § 7515) which empowers the Board to adopt regulations pertaining to practice and procedure before the Board.

Comments and Revisions to Proposed Rulemaking

The Board received comments on the proposed revisions from the Independent Regulatory Review Commission (IRRC). The comments were discussed by the Board and by its Procedural Rules Committee (Rules Committee). Responses to the comments are addressed as follows.

Automatic Party Status (§ 1021.51(h)(1))

IRRC expressed a concern that by amending the language “recipient of a permit, license, certification or approval” to “person to whom the action of the Department is directed or issued” in subsection (h)(1), the Board may be extending its jurisdiction beyond its statutory authority. Entities covered by subsection (h)(1) are automatic parties to an action, and IRRC was concerned that individuals merely impacted by a Department action, but not necessarily recipients of the action, could be added as parties to an appeal, thereby requiring them to expend legal fees to participate in the proceeding. IRRC recommended that the Board narrow the language of this section to ensure that the regulation does not impermissibly expand the scope of the Board’s jurisdiction in violation of any statute. The Board agreed to delete the proposed revision. The Board has left the current language of the regulation intact and added “recipient of an order” to the list of entities covered by subsection (h)(1),

to clarify that subsection (h)(1) applies only to third party appeals of permits, licenses, certifications, approvals or orders directed at or held by a regulated entity.

IRRC also expressed a concern regarding the proposed revision to subsection (j), stating that as to any entities covered by subsection (h)(2)—(4) who chose not to enter a proceeding after being given notice of it, their “right to appeal from the Board’s adjudication in the matter may be adversely affected.” Because IRRC felt this language did not establish a binding norm, it should be omitted from the body of the regulation. IRRC agreed with the Board’s proposal to move the language to the comment to the rule.

Prepayment of Penalties (§ 1021.54a)

IRRC asked for clarification on what would constitute a “verified statement” and accepted the Board’s explanation that it would follow the definition of “verified statement” set forth in Title 231 (relating to Rules of Civil Procedure). IRRC also questioned why the language “[i]f a civil penalty is assessed under more than one statute, an appellant shall follow the procedures set forth in each statute” was set forth in a comment to the rule, rather than in the rule itself, since the statement established a binding norm. The Board agreed to move the language to the body of the rule in subsection (c).

Default Judgment (§ 1021.76a)

IRRC asked for more specificity regarding when a hearing may be conducted under subsection (d) of this rule. The Board revised the rule to clarify that the hearing would be an evidentiary hearing as directed by the Board. The Board also clarified that this subsection pertained to a situation when default judgment had been entered, not sought.

Expedited Proceedings (§ 1021.96a)

IRRC objected to the language in subsection (d) stating that “[t]he Board will grant a motion for expedited hearing only in rare circumstances.” Because this is unenforceable, nonregulatory language, IRRC felt it did not establish a binding norm and recommended omitting it from the final-form regulation. The Board agreed with IRRC’s recommendation and omitted the language from the final-form regulation.

Withdrawal without Prejudice (§ 1021.141b)

IRRC questioned whether the language of subsection (a) allowed withdrawal of an appeal without prejudice only if all parties agreed, and recommended that the final-form regulation should explain whether the Board may approve a withdrawal without prejudice over the objection of a nonmoving party. Because it was not the intention of the Board to allow withdrawals of appeals without prejudice only if all parties agree, the Board determined that the regulation was not appropriately drafted to express the intent of the Board. Therefore, this regulation has not been included in this package as a final-form regulation. Rather, it will be considered by the Board and Rules Committee over the next year to determine whether the rule is necessary.

Sunset Date

A sunset date has not been established for these regulations. The effectiveness of the regulations will be evaluated on an ongoing basis by the Board and the Rules Committee.

Regulatory Review

As required under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the proposed rulemaking, which was published at 38 Pa.B. 6154 (November 8, 2008), to IRRC and the Senate and House Environmental Resources and Energy Committees (Committees) for review and comment. The Board, in accordance with section 5.1(j.1) of the Regulatory Review Act (71 P.S. § 745.5a(j.1)), also provided IRRC and the Committees with the Regulatory Analysis Form prepared in compliance with Executive Order 1982-2 (relating to improving government regulations) and copies of comments received.

In preparing the final-form regulations, the Board has considered all comments received. No comments on the proposed regulations were received from either of the Committees.

These final-form regulations were submitted to the Committees on June 30, 2009. Because no action was taken by the Committees within 20 days after submission of the final-form regulations, they are deemed approved. IRRC met on August 6, 2009, and approved the regulations under section 5(c) of the Regulatory Review Act.

Findings

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder in 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) These regulations are necessary and appropriate for administration of the Act.

Order

(1) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by amending §§ 1021.34, 1021.55, 1021.74, 1021.93, 1021.94a; and by adding §§ 1021.96b and 1021.96c to read as set forth at 38 Pa.B. 6154; and by amending §§ 1021.32 and 1021.51; and by adding §§ 1021.54a, 1021.76a, 1021.96a and 1021.96d to read as set forth in Annex A.

(2) The Chief Judge and Chairperson of the Board shall submit this order, 38 Pa.B. 6154 and Annex A to the Office of Attorney General and Office of General Counsel as to legality and form as required by law.

(3) The Chief Judge and Chairperson of the Board shall submit this order, 38 Pa.B. 6154 and Annex A to the Committees and IRRC, as required by law.

(4) The Chief Judge and Chairperson of the Board shall certify this order, 38 Pa.B. 6154 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

THOMAS W. RENWAND,
Acting Chairperson

(Editor's Note: The proposal to add § 1021.141b, included in the proposed rulemaking at 38 Pa.B. 6154, has been withdrawn by the Board.)

Fiscal Note: Fiscal Note 106-9(F) remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURES
DOCUMENTARY FILINGS**

FILING AND SERVICE OF DOCUMENTS

§ 1021.32. Filing.

(a) Documents filed with the Board shall be filed at its headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(b) The date of filing shall be the date the document is received by the Board.

(c) Documents may be filed by personal delivery, by mail or by facsimile. Legal documents, as defined in § 1021.2 (related to definitions), may be filed electronically in accordance with this chapter. When a document is filed by facsimile, the original shall be deposited in the mail on the same day. If a document exceeds ten pages, the facsimile shall consist of the first five pages and last five pages of the document and the certificate of service.

(d) Legal documents may be filed with the Board electronically through the Board's website by a filing attorney unless provided otherwise by Board order. A legal document filed electronically shall be deemed the equivalent of the original document subject to the following conditions:

(1) The electronic filing of a legal document constitutes a certification by the filing attorney that the original hard copy was properly signed and, where applicable, verified.

(2) An executed hard copy of the legal document, with any required verifications, shall be maintained by the filing attorney and produced at the request of the Board or any other party within 14 days of the request.

(e) In filing legal documents electronically, a filing attorney shall be responsible for the following:

(1) An objective description of the legal document consistent with the title placed on the legal document as required by the Board's website.

(2) Any delay, disruption, interruption of the electronic signals and readability of the legal document.

(3) Any risk that a legal document may not be properly or timely filed with the Board.

(f) Hard copy of any electronically filed legal document which exceeds 50 pages in length shall also be filed with the Board in accordance with subsections (a) and (c) and § 1021.37 (relating to the number of copies). Exhibits to legal documents may be filed and served either electronically or by hard copy in accordance with the sections in this chapter relating to filing and service. If these requirements are met by hard copy of exhibits, they must be sent to the Board by mail or express delivery and, in the case of requests for expedited disposition, service shall mean actual receipt by the opposing party as required by § 1021.34(c) (relating to service by a party).

(g) Documents filed by United States mail, hand or other delivery services after the close of the business day at 4:30 p.m. Eastern Time shall be deemed to be filed on the following business day. Documents filed electronically, including by facsimile, shall be deemed filed on the day received by the Board.

(h) Documents filed with the Board, other than exhibits, must be typewritten on letter size paper (approximately 8 to 8 1/2 inches by 10 1/2 to 11 inches) and pages after the first must be numbered. Legal documents, as defined in § 1021.2, must be double spaced, except that footnotes must be single spaced and quotations in excess of a few lines must be single spaced and indented. Photocopied documents will be accepted as typewritten, provided that all copies are legible. Failure to comply with this subsection will not result in dismissal of a filing, but the Board may request the party to resubmit the document in proper form.

FORMAL PROCEEDINGS

APPEALS

§ 1021.51. Commencement, form and content.

(a) An appeal from an action of the Department shall commence with the filing of a written notice of appeal with the Board.

(b) The caption of an appeal must be in the following form:

ENVIRONMENTAL HEARING BOARD
2nd Floor, Rachel Carson State Office Building
400 Market Street, Post Office Box 8457
Harrisburg, Pennsylvania 17105-8457

JOHN DOE, Appellant
234 Main Street, Smithtown,
Jones County, Pennsylvania 15555
(Telephone (123) 456-7890)

_____ v. Docket No. _____

Commonwealth of Pennsylvania
Department of _____, Appellee

(c) The appeal must set forth the name, address and telephone number of the appellant.

(d) If the appellant has received written notification of an action of the Department, a copy of the action shall be attached to the appeal.

(e) The appeal must set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal.

(f) When the appeal is from an assessment of a civil penalty for which the statute requires an appellant to prepay the penalty or post a bond, the appellant shall follow the procedures in § 1021.54a (relating to prepayment of penalties).

(g) Concurrent with or prior to the filing of a notice of appeal, the appellant shall serve a copy thereof on each of the following:

(1) The office of the Department issuing the notice of Departmental action.

(2) The Office of Chief Counsel of the Department or agency taking the action appealed.

(3) In a third party appeal, the recipient of the action. The service shall be made at the address set forth in the document evidencing the action by the Department or at the chief place of business in this Commonwealth of the recipient.

(h) For purposes of this section, the term “recipient of the action” includes the following:

(1) The recipient of a permit, license, approval, certification or order.

(2) Any affected municipality, its municipal authority, and the proponent of the decision, where applicable, in

appeals involving a decision under sections 5 or 7 of the Sewage Facilities Act (35 P. S. §§ 750.5 and 750.7).

(3) A mining company, well operator or owner or operator of a storage tank in appeals involving a claim of subsidence damage, water loss or contamination.

(4) Other interested parties as ordered by the Board.

(i) The service upon the recipient of a permit, license, approval, certification or order, as required under subsection (h)(1), shall subject the recipient to the jurisdiction of the Board, and the recipient shall be added as a party to the third-party appeal without the necessity of filing a petition for leave to intervene under § 1021.81 (relating to intervention). The recipient of a permit, license, approval or certification who is added to an appeal under this section shall still comply with §§ 1021.21 and 1021.22 (relating to representation; and notice of appearance.)

(j) Other recipients of an action under subsection (h)(2), (3) or (4), may intervene as of course in the appeal by filing an entry of appearance within 30 days of service of the notice of appeal in accordance with §§ 1021.21 and 1021.22, without the necessity of filing a petition for leave to intervene under § 1021.81.

(k) The appellant shall provide satisfactory proof that service has been made as required by this section.

(l) Subsections (a)—(k) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

Comment

If a recipient of an action under subsection (h)(2), (3) or (4) elects not to intervene following service of notice of an appeal or notice by the Board that the recipient's rights may be affected by an appeal, the recipient's right to appeal from the Board's adjudication in the matter may be adversely affected. This comment is added in response to the Commonwealth Court's ruling in *Schneiderwind v. DEP*, 867 A.2d 724 (Pa. Cmwlth. 2005).

§ 1021.54a. Prepayment of penalties.

(a) When an appeal is from the assessment of a civil penalty for which the statute requires an appellant to prepay the penalty or post a bond with the Department, the appellant shall submit to the Office of Chief Counsel of the Department a check in the amount of the penalty or an appropriate bond securing payment of the penalty or a verified statement that the appellant is unable to pay.

(b) When an appeal is from the assessment of a civil penalty for which the statute requires an appellant to prepay the penalty or post a bond with the Board, the appellant shall submit to the Board a check in the amount of the penalty or an appropriate bond securing payment of the penalty or a verified statement that the appellant is unable to pay.

(c) If a civil penalty is assessed under more than one statute, an appellant shall follow the procedures set forth in each statute.

(d) When an appellant submits a verified statement of inability to prepay, under subsection (a) or (b), a copy of the verified statement shall be included with the notice of appeal.

Comment

Practitioners should note that the Air Pollution Control Act (35 P. S. §§ 4001—4015), requires that prepayment of a civil penalty be made to the Board and not to the Department.

SPECIAL ACTIONS**§ 1021.76a. Entry of default judgment.**

(a) The Board, on motion of the plaintiff, may enter default judgment against the defendant for failure to file within the required time an answer to a complaint that contains a notice to defend.

(b) The motion for default judgment must contain a certification that the plaintiff served on the defendant a notice of intention to seek default judgment after the date on which the answer to the complaint was due and at least 10 days prior to filing the motion.

(c) The filing of an answer to the complaint by the defendant prior to the filing of a motion for default judgment by the plaintiff shall correct the default.

(d) When default judgment is entered in a matter involving a complaint for civil penalties, the Board may assess civil penalties in the amount of the plaintiff's claim or may assess the amount of the penalty following an evidentiary hearing, as directed by the Board, at which the issues shall be limited to the amount of the civil penalties.

Comment

This rule is modeled after Pa.R.C.P. 237.1 and 1037.

MOTIONS**§ 1021.96a. Motions for expedited hearing.**

(a) A motion for an expedited hearing may be filed at any time in either an appeal or special action, or the Board may order an expedited hearing on its own motion.

(b) The Board may issue an order for an expedited hearing notwithstanding the time requirements contained in a previous order of the Board, the Board's Rules of Practice and Procedure in § 1021.101 (relating to prehearing procedure), or Title 231 (relating to rules of civil procedure) relating to discovery.

(c) In issuing such an order, the Board will be guided by relevant judicial and Board precedent. Among other factors to be considered:

(1) Whether pollution or injury to the public health, safety or welfare exists or is threatened during the period ordinarily required to complete the proceedings.

(2) Severity of prejudice to any party during the time period ordinarily required to complete the proceedings.

(3) The status of discovery and the realistic need of the parties for extended discovery and for time to prepare for a hearing.

(4) Whether the issuance of such an order would promote judicial economy or would otherwise be in the public interest.

(5) The effect of expedited proceedings on the nonrequesting party.

(d) The Board may direct that a prehearing conference be held to determine an appropriate schedule for the completion of prehearing proceedings as well as the time and place of the hearing.

§ 1021.96d. Conduct of expedited hearing.

(a) Nothing contained in this rule shall limit the rights of the parties to a full hearing before the Board under the applicable rules of evidence with full rights of cross-examination of witnesses. The Board may limit the number of witnesses or the subjects of examination in

order to avoid duplication of evidence as provided in § 1021.126 (relating to limiting number of witnesses and additional evidence).

(b) Testimony may be submitted by prepared written testimony as provided for under § 1021.124 (relating to written testimony).

(c) After the conclusion of the hearing, the Board will direct the prompt filing of posthearing briefs.

Comment

The Board will grant a motion for expedited hearing only in rare circumstances.

[Pa.B. Doc. No. 09-1924. Filed for public inspection October 16, 2009, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 111 AND 131]

Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board; Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges

The Department of Labor and Industry (Department), Workers' Compensation Appeal Board (Board) and Office of Adjudication (Office), amends Chapters 111 and 131 (relating to special rules of administrative practice and procedure before the Workers' Compensation Appeal Board; and special rules of administrative practice and procedure before workers' compensation judges) (Rules) to read as set forth in Annex A. The rulemaking clarifies and provides detailed guidance for practice and procedure before the Board, the Office and workers' compensation judges (judges).

Statutory Authority

This final-form regulation is published under the authority contained in sections 401.1 and 435(a) and (c) of the Workers' Compensation Act (act) (77 P. S. §§ 710 and 991(a) and (c)), and section 2205 of The Administrative Code of 1929 (71 P. S. § 565), as well as section 414 of the Occupational Disease Act (77 P. S. § 1514).

Background

In 1980, the Secretary of the Department established a Rules Committee (Committee) to develop rules and procedures for the workers' compensation system. The Committee consisted of a Board representative, judges, equal numbers of representatives of the claimant and defense bar and Department representatives. This Committee has met at various times since its inception to amend the Board and judges Rules. The most recent version of the Rules became effective December 7, 2002.

In the fall of 2006, the Committee reconvened to incorporate into the Board and judges rules the Department's ability to accept filings electronically, various legislative amendments and appellate decisions, as well as comments received from interested practitioners in the field since 2002. At 38 Pa.B. 4902 (September 6, 2008), the Department published the notice of proposed rule-making. As a result, the Department received written

comments from the following: Terry L. M. Bashline, Esquire; Lawrence R. Chaban, Esquire (on behalf of interested practitioners in the field including Workers' Compensation Judge Ada Guyton and R. Burke McLemore, Jr., Esquire); Christian A. Davis, Esquire (on behalf of the firm Weber, Gallagher, Simpson, Stapleton, Fires & Newby, L.L.P.); Paul J. Dellasega, Esquire; Thomas C. Lowry, Esquire; Samuel R. Marshall, Esquire (on behalf of The Insurance Federation of Pennsylvania, Inc. (IFP)); and Joseph A. Prim, Esquire. The Department also received written comments from the Independent Regulatory Review Commission (IRRC) dated November 5, 2008. In response to the comments received, the Committee met on December 5, 2008, and approved the changes that are incorporated into this final-form rulemaking.

Purpose

The rulemaking clarifies and expedites the procedures in the workers' compensation system and updates existing rules to ensure compliance with amendments to the act and various appellate court decisions. The present rules have not been comprehensively reviewed since 2002. Since that time, the act has been amended, and a change was made to the law governing child support payments that impacts certain workers' compensation awards. See the act of November 9, 2006 (P. L. 1362, No. 147) (Act 147); and the act of July 7, 2006 (P. L. 1055, No. 109) (Act 109). Additionally, advances in technology, including the ability of the Bureau of Workers' Compensation (Bureau) to accept certain filings electronically and the anticipation that the Board will also obtain this capability, prompted the need for these amendments. The amendments incorporate these necessary changes, and ensure that parties will continue to be advised of up-to-date rules for practice and procedures before the Board, the Office and judges.

Summary of Final-Form Regulations and Responses to Comments

IRRC made the general comment that the Department should only list the General Rules of Administrative Practice and Procedure (GRAPP) provisions that are actually superseded by the specific regulatory language found in the regulations. The Department notes that it has always been its intent for the regulations governing workers' compensation proceedings to supersede the GRAPP. Nonetheless, the Department reviewed the regulations and have amended them to ensure that only those specific provisions of GRAPP that are being superseded by that particular section of the regulations are listed as being superseded.

IRRC commented that references to electronic filing in §§ 111.3, 111.11 and 111.12 (relating to definitions; content and form; and filing, service and proof of service), should be omitted since the Board currently lacks the technological capability to accept electronic filings. The Department disagrees since it believes that electronic filing will likely result in significant time and cost savings for all parties and does not think that allowing for electronic filing in the regulations before the Board can accept electronic filings will result in widespread confusion in the regulated community. IRRC additionally stated that if the Department retains the phrase "electronic filing," the final-form regulations should further explain what is meant by the term and when the Department expects to implement electronic filing. The Department disagrees, believing that not specifically defining the term enables filing with the Department to evolve as technology evolves. Moreover, it would be difficult for the Department to determine with specificity

when the Board will begin implementing electronic filing as there are many variables at play in such a process.

IRRC also commented that if the Department chooses to retain the reference to electronic filing in § 111.3, and § 111.11 should be amended to provide specific instruction as to where the electronic format may be accessed. In response, the Department amends § 111.11 to provide that the Department will notify the public of the required electronic format in the *Pennsylvania Bulletin* or on the Department's web site.

The IFP also commented with respect to § 111.3 and § 131.11 (relating to filing, service and proof of service) that the Board and the Bureau respectively should make the "formats and forms" of the electronic filing a part of the regulation to subject them to public comment. The Department disagrees, noting that it would be unwieldy and inefficient to go through the legislative process each time a new form is created or modified. The Department will continue to proceed cautiously by soliciting stakeholder comment, as it has in the past, when implementing new forms for electronic filing.

IRRC questioned what constitutes an "original of each appeal and cross-appeal" for purposes of electronic filing as referenced in § 111.12(b). In response, the Department amends § 111.12(b) by deleting the requirement to file an original of an appeal or cross-appeal when filing electronically, since the requirement is redundant and therefore unnecessary.

Christian A. Davis provided a general comment in relation to electronic filing, requesting the promulgation of specific rules to permit that answers to claim petitions be filed electronically with either the judges or Bureau and to determine when something is timely filed in the event of a system crash. The Department responds with the intention that all forms will be capable of electronic filing in the future, and that it is unnecessary to have a specific regulation governing the filing of one type of electronic form. In regards to specific regulations governing the timeliness of the filing of an answer, the Department notes that the question of a petition's timeliness is a factual matter that can be decided by a judge on a case-by-case basis.

There were numerous comments made by IRRC and the IFP regarding additional definitions added to § 131.5 (relating to definitions) in response to Act 147's addition of mandatory mediation to the act, and the Department agrees that the definitions needed further clarification. Specifically, the Department amends § 131.5 by adding a definition for "mandatory mediation," renaming "voluntary settlement conferences" to "voluntary mediation," and clarifying the definition for voluntary mediation for reasons spelled out further in the discussion accompanying § 131.59a (relating to voluntary mediation). Also pursuant to an IRRC comment, the Department agrees to add a definition for "resolution hearing," using the definition provided in the act. The Department additionally amends the definition of "mediation" to clarify that mediation encompasses both "mandatory mediation" and "voluntary mediation."

Christian A. Davis expressed concern about removing the "substantial or compelling" language in § 131.13 (relating to continuances or postponements of hearings) for a judge to grant a continuance and replacing it with "good cause." He also states that it would be beneficial for the final-form regulations to include a definition of "good cause." The Department believes, however, that it is complying with Act 147 in making this change, and that

case law will eventually provide the parties with guidance regarding how this standard is to be applied in comparison with the “substantial or compelling” standard.

Joseph A. Prim commented that § 131.41 (relating to request for supersedeas or reconsideration of supersedeas) should not be amended to permit a judge to alter a prior supersedeas determination on the judge’s own motion. The Department responds that the regulation as revised promotes the expeditious administration of the act, and notes that other commentators have indicated their support for the amendment.

IRRC commented that the use of the term “challenge hearing” in § 131.50a(c) (relating to employee request for special supersedeas hearing under sections 413(c) and (d) of the act) was not consistent with existing regulatory terminology. The Department agrees and amends the section by replacing the phrase “challenge hearing” with “challenge proceeding.”

In response to the IFP comments, the Department amends § 131.50a(d) by clarifying that a judge may receive evidence on a supersedeas request only if the introduction of evidence does not prejudice the claimant at the time of the challenge proceeding. The Department agrees with the IFP that the previous wording did not make sense, as the concern addressed by the regulation is whether claimant is procedurally prejudiced by the admission of evidence at that time.

Lawrence R. Chaban commented that § 131.52(b)(3) (relating to first hearing procedures) should be amended to require a judge to consult with the parties about the “best date” for the mandatory mediation conference. In response, the Department notes that most judges routinely consult with counsel when scheduling mandatory mediation. Nonetheless, the Department chooses not to incorporate the suggestion, since it is not always practical for judges utilizing the one day hearing format to consult with the parties ahead of time and still be compliant with Act 147’s mandates.

The IFP recommended that § 131.52(b)(1) be revised to allow the judge to alter deadlines for good cause shown. The Department responds that a judge is already permitted this flexibility under § 131.3 (relating to waiver and modification of rules). The IFP further questioned why a judge is permitted to establish a trial schedule before an initial hearing. The Department responds that permitting a judge to establish a trial schedule before an initial hearing allows judges using a 1 day hearing format to comply with Act 147’s mandates.

The Department amends § 131.52(b)(4) by adding a reference to § 131.53(g) (relating to procedures subsequent to the first hearing) (formerly § 131.53(f)), which requires that medical examinations be scheduled within 45 days of the first hearing actually held, if they have not already been scheduled prior to the first hearing. Several commentators expressed concern about the elimination of this requirement in the proposed amendments. The Department agrees that this provision should not be eliminated, and reinstates former subsection (f) of § 131.53 as new subsection (g).

Lawrence R. Chaban and Joseph A. Prim commented that § 131.53b (relating to bifurcation) should be amended to make clear that a judge’s decision on a bifurcated issue does not result in a final, appealable order. The IFP noted its concern that the section grants the judge “unilateral power” to bifurcate issues. The Department disagrees, noting that a judge does not have

unlimited authority to bifurcate issues, and that case law provides parties with sufficient guidance regarding a judge’s power.

Terry L. M. Bashline commented that § 131.53(d) should be amended to include the phrase “or hearing” because he is concerned that the use of the word “conference” alone can be read to specifically exclude the judge from permitting attendance at a hearing by telephone. The Department disagrees, noting that telephone hearings are already authorized under § 131.54(a) (relating to manner and conduct of hearings).

With respect to § 131.59 (relating to mediation), IRRC commented that the final-form regulation should define the term “alternative dispute resolution” or provide a cross-reference to an appropriate statutory definition. In response, the Department has removed the reference to alternative dispute resolution and renamed the section “mediation.” The term “mediation” is now defined in § 131.5 (relating to definitions). Additionally, the Department has eliminated the phrase “conventional adjustment of the claim” from § 131.59(a), agreeing with the IFP that the phrase was ambiguous.

In response to the concerns raised by IRRC and the IFP, the Department amends § 131.59a by renaming the section “voluntary mediation” and clarifying that an adjudicating judge may conduct a voluntary mediation upon the agreement of the parties and the judge. The Department further amends § 131.59a to eliminate the reference to “adjudicating” judges, because voluntary mediation may be requested at any time during the proceedings, for example, after mandatory mediation has already occurred, and may not necessarily be conducted by the adjudicating judge.

IRRC commented that § 131.59b (relating to mandatory mediation) was ambiguous by not defining “mandatory mediation.” In response, the Department has added a definition for “mandatory mediation” in § 131.5. Additionally, the Department agrees with IRRC that it was confusing to reference 42 Pa.C.S. § 5949 (relating to confidential mediation communications and documents) in § 131.59b, and therefore amends the regulation to delete the statutory reference.

IRRC also requested that the Department specify its authority in § 131.59b to prohibit an adjudicating judge from conducting a mandatory mediation conference. The Department responds by noting that Act 147 mandates that the parties engage in a mandatory mediation conference, but that the judge conducting the conference is “not necessarily the judge assigned to the actual case involving the parties.” This phrase grants the Department the discretion to assign a judge to conduct the mandatory mediation conference who is different from the one assigned to adjudicate the underlying claim. The Department’s position is consistent with section 501 of the Internal Operating Procedures of the Pennsylvania Commonwealth Court (210 Pa. Code § 67.71 (relating to policy)) and protects the integrity of the workers’ compensation proceeding. Furthermore, the Department notes that the parties can consent to having the adjudicating judge mediate the case by requesting voluntary mediation under § 131.59a.

IRRC further questioned the Department’s statutory authority to limit confidentiality in § 131.59b(b) in circumstances when a party has not complied with the mandatory mediation provisions. Initially, the Department notes that the amended section no longer references 42 Pa.C.S. § 5949 (relating to confidential mediation

communications and documents). The Department maintains it has implicit authority to craft limited exceptions to the regulations' general requirement for confidentiality in mediation conferences in order to enforce compliance with Act 147's mandates.

Paul J. Dellasega commented that mandatory mediation should not be compelled where the cost of mediation exceeds the worth of the case. The Department responds that Act 147 does not provide for any such exception; rather, mandatory mediation is compelled unless, upon good cause shown, the judge determines that mediation would be futile.

IRRC commented that § 131.60(g) (relating to resolution hearings) should clarify what constitutes "proof" that a petition has been filed so as to enable a judge to proceed with a resolution hearing. In response, the Department amends the regulation by requiring that the parties show proof that a petition has been filed "pursuant to § 131.11 (relating to filing, service, and proof of service)." As previously noted, the Department has also added a definition for "resolution hearing" in § 131.5 in response to IRRC's comment that the term "resolution hearing" was undefined.

Finally, the IFP commented that § 131.111(c) (relating to decisions of judges) should be amended to provide that interest is suspended if there is a delay incurred due to the claimant's failure to comply with the Act 109 requirements of a written statement and documentation from the Pennsylvania Child Support Enforcement System web site. The Department responds that whether interest can be suspended pending receipt of the required documentation is a substantive, rather than a procedural, issue best resolved elsewhere.

Affected Persons

Those affected by these final-form regulations include the Board Commissioners and officials, employees of the Department, the Office and judges, as well as attorneys and litigants in the Pennsylvania workers' compensation system.

Fiscal Impact

There is no significant fiscal impact associated with this final-form regulation.

Reporting, Recordkeeping and Paperwork Requirements

The final-form regulations do not require the creation of new forms. However, the amendments do incorporate Act 109's mandate to report the existence or nonexistence of any child support order to a judge before the award of certain benefits under the act, and whether the support payments are current. There are no other additional reporting, recording or paperwork requirements on either the Commonwealth or the regulated community.

Effective Date

This final-form rulemaking is immediately effective upon its publication in the *Pennsylvania Bulletin*.

Sunset Date

No sunset date is necessary for these regulations. The Department will continue to monitor the impact and effectiveness of the regulations.

Contact Persons

Persons who require additional information about these final-form regulations may contact: (1) with respect to the judges' rules, Elizabeth A. Crum, Deputy Secretary for Compensation and Insurance, Department of Labor and Industry, 651 Boas Street, Harrisburg, PA 17121, (717)

787-5082; and (2) with respect to the Board rules, Susan McDermott, Workers' Compensation Appeal Board, 901 North Seventh Street, 3rd Floor South, Harrisburg, PA 17102-1412, (215) 560-4583.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2008, the Department submitted a copy of the proposed rulemaking, published at 38 Pa.B. 4902, to IRRC and to the Senate Committee on Labor and Industry and the House Labor Relations Committee (Senate and House Committees). In addition, the Department also provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department.

The Department also provided the Senate and House Committees and IRRC with copies of the comments received as well as other documents when requested. In preparing these final-form regulations, the Department considered all the comments from IRRC and public. The Senate and House Committees did not comment.

Under section 5.1(j.1)—(j.3) of the Regulatory Review Act (71 P. S. § 745.5a(j.1)—(j.3)), these final-form regulations were deemed approved by the Senate and House Committees on August 2, 2009. IRRC met on August 20, 2009, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.a(e)).

Findings

The Department finds that:

(a) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the related regulations in 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(b) A public comment period was provided as required by law and all comments were considered.

(c) The final-form regulations are necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 34 Pa. Code, are amended by adding §§ 131.53b, 131.56a, 131.59, 131.59a, 131.59b and 131.60; and by amending §§ 111.3, 111.11, 111.12, 131.3, 131.5, 131.11, 131.13, 131.22, 131.41, 131.50a, 131.52, 131.53, 131.53a, 131.54, 131.57, 131.66 and 131.111 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall submit this order and Annex A to IRRC and the Senate and House Committees as required by law.

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

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin* as a final-form regulation.

SANDI VITO,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 5279 (September 9, 2009).)

Fiscal Note: Fiscal Note 12-84 remains valid for the final adoption of the the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART VII. WORKERS' COMPENSATION APPEAL BOARD

CHAPTER 111. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE BEFORE THE WORKERS' COMPENSATION APPEAL BOARD

Subchapter A. GENERAL PROVISIONS

§ 111.3. Definitions.

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

Act—The Pennsylvania Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2708).

Appeal—A proceeding to review a ruling or decision by a judge.

Board—The Workers' Compensation Appeal Board.

Bureau—The Bureau of Workers' Compensation of the Department.

Disease Law—The Pennsylvania Occupational Disease Act (77 P. S. §§ 1201—1603).

Filing—Delivery by mail, in person or electronically. If filing by mail, it is deemed complete upon deposit in the United States mail, as evidenced by a United States Postal Service postmark, properly addressed, with postage or charges prepaid. If filing by hand delivery or electronically, the filing date is the Board's date of receipt.

Judge—A workers' compensation judge assigned by the Office of Adjudication as provided in section 401 of the act (77 P. S. § 701) or assigned by the Office of Adjudication to determine a petition filed under the Disease Law.

Office of Adjudication—The Office of the Department created under section 1401(a) of the act (77 P. S. § 2501(a)).

Party—A petitioner or respondent. An act required or authorized by this chapter, to be done by or to a party, may be done by or to that party's counsel of record.

Petitioner—Anyone seeking to review a ruling or decision by a judge or the moving party in a petition filed under Subchapter D (relating to other petitions).

Respondent—Anyone in whose favor the matter was decided by the judge or other than the moving party in any petition filed under Subchapter D.

Service—Delivery in person, by mail or electronics. If service is by mail, it is deemed complete upon deposit in the United States mail, as evidenced by a United States Postal Service postmark, properly addressed, with postage or charges prepaid.

Supersedeas—A temporary stay affecting a workers' compensation case.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.3, 31.11 and 33.34 (relating to definitions; timely filing required; and date of service).

Subchapter B. APPEALS

§ 111.11. Content and form.

(a) An appeal or cross appeal shall be filed with the Board on a form provided by the Board. All references to forms mean paper forms or an electronic format prescribed by the Board and published in the *Pennsylvania Bulletin* or the Department's web site located at www.dli.state.pa.us. All forms must contain the following information:

(1) The name and address of the claimant, name and address of the defendant, date of the injury, type of petition, Bureau claim number, insurance carrier and circulation date of the decision at issue.

(2) A statement of the particular grounds upon which the appeal is based, including reference to the specific findings of fact which are challenged and the errors of the law which are alleged. General allegations which do not specifically bring to the attention of the Board the issues decided are insufficient.

(3) A statement of the relief which is requested.

(4) A statement whether the petitioner seeks an opportunity to file a brief or present oral argument or whether the case should be heard on the record without brief or oral argument.

(5) Identification of the judge whose decision is in question, including as an attachment, a copy of that judge's decision.

(6) A proof of service as specified in § 111.12(d) (relating to filing, service and proof of service).

(b) An appeal or a cross appeal shall be served on all parties and the judge.

(c) A request for supersedeas, if desired, shall be indicated on the appeal and conform to § 111.21 (relating to content and form).

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 31.5, 33.1—33.4, 33.11, 33.12, 35.17 and 35.20.

§ 111.12. Filing, service and proof of service.

(a) When filing by mail or in person, an original and two copies of each appeal or cross-appeal shall be filed. Only the original appeal shall have attached a copy of the judge's decision which is in question as required by § 111.11(a)(5) (relating to content and form).

(b) When filing electronically, the Board will obtain a copy of the judge's decision from the Office of Adjudication.

(c) The petitioner shall serve a copy of any appeal upon all parties and the judge.

(d) The respondent shall serve a copy of any cross appeal upon all parties and the judge.

(e) The petitioner or respondent shall, concurrently with the filing of an appeal or cross appeal, on a form prescribed by the Board or in substantial compliance therewith, file a proof of service with the Board containing:

(1) A statement of the date of service.

(2) The names of parties and judge served.

(3) The mailing address, the applicable zip code and the manner of service on the parties and judge served.

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 31.26, 33.15, 33.32, 33.33 and 33.35—33.37.

PART VIII. BUREAU OF WORKERS' COMPENSATION

CHAPTER 131. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE BEFORE WORKERS' COMPENSATION JUDGES

Subchapter A. GENERAL PROVISIONS

§ 131.3. Waiver and modification of rules.

(a) The judge may, for good cause, waive or modify a provision of this chapter, except as otherwise provided in § 131.59b(a) (relating to mandatory mediation), upon motion of a party, agreement of all parties or upon the judge's own motion.

(b) Subsection (a) supersedes 1 Pa. Code §§ 33.61, 35.18, 35.54 and 35.55 and also supersedes 1 Pa. Code Chapter 35, Subchapter D.

§ 131.5. Definitions.

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

Act—The Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2708).

Additional defendant—An insurance carrier, the Commonwealth or an employer, other than the insurance carrier or employer against which the original petition was filed, joined under this chapter, not including the Uninsured Employers Guaranty Fund.

Adjudicating judge—A judge assigned to hold hearings and issue decisions relating to a petition or petitions.

Bureau—The Bureau of Workers' Compensation of the Department.

Bureau record—Official copies of documents received by the Bureau, on forms prescribed by the Bureau, if forms prescribed by the Bureau are available, or official copies of documents received by the Bureau on forms prepared by a party if no forms prescribed by the Bureau are available, which record transactions between the parties and which are determined by the judge to pertain to the case.

Challenge proceeding—A proceeding governed by § 131.50a (relating to employee request for special supersedeas hearing under section 413(c) and (d) of the act).

Claimant—An individual who files a petition for, or otherwise receives, benefits under the act or the Disease Law.

Defendant—An employer, insurance carrier and the Commonwealth, unless specifically designated individually, and the Uninsured Employers Guaranty Fund, except for purposes of joinder, penalties or assessment of counsel fees under section 440 of the act (77 P. S. § 996).

Department—The Department of Labor and Industry of the Commonwealth.

Director of Adjudication—The individual specified in section 1402 of the act (77 P. S. § 2502).

Disease Law—The Pennsylvania Occupational Disease Act (77 P. S. §§ 1201—1603).

Insurer—A workers' compensation insurance carrier or self-insured employer, as applicable.

Judge—A workers' compensation judge assigned by the Office of Adjudication as provided in sections 401 and 401.1 of the act (77 P. S. §§ 701 and 710) or assigned by

the Office of Adjudication to determine a petition filed under the act or the Disease Law.

Judge manager—A workers' compensation judge with management responsibilities appointed under the Civil Service Act (71 P. S. §§ 741.1—741.1005).

Mandatory mediation—A mediation conducted by a mediating judge under § 131.59b (relating to mandatory mediation).

Mediating judge—A judge assigned to mediate petitions in accordance with sections 401 and 401.1 of the act (77 P. S. §§ 701 and 710) and this chapter.

Mediation—A conference conducted by a judge, having as its purpose an attempt to reconcile any or all disputes under the act or this chapter existing between contending parties. Mediation can be either mandatory or voluntary.

Office of Adjudication—The Office of the Department created under section 1401(a) of the act (77 P. S. § 2501(a)).

Party—A claimant, defendant, employer, insurance carrier, additional defendant, health care provider and, if relevant, the Commonwealth and the Uninsured Employers Guaranty Fund. An act required or authorized by this chapter, to be done by or to a party, may be done by or to that party's counsel of record.

Penalty proceeding—A proceeding governed by section 435(d) of the act (77 P. S. § 991(d)).

Records of work environment—Records and documents relating to work place health, safety, hazards and exposure, including records or documents which may be obtained under the Worker and Community Right-to-Know Act (35 P. S. §§ 7301—7320) and 29 CFR 1901.1—1928.1027 (relating to Occupational Safety and Health Administration, Department of Labor).

Resolution hearing—A procedure established by the Office of Adjudication with the sole purpose of providing a venue to present a compromise and release to a judge in an expedited fashion.

Statement previously made—A written statement signed or otherwise adopted or approved by the persons making it, or a stenographic, mechanical, electrical, computer-generated or other recording, or transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded. The term does not include statements made by parties which are protected by the attorney-client privilege or which are protected as the work product of counsel.

Supersedeas—A temporary stay affecting a workers' compensation case.

Uninsured Employers Guaranty Fund—The special fund established under Article XVI of the act (77 P. S. §§ 2701—2708).

Voluntary mediation—A mediation conducted by a judge under § 131.59a (relating to voluntary mediation) upon the agreement of the contending parties and the judge.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.3 and 33.33 (relating to definitions; effect of service upon an attorney).

Subchapter B. TIME

§ 131.11. Filing, service and proof of service.

(a) Whenever filing is required by this chapter, it is deemed complete upon one of the following:

(1) Delivery in person.

(2) If by electronic submission, upon receipt at the electronic address and in a format as prescribed by the Department and published in the *Pennsylvania Bulletin* or the Department's web site located at www.dli.state.pa.us.

(3) If by mail, upon deposit in the United States Mail, as evidenced by a United States Postal Service postmark, properly addressed, with postage or charges prepaid.

(b) Whenever service is required by this chapter, it is deemed complete upon one of the following:

(1) Delivery in person.

(2) If by electronic submission, upon receipt and in a format as prescribed by the Department and published in the *Pennsylvania Bulletin* or the Department's web site located at www.dli.state.pa.us.

(3) If by mail, upon deposit in the United States Mail, as evidenced by a United States Postal Service postmark, properly addressed, with postage or charges prepaid, except as provided in § 131.81(b) (relating to subpoenas).

(c) Any notice or other written communication required to be served upon or furnished to a party shall also be served upon or furnished to the party's attorney in the same manner as it is served upon the party.

(d) Whenever a proof of service is required by this chapter, the proof of service must contain the following:

(1) A statement of the date of service.

(2) The names of the judge and others served.

(3) The mailing address, the applicable zip code and the manner of service on the judge and others served, and, if applicable, the electronic address to which service was made.

(e) Unless otherwise specifically provided in this chapter, whenever the filing or service is required to be made upon the Bureau, it shall be made to the principal office of the Bureau at: 1171 South Cameron Street, Harrisburg, Pennsylvania 17104-2501, (717) 783-5421, or another address and telephone number as may be published in the *Pennsylvania Bulletin* or the Department's web site located at www.dli.state.pa.us. Electronic filing and service on the Bureau shall be at the electronic address and in a format as prescribed by the Bureau and published in the *Pennsylvania Bulletin* or the Department's web site located at www.dli.state.pa.us.

(f) Subsections (a)–(e) supersede 1 Pa. Code §§ 31.5, 31.11, 31.13, 31.14, 31.26, 33.32 and 33.34–33.36.

§ 131.13. Continuances or postponements of hearings.

(a) It is the intent of this chapter to discourage repeated continuances or postponements of hearings.

(b) Parties shall make every effort to avoid continuances or postponements by the prompt scheduling and submission of expert and medical testimony and by the prompt presentation of lay testimony.

(c) A continuance or postponement may be granted as set forth in this chapter for good cause shown at the discretion of the judge, if the continuance or postponement is consistent with this chapter and its purpose of providing an orderly and expeditious determination of proceedings before judges.

(d) Requests for a continuance or postponement must be:

(1) Made in writing or at a hearing. If not made in writing or at a hearing, confirmed in writing as required by this subsection and served as required by subsection (h).

(2) Made not later than 10 calendar days prior to the hearing date, except as set forth in subsection (f).

(e) Prior to the request for a continuance or a postponement, the party requesting the continuance or postponement shall ascertain the position of all counsel of record and unrepresented parties in the case relating to the continuance or postponement and shall advise the judge of the foregoing at the time of the request.

(f) A request for a continuance or postponement made within 10 calendar days prior to the hearing date will not be considered unless the judge is satisfied that circumstances relating to the requested continuance or postponement occurred within 10 calendar days of the hearing date.

(g) Requests for a continuance or postponement or written confirmation of the continuance or postponement must contain at least the following information:

(1) The identity of the requesting party.

(2) A detailed statement of the position of all counsel of record and unrepresented parties on the request for a continuance or postponement or an explanation of why counsel of record or unrepresented parties could not be contacted.

(3) A detailed statement of the reasons why the continuance or postponement is requested and the date on which the need to request a continuance or postponement arose.

(4) A summary of prior continuances or postponements in the case, at whose request the continuances or postponements were granted and the position of other parties in each continuance or postponement.

(h) A party requesting or confirming in writing a request for a continuance or a postponement other than a request made at a hearing shall serve a copy of the request or the confirmation upon all counsel of record, unrepresented parties and the judge. Counsel requesting or confirming in writing a request for a continuance or a postponement shall serve a copy of the request or confirmation on counsel's client.

(i) Anyone requesting a continuance or postponement shall concurrently with the service of the request or the confirmation file a proof of service with the judge.

(j) In ruling on requests for a continuance or postponement, the judge may consider one or more of the following, giving consideration to subsection (a):

(1) The positions of the various parties relating to the request for a continuance or postponement.

(2) The number of prior continuances or postponements or denials of continuances or postponements and at whose request they were granted or denied.

(3) Whether the requested continuance or postponement will work an undue hardship on a party.

(4) The unavailability of the parties, witnesses or counsel.

(5) The illness or death of the parties or counsel or members of their immediate families.

(6) The desirability of unrepresented parties obtaining counsel.

(7) The necessity to replace the services of an expert witness who becomes unavailable.

(8) Another reason deemed by the judge to be for good cause shown and consistent with this chapter and the purposes of the act and the Disease Law.

(k) A scheduling conflict in another tribunal may be considered but may or may not be determinative.

(l) If a continuance or a postponement is granted, the judge may impose conditions and direct action by the parties which the judge deems reasonable under the circumstances.

(m) In addition to the conditions and actions referred to in subsection (l), the judge may:

(1) Determine why the proceeding should not be dismissed for lack of prosecution or grant the relief sought without the receipt of further evidence or testimony upon the making of appropriate findings of fact.

(2) Schedule a hearing to determine whether to impose penalties under section 435(d) of the act (77 P. S. § 991(d)) and issue an appropriate written order.

(3) Issue a written order modifying in whole or in part a supersedeas ordered or denial previously entered or modifying an order previously entered upon a showing of compliance with the directions of the judge.

(4) Issue a written order at the end of the case, in the case of a claim petition, with appropriate findings of fact, directing that interest be disallowed. The judge may limit the disallowance of interest to a specified period on good cause shown.

(5) Issue a written order with appropriate findings of fact closing the record and deciding a case if a party has unreasonably delayed the proceeding.

(n) Subsections (a)—(m) supersede 1 Pa. Code §§ 31.15, 33.33 and 35.102 (relating to extensions of time; effect of service upon an attorney; and hearing calendar).

Subchapter C. FORMAL PROCEEDINGS

GENERAL

§ 131.22. Transfer of cases or petitions on agreement of all parties.

(a) If the transfer of the case is agreed to by the Office of Adjudication, the parties and the judge, the Office of Adjudication will promptly reassign the case or petition. Notice of reassignment will be given to all parties.

(b) Transfer or reassignment under subsection (a) will take place prior to the date of the first hearing unless circumstances dictate otherwise.

SUPERSEDEAS

§ 131.41. Request for supersedeas or reconsideration of supersedeas.

(a) When a petition contains a request for supersedeas, or when a request for supersedeas is made, the judge may rule on the request only after a hearing.

(b) After a hearing, the judge may grant or deny the request for supersedeas in whole or in part. The grant or denial may be for specified or indefinite periods and may be subject to conditions that the judge orders to implement the intent of the act, the Disease Law or this chapter. If a supersedeas has been granted or denied in whole or in part, the judge may, upon request or on the judge's own motion, and after hearing, review and modify the grant or denial as warranted.

(c) The decision of a judge on a request for or reconsideration of a supersedeas is an interlocutory order.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.190 and 35.225 (relating to appeals to agency head from rulings of presiding officers; and interlocutory orders).

§ 131.50a. Employee request for special supersedeas hearing under sections 413(c) and (d) of the act.

(a) This section governs the disposition of an employee's request for a special supersedeas hearing made in connection with a challenge to the suspension or modification of workers' compensation benefits under sections 413(c) and 413(d) of the act (77 P. S. § 774.2 and 774.3).

(b) A special supersedeas hearing will be held within 21 days of the employee's filing of the notice of challenge.

(c) During the course of a challenge proceeding, the issues are limited to determining whether the claimant has stopped working or is earning the wages stated in the Notice of Suspension or Modification under sections 413(c) or 413(d) of the act and the challenge shall be decided only on those issues.

(d) If the employer has filed a separate petition requesting supersedeas, the judge may receive evidence and issue a separate decision on the request for supersedeas if the judge determines the claimant will not be prejudiced by the introduction of evidence on the supersedeas request at the time of the challenge proceeding.

(e) The judge to whom the notice of challenge has been assigned will issue a written order on the challenge within 14 days of the hearing.

(f) If the judge fails to hold a hearing within 21 days or fails to issue a written order approving the suspension or modification of benefits within 14 days of the hearing, the insurer shall reinstate the employee's workers' compensation benefits at the weekly rate the employee received prior to the insurer's suspension or modification of benefits under sections 413(c) or 413(d) of the act.

(g) Subsections (a)—(f) supersede 1 Pa. Code §§ 35.161, 35.162 and 35.190 (relating to form and admissibility of evidence; reception and ruling on orders; and appeals to agency head from rulings of presiding officers).

HEARING PROCEDURE

§ 131.52. First hearing procedures.

(a) The purpose of this chapter is to provide a fair and prompt hearing process, to allow all parties to introduce appropriate evidence and to receive a timely decision from the judge. When practicable and appropriate, the entire record relating to any petition shall be completed at the initial hearing, recognizing that the hearing process may differ based upon several variables including geographic location, number of parties involved, case volume and availability of experts for testimony.

(b) The hearing process chosen in any specific case, including a determination of whether testimony will be accepted at the initial hearing, is within the discretion of the judge. At or before the initial hearing by written order or on the record, the judge shall establish:

(1) Specific deadlines for the presentation of evidence by the parties.

(2) Dates for future hearings.

(3) Specific date and time for the mediation conference unless, for good cause shown, the judge determines at the first hearing or subsequently that mediation would be futile.

(4) Dates for setting any medical examinations to be scheduled consistent with § 131.53(g) (relating to procedures subsequent to the first hearing).

(c) The moving party, at the first hearing, shall advise the judge and opposing parties of the following:

(1) Allegations and issues of fact and law involved in the moving party's petition.

(2) Proposed amendments to pleadings.

(3) Stipulations of fact.

(4) Names, addresses and method of presentation of witnesses.

(5) Whether the items and information specified in § 131.61(a) (relating to exchange of information), which are intended to be used as evidence or exhibits, have been provided to the responding party at or before the first hearing.

(6) Dates of depositions.

(7) Estimate of hearing time.

(8) Other subjects which may aid in the disposition of the proceeding.

(d) The moving party, at the first hearing, unless otherwise directed by the judge, shall offer and have marked for identification available exhibits of the moving party.

(e) The parties shall provide the judge with all documents required by law to be filed with the Bureau and which are relevant to issues in dispute with the same injury date and pertaining to the same claim. The judge will place those documents in evidence along with any other documents required to be filed by law with the Bureau or prior judges and which the judge deems relevant to the proceeding. The judge and the employee may not introduce the First Report of Injury into evidence.

(f) Evidence furnished under this section does not become part of the record, unless otherwise admissible.

(g) Unless otherwise ordered by the judge, the moving party shall present testimony.

(h) Subsections (a)—(g) supersede 1 Pa. Code §§ 35.123, 35.125—35.128, 35.155, 35.164 and 35.169.

§ 131.53. Procedures subsequent to the first hearing.

(a) Within 45 days after the date of the first hearing actually held, the responding party shall comply with § 131.52(c) (relating to first hearing procedures) and shall submit, in writing, to the judge, with copies to counsel of record and unrepresented parties, the items and information specified in § 131.52(c).

(b) The responding party, in accordance with the directions of the judge, shall offer and have marked for identification the responding party's exhibits.

(c) The judge may issue an order directing the parties to proceed with the litigation in a manner that promotes expeditious resolution and avoids delay.

(d) The parties or the judge may request a conference at any time which may be held in person, by telephone, video, or any other electronic manner as directed by the judge.

(e) A party wishing to present testimony in the form of rebuttal or surrebuttal shall notify the judge in writing

within 21 days after conduct of the hearing or deposition at which the testimony to be rebutted or surrebutted has been given.

(f) Following a request to present rebuttal or surrebuttal testimony, the testimony shall be presented at a hearing or deposition provided the testimony shall be taken no later than 45 days after the conclusion of the case of the party presenting the testimony or evidence to be rebutted or surrebutted.

(g) Dates of the medical examinations, if not scheduled prior to the first hearing actually held, shall be scheduled within 45 days after the first hearing actually held.

(h) Subsections (a)—(g) supersede 1 Pa. Code §§ 35.126—35.128, 35.137, 35.138 and 35.161—35.169.

§ 131.53a. Consolidated hearing procedure.

(a) One day trials or other consolidated hearing procedures may be scheduled and conducted pursuant to this chapter to the extent practical. The judge may waive or modify this chapter as may be appropriate and adopt and direct procedures which are fair and just for a determination of the issues consistent with the act.

(b) Subject to § 131.3(a) (relating to waiver and modification of rules) in cases proceeding under a consolidated hearing procedure:

(1) Upon request, or on the judge's own motion, testimony from a party or witness may be taken by a trial deposition prior to the obligation of a party to conduct medical depositions, or at another appropriate time to clarify the issues.

(2) Upon request, a party shall have the opportunity to testify before the judge at the pretrial or other hearing prior to the obligation of a party to conduct medical depositions, or at another appropriate time to clarify the issues.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.101—35.106, 35.111—35.116, 35.121—35.128, 35.137, 35.138, 35.155 and 35.161—35.169.

§ 131.53b. Bifurcation.

(a) The judge may, upon request or upon the judge's own motion, consider bifurcation of issues to promote expeditious resolution of cases.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.180 and 35.225 (relating to action on motions; and interlocutory orders).

§ 131.54. Manner and conduct of hearings.

(a) The judge will conduct fair and impartial hearings and maintain order. At the discretion of the judge, the hearings may be conducted by telephone or other electronic means if the parties do not object. Disregard by participants or counsel of record of the rulings of the judge shall be noted on the record, and if the judge deems it appropriate, will be made the subject of a written report to the Director of Adjudication together with recommendations.

(b) If the participants or counsel are guilty of disrespectful, disorderly or contumacious language or conduct in connection with a hearing, the judge may suspend the hearing or take other action as the judge deems appropriate, including the submission of a written report to the Director of Adjudication together with recommendations.

(c) A witness whose identity has not been revealed as provided in this chapter may not be permitted to testify

on behalf of the defaulting party unless the testimony is allowed within the judge's discretion.

(d) In addition to subsections (a)—(c), the judge may proceed under § 131.13(m) (relating to continuances or postponements of hearings).

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 31.21—31.23, 31.27 and 31.28 and also supersede 1 Pa. Code Chapter 35, Subchapter E.

§ 131.56a. Withdrawal of appearance.

(a) An attorney may withdraw his appearance without leave if another attorney has previously entered or is simultaneously entering an appearance on behalf of the party.

(b) Leave to withdraw an appearance shall be sought by written request to the adjudicating judge. An attorney may not withdraw representation until the adjudicating judge grants the request.

(c) In requesting a withdrawal of appearance, the attorney shall:

(1) Verify whether any party has any objection to the withdrawal request.

(2) Serve notice of the request to withdraw on his own client, all unrepresented parties and counsel of record for all represented parties.

(3) File a proof of service as provided in § 131.11(d) (relating to filing, service and proof of service).

(d) Except for withdrawals of appearance under subsection (a), the adjudicating judge shall, after conducting a hearing on any objection, or on the adjudicating judge's own motion, issue an interlocutory order granting the request unless the adjudicating judge determines that there will be prejudice to the parties or to the proceedings.

(e) Upon withdrawal of appearance, in the event of a fee dispute, the adjudicating judge shall have the authority to determine entitlement to receipt of counsel fees and costs, whether under sections 440 or 442 of the act (77 P. S. §§ 996 and 998), if the fee agreement or petition has been filed before discharge or withdrawal of counsel.

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 33.32—33.37, 35.2, 35.123, 35.124, 35.225 and 35.226.

§ 131.57. Compromise and release agreements.

(a) Under section 449 of the act (77 P. S. § 1000.5), upon or after filing a petition, the parties may engage in a compromise and release of any and all liability which is claimed to exist under the act on account of injury or death, subject to approval by the judge after consideration at a hearing.

(b) Proposed compromise and release agreements, including the stipulations of the parties, shall be recorded on a form prescribed by the Bureau. The parties may attach additional information to the form if circumstances so require.

(c) If another petition is pending before a judge at the time of the agreement of the parties to compromise and release the claim, any party may, in writing, request the judge to schedule a hearing on the proposed compromise and release agreement. The written request will be treated as an amendment of the pending matter to a petition to seek approval of a compromise and release agreement.

(d) The judge will expedite the convening of a hearing on the compromise and release agreement. The judge will

circulate a written decision on the proposed compromise and release agreement within 30 days after the hearing. This subsection does not apply if a resolution hearing has been requested in accordance with § 131.60 (relating to resolution hearings).

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 33.42, 35.40, 35.41, 35.48—35.51, 35.101—35.106, 35.111—35.116, 35.121—35.128 and 35.155.

§ 131.59. Mediation.

(a) Mediation may be utilized by the parties under this chapter and will not be limited in purpose to achieving a compromise settlement (compromise and release agreement), but may have as a goal the narrowing of issues by means of stipulation for decision by the judge or other amicable resolution.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.21—31.23, 35.111—35.116, 35.186 and 35.188.

§ 131.59a. Voluntary mediation.

(a) If all parties and the adjudicating judge agree, the adjudicating judge may conduct the voluntary mediation and may subsequently participate in a decision on the merits of the petition or petitions if they are not resolved amicably.

(b) Voluntary mediation activities conducted by judges are confidential.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 31.21—31.23, 35.111—35.116 and 35.188.

§ 131.59b. Mandatory mediation.

(a) A mandatory mediation will not be assigned to an adjudicating judge. Petitions not resolved by mediation will proceed before the adjudicating judge as if mediation had not occurred. The mediating judge will not participate in any decision on the merits of the petition or petitions. This subsection cannot be waived or modified, as otherwise provided in § 131.3 (relating to waiver and modification of rules).

(b) Mandatory mediation activities conducted by mediating judges are confidential except that communications, conduct or documents are not confidential if relevant to establish that a party or counsel failed to do one of the following:

(1) Appear for a mediation without prior approval of the mediating judge.

(2) Attend a mediation in person or by teleconference, as required by the mediating judge.

(3) Have requisite authority to accept, modify or reject settlement proposals offered at the mediation, whether at the mediation, or within a reasonable period of time after the mediation as established by the mediating judge.

(c) The adjudicating judge shall possess authority to impose sanctions for the failure of the parties to comply with the mediation provisions of sections 401 and 401.1 of the act (77 P. S. §§ 701 and 710) and may consider sections 435(b) and 435(d) of the act (77 P. S. §§ 991(b) and 991(d)), as well as circumstances and sanctions set forth in § 131.13(j) and (m) (relating to continuances or postponement of hearings).

(d) Nothing in this chapter precludes the parties from participating in a voluntary mediation.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 31.21—31.23, 35.111—35.116 and 35.188.

§ 131.60. Resolution hearings.

(a) A resolution hearing must be requested in writing.

(b) Counsel for either party, or any unrepresented party, may request a resolution hearing at any time after all parties are prepared to proceed within the time limits prescribed by the act and this rule for resolution hearings.

(c) If a petition is pending before a judge, the request for a resolution hearing must be directed to the assigned judge.

(d) If a petition is not pending before a judge, the request for a resolution hearing must be directed to the Judge Manager for the judge's office serving the county of the claimant's residence. If the claimant resides outside of this Commonwealth, the request must be directed to the Judge Manager for the judge's office most proximate to the claimant's residence. The Judge Manager will assign a judge to conduct the resolution hearing.

(e) The assigned judge's office will schedule the resolution hearing within 14 business days of receiving the request for a resolution hearing.

(f) The Judge Manager may reassign any case from one judge to another to ensure compliance with the resolution hearing requirements of sections 401 and 401.1 of the act (77 P. S. §§ 701 and 710). The Judge Manager will notify both judges of the reassignment.

(g) The judge conducting the resolution hearing will require proof that a petition has been filed with the Bureau under § 131.11 (relating to filing, service and proof of service), and will make the proof a part of the record. Upon receiving the proof, the judge shall proceed with the hearing and circulate a final decision within 5 business days of the hearing.

(h) The assigned judge need not comply with the procedures in this rule if any party is unable to proceed within the time limits established by the act for resolution hearings.

(i) Subsections (a)—(h) supersede 1 Pa. Code §§ 31.21—31.23, 35.48—35.51, 35.111—35.116, 35.185, 35.201—35.207 and 35.226.

**EXCHANGE OF INFORMATION AND
DEPOSITIONS AND DISCOVERY**

§ 131.66. Admissibility of oral depositions.

(a) Oral depositions taken in accordance with §§ 131.62—131.65 or upon waiver of the formal requirements of those sections by agreement of all parties, will be admissible at the time of hearing or by mail if allowed by the judge in the same manner as if the deponent appeared before the judge and testified.

(b) Objections shall be made and the basis for the objections stated at the time of the taking of the depositions. Only objections which are identified in a separate writing, introduced prior to the close of the evidentiary record, as close of the record is specified in § 131.101(c)—(e) (relating to briefs, findings of fact and close of record), and stating the specific nature of the objections and the pages where they appear in the deposition or the exhibits to which they refer will be preserved for ruling. Objections not so preserved are waived.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.126, 35.151, 35.161 and 35.162.

DECISIONS

§ 131.111. Decisions of judges.

(a) Following the close of the evidentiary record and the hearing of oral argument, if any, as provided in § 131.102(a) (relating to oral argument), the judge will issue a written decision, which will contain findings of fact, conclusions of law and an appropriate order based upon the entire evidentiary record.

(b) The decision of the judge will be a final order, subject to correction or amendment under § 131.112 (relating to correction or amendment of decision), or appeal.

(c) In any petition which may result in the payment of a monetary award subject to 23 Pa.C.S. § 4308.1 (relating to collection of overdue support from monetary awards), a decision will not be issued until the claimant provides to the judge a written statement signed by the claimant and made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), including:

(1) The claimant's full name, mailing address, date of birth and Social Security number.

(2) Whether there is an outstanding child support order against the claimant, and if so, whether payments are current or in arrears.

(3) Written documentation of arrears from the Pennsylvania Child Support Enforcement System web site, or, if no arrears exist, written documentation from the web site indicating no arrears.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.190, 35.201—35.207, 35.225, 35.226 and 35.241.

[Pa.B. Doc. No. 09-1925. Filed for public inspection October 16, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF STATE

[51 PA. CODE CH. 53] Biennial Filing Fee

The Department of State (Department) proposes to amend Chapter 53 (relating to registration and termination) by amending § 53.1 (relating to biennial filing fee) to read as set forth in Annex A. The proposed rulemaking increases the biennial registration fee for individuals and entities required to be registered under 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure) (act) from \$100 to \$200.

Statutory Authority

Section 13A08(j) of the act (relating to administration) provides that the Department may by regulation adjust the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act.

Purpose

The current registration fee of \$100 for individuals and entities required to be registered under the act was established by the act in section 13A10(a). Section 13A08(j) of the act states that the fees may be raised if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. For the Fiscal Years (FY) 2007-2008, the Department's costs for administering the act totaled \$1,054,165.07. For the biennial registration period 2007-2008, the registration fees paid to the Department totaled \$234,200. For the FY 2008-2009, the Department's costs are projected to be \$1,711,318. While the increase in the registration fee will not come close to covering the total costs of administering the act to the Department, it will help to defray some of the costs.

Description of Proposed Rulemaking:

Section 53.1. Biennial Filing Fee.

Based upon the expense and revenue estimates provided to the Department, the Department proposes to adopt § 53.1(a)(1) to increase the biennial registration fee for individuals and entities required to be registered under the act from \$100 to \$200. The increased registration fee will go into effect on January 1, 2011. The increase in the registration fee will help defray some of the costs of administering the act.

Fiscal Impact

Commonwealth

By raising the registration fee to \$200, the proposed rulemaking will help the Department defray some of the costs of administering the act.

Local Government

Local government will not have any expenses associated with this rulemaking. However, if a local government is required to register as a principal, the local government would have the cost of the increased registration fee of \$200, and would then be considered part of the regulated community.

Private Sector

The proposed rulemaking will increase the biennial registration fee for principals, lobbying firms and lobbyists to \$200.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 6, 2009, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Senate and House State Government Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections 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 Department.

Responses to Comments

Contact Person:

Interested persons may contact Shauna C. Graves, Assistant Counsel, Department of State, 210 North Office Building, Harrisburg, PA 17120-0039, shgraves@state.pa.us. Comments must be received by November 16, 2009.

PEDRO A. CORTÉS,
Secretary

Fiscal Note: 16-50. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 51. PUBLIC OFFICERS PART III. LOBBYING DISCLOSURE CHAPTER 53. REGISTRATION AND TERMINATION

§ 53.1. Biennial filing fee.

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of [\$100] \$200 to the Department, made payable to the "Commonwealth of Pennsylvania."

* * * * *

[Pa.B. Doc. No. 09-1926. Filed for public inspection October 16, 2009, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 127 AND 139] Air Quality Fee Schedules

The Environmental Quality Board (Board) proposes to amend Chapters 121, 127 and 139 (relating to general

provisions construction, modification, reactivation and operation of sources; and sampling and testing) as set forth in Annex A.

This proposal will address any disparity between the program income generated by fees and the cost of administering those programs.

This notice is given under Board order at its meeting of July 21, 2009.

A. *Effective Date*

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

These amendments will be submitted to the United States Environmental Protection Agency as a revision to the Pennsylvania State Implementation Plan upon final-form rulemaking.

B. *Contact Persons*

For further information, contact Dean Van Orden, Assistant Director, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9264 or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Information regarding submitting comments on this proposal appears in Section J of this preamble. 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). This proposal is available electronically through the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us>.

C. *Statutory Authority*

This action is being taken under the authority of section 6.3 of the Air Pollution Control Act (APCA) (35 P. S. § 4006.3), which grants to the Board the authority to adopt regulations to establish fees to cover the indirect and direct costs of administering the air pollution control program.

D. *Background and Summary*

The main purpose of this proposed rulemaking is to amend existing requirements and fees codified in Chapter 127, Subchapter I (relating to plan approval and operating permit fees), and add new categories of fees to that subchapter to address modifications of existing plan approvals and requests for determination of whether a plan approval is required. The proposed rulemaking would also add a new section to address fees for risk assessment applications. The proposed rulemaking would amend the existing annual emission fee paid by the owner or operator of a Title V facility. The proposed rulemaking would also add Subchapter D (relating to testing, auditing, and monitoring fees) to Chapter 139, to add new categories of fees to address Department-performed source testing, test report reviews and auditing and monitoring activities related to continuous emissions monitoring systems (CEMS).

These increased fees and new fees would be used to support the Department's air quality program as authorized by the APCA. This will ensure that the program is self-sustaining. The fee revisions would allow the Department to maintain staffing levels in the air quality program. This would provide a sound basis for continued air quality assessments and planning that are fundamental to protecting public health and welfare and the environment.

Increased funding for the plan approval and operating permit program would continue to allow for timely and complete review of plan approval and operating permit applications. Implementation of new fees for risk assessment applications would allow for resources to address this important area of public health and social well-being by evaluating the risks associated with observed levels of contaminants.

Implementation of the new schedule of fees proposed in Chapter 139, Subchapter D, for the source testing and monitoring program would fund observations of stack emissions source testing and audits of CEMS by Department staff. Observations and audits conducted by Department staff with expertise in source testing and monitoring would ensure that high quality test and monitoring data are collected and submitted to the Department. High quality data are critical to determining compliance with permitted air pollutant emission limits and establishing emission inventories used by the Department in developing programs to protect public health and social well-being.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of these proposed amendments. At its February 12, 2009, meeting, the AQTAC concurred with the Department's recommendation to advance the proposal to the Board for consideration as proposed rulemaking with publication for a minimum 60-day public comment period and three public hearings.

The Department also conferred with the Citizens Advisory Council (CAC) concerning the proposed rulemaking on February 17, 2009. The CAC concurred with the Department's recommendation to advance the proposal to the Board for consideration as proposed rulemaking. An overview of the proposal was presented to the Small Business Compliance Advisory Committee on March 4, 2009.

E. *Summary of Regulatory Revisions*

The proposed amendments add the following 22 new definitions and terms to § 121.1 (relating to definitions) to explain source testing, auditing and monitoring activities used in the substantive provisions under either Chapter 127, Subchapter I or Chapter 139, Subchapter D: "CEMS level 1 quarterly report," "CEMS level 1 quarterly report audit," "CEMS level 2 system inspection audit," "CEMS level 3 analyzer audit," "CEMS level 4 system audit," "CEMS level 4 system audit report," "CEMS level 4 test protocol," "CEMS level 4 test protocol review," "CEMS level 4 test report (RATA)," "CEMS level 4 test report (RATA) review," "CEMS levels," "CEMS periodic self-audit," "CEMS phase 1 monitoring plan," "CEMS phase 1 monitoring plan review," "CEMS phase 2 test protocol," "CEMS phase 3 certification test report," "CEMS phase 3 certification test report review," "CEMS phases," "observer," "RATA-relative accuracy test audit," "risk assessment" and "trial burn operating scenario." The proposed amendments revise the definition of one term to provide clarity: "CEMS—continuous emissions monitoring system."

Proposed changes to § 127.701 (relating to general provisions) ensure that fees are made payable to the Pennsylvania Clean Air Fund and that at least every 5 years, the Department will provide the Board with an evaluation of the fees in this subchapter and recommend regulatory changes to the Board to address any disparity between the program income generated by the fees and

the Department's cost of administering the air quality program with the objective of ensuring sufficient fees to meet all program costs.

Proposed changes to § 127.702 (relating to plan approval fees) provide for, among other things, the following proposed fee provisions:

Under subsection (b), the owner or operator of a source requiring approval under Chapter 127, Subchapter B (relating to plan approval requirements), including a proposed revision to an application that requires reassessment of a control technology determination, shall pay a fee equal to \$1,300 for applications filed during the 2010–2014 calendar years; \$1,600 for applications filed during the 2015–2019 calendar years; and \$2,000 for applications filed for the calendar years beginning in 2020.

Under subsection (c), the owner or operator of a source requiring approval under Chapter 127, Subchapter E (relating to new source review), including a proposed revision to an application that requires reassessment of a control technology determination, shall pay a fee equal to \$6,300 for applications filed during the 2010–2014 calendar years; \$7,300 for applications filed during the 2015–2019 calendar years; and \$8,000 for applications filed for the calendar years beginning in 2020.

Under subsection (d), the owner or operator of a source requiring approval under Chapter 122, Chapter 124 or § 127.35(b) (relating to national standards of performance for new stationary sources; national emission standards for hazardous air pollutants; and maximum achievable control technology standards for hazardous air pollutants), including a proposed revision to an application that requires reassessment of a control technology determination, shall pay a fee equal to \$2,000 for applications filed during the 2010–2014 calendar years; \$2,500 for applications filed during the 2015–2019 calendar years; and \$3,000 for applications filed during the calendar years beginning in 2020.

Under subsection (e), the owner or operator of a source requiring approval under § 127.35(c), (d) or (h), including a proposed revision to an application that requires reassessment of a control technology determination, shall pay a fee equal to \$10,000 for applications filed during the 2010–2014 calendar years; \$12,000 for applications filed during the 2015–2019 calendar years; and \$14,000 for applications filed during the calendar years beginning in 2020.

Under subsection (f), the owner or operator of a source requiring approval under Chapter 127, Subchapter D (relating to prevention of significant deterioration of air quality), including a proposed revision to an application that requires reassessment of a control technology determination, shall pay a fee equal to \$27,200 for applications filed during the 2010–2014 calendar years; \$30,700 for applications filed during the 2015–2019 calendar years; and \$35,700 for applications filed during the calendar years beginning 2020.

Under subsection (g), the owner or operator of a source proposing a modification of a plan approval, extension of a plan approval or transfer of a plan approval due to a change of ownership, except as provided in subsection (h), when an amendment of a plan approval or revision of an application by the applicant that requires the reassessment of a control technology determination or of the ambient impacts of the source is a significant modification of the plan approval or application, shall pay a fee equal to \$400 for applications filed during the 2010–2014

calendar years; \$500 for applications filed during the 2015–2019 calendar years; and \$650 for applications filed during the calendar years beginning in 2020.

Under subsection (h)(1), the applicant proposing an amendment of the plan approval or revision to an application that requires reassessment of a control technology determination shall pay fees as established under subsections (b)–(f).

Under subsection (h)(2), the applicant proposing an amendment of a plan approval or revision to an application that requires changes to the ambient impact analysis or Department reanalysis of the ambient impacts of the source to meet the requirements of 40 CFR 51, Appendix W (relating to guideline on air quality models) shall pay fees in accordance with the following: for modeling using a screening technique as defined in 40 CFR 51, Appendix W—\$3,500 for applications filed during the 2010–2014 calendar years; \$4,500 for applications filed during the 2015–2019 calendar years; and \$6,000 for applications filed for calendar years beginning in 2020; for all other modeling as defined in 40 CFR 51, Appendix W—\$7,500 for applications filed during the 2010–2014 calendar years; \$9,000 for applications filed during the 2015–2019 calendar years; and \$11,000 for applications filed for the calendar years beginning in 2020.

Under subsection (j), the owner or operator of a source that submits a request for determination for a plan approval application shall pay a fee equal to \$400 for requests for determination filed during the 2010–2014 calendar years; \$500 for requests for determination filed during the 2015–2019 calendar years; and \$650 for requests for determination filed for the calendar years beginning in 2020. The owner or operator of a source that submits a request for determination for both a plan approval under this section and an operating permit under § 127.703(e) (relating to operating permit fees under Subchapter F) shall pay one request for determination fee.

Under subsection (k), the owner or operator of a source proposing to use a general plan approval under Chapter 127, Subchapter H (relating to general plan approvals and operating permits) shall pay a fee which will not be greater than the fees established under § 127.702. These fees shall be established at the time the general plan approval is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice; and review period).

Proposed changes to § 127.703 provide for, among other things, the following proposed fee provisions:

Under subsection (b) for processing an application for an operating permit—\$500 for applications filed during the 2010–2014 calendar years; \$600 for applications filed during the 2015–2019 calendar years; and \$850 for applications filed for the calendar years beginning in 2020.

Under subsection (c) for the annual operating permit administration fee—\$500 for the 2010–2014 calendar years; \$600 for the 2015–2019 calendar years; and \$750 for the calendar years beginning in 2020. The annual operating permit administration fee is due on or before March 1 of each year for the current calendar year.

Under subsection (e), the owner or operator of a source that submits a request for determination for an operating permit shall pay a fee equal to \$400 for requests for determination filed during the 2010–2014 calendar years; \$500 for requests for determination filed during the 2015–2019 calendar years; and \$650 for requests for

determination filed for the calendar years beginning in 2020. The owner or operator that submits a request for determination for both an operating permit under this section and a plan approval under § 127.702(j) shall pay one request for determination fee.

Under subsection (f), the owner or operator of a source proposing to use a general operating permit under Chapter 127, Subchapter H shall pay a fee which will not be greater than the fees established under § 127.703. These fees shall be established at the time the general operating permit is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632.

Proposed changes to § 127.704 (relating to Title V operating permit fees under Subchapter G) provide for, among other things, the following proposed fee provisions:

Under subsection (b), for processing an application for an operating permit—\$900 for applications filed during the 2010–2014 calendar years; \$1,100 for applications filed during the 2015–2019 calendar years; and \$1,500 for applications filed for the calendar years beginning in 2020.

Under subsection (c), the annual operating permit administrative fee—\$900 for applications filed during the 2010–2014 calendar years; \$1,100 for applications filed during the 2015–2019 calendar years; and \$1,300 for applications filed for the calendar years beginning in 2020.

Under subsection (e), the owner or operator of a source proposing to use a general operating permit under Chapter 127, Subchapter H shall pay a fee which will not be greater than the fees established under § 127.704. These fees shall be established at the time the general operating permit is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632.

Proposed changes to § 127.705 (relating to emission fees) provide for, among other things, under subsection (a) that beginning January 1, 2010, the annual Title V emission fee is \$70 per ton for each ton of regulated pollutant actually emitted from the facility.

Proposed § 127.708 (relating to risk assessment) provides that each applicant for a risk assessment shall, as part of the plan approval application, submit the application fee as follows:

Under subsection (b), for a risk assessment that is inhalation only with a screening model—\$5,000 for applications filed during the 2010–2014 calendar years; \$6,000 for applications filed during the 2015–2019 calendar years; and \$7,200 for applications filed for the calendar years beginning in 2020.

Under subsection (c), for a risk assessment that is inhalation only for all other modeling—\$9,000 for applications filed during the 2010–2014 calendar years; \$11,000 for applications filed during the 2015–2019 calendar years; and \$13,000 for applications filed for the calendar years beginning in 2020.

Under subsection (d), for a risk assessment that is multi-pathway—\$10,000 for applications filed during the 2010–2014 calendar years; \$12,000 for applications filed during the 2015–2019 calendar years; and \$14,500 for applications filed for the calendar years beginning in 2020.

Chapter 139 is proposed to be amended to add Subchapter D. This subchapter is proposed to establish fees for testing, auditing and monitoring activities that the Department undertakes to administer the require-

ments of the APCA or the Clean Air Act. The fees collected under this subchapter shall be made payable to the Pennsylvania Clean Air Fund and deposited into the Clean Air Fund established under section 9.2 of the APCA (35 P.S. § 4009.2). At least every 5 years, the Department will provide the Board with an evaluation of the fees in this subchapter and recommend regulatory changes to the Board to address any disparity between the program income generated by the fees and the Department's cost of administering the air quality program with the objective of ensuring sufficient fees to meet all program costs.

Under proposed § 139.202 (relating to schedule of testing, auditing and monitoring fees) for testing, auditing and monitoring activities performed by Department personnel for calendar years 2010–2014, 2015–2019, and calendar years beginning with 2020, the Department will assess a testing, auditing or monitoring fee on the applicant or permittee in accordance with the schedule of testing, auditing and monitoring fees for activities performed by Department personnel listed in Table I.

F. Benefits, Costs and Compliance

Benefits

Overall, the citizens of this Commonwealth would benefit from these proposed amendments because the fee revisions would allow the Department to maintain staffing levels in the air quality program. This would provide a sound basis for continued air quality assessments and planning that are fundamental to protecting public health and welfare and the environment.

Compliance Costs

The proposed rulemaking adjusts the fees to be paid by the owners or operators of affected facilities. The Department estimates that the increase in emission fees will result in additional costs of \$2,761,000 per year to the owners or operators of affected facilities. The adjusted plan approval and permit fees are estimated to result in an increase in costs of \$760,000 per year. The source testing fees would increase costs to owners or operators by \$1.4 million per year. No new legal, accounting or consulting procedures would be required.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

There are no additional paperwork requirements associated with this proposed rulemaking with which industry would need to comply.

G. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101–13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rule-

making would allow the Department to maintain staffing levels in the air quality program, which would provide a sound basis for continued air quality assessments and planning that are fundamental to reducing pollution and protecting public health and welfare and the environment.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

At least every 5 years, the Department will provide the Board with an evaluation of the fees in this subchapter and recommend regulatory changes to the Board to address any disparity between the program income generated by the fees and the Department's cost of administering the air quality program with the objective of ensuring sufficient fees to meet all program costs.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 6, 2009, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

J. *Public Comments*

Written Comments: Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 21, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 21, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

Electronic Comments: Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by December 21, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

K. *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held as follows:

Department of Environmental Protection November 17, 2009
10 a.m.

Southcentral Regional Office
Susquehanna Room A
909 Elmerton Avenue
Harrisburg, PA 17110

Department of Environmental Protection November 19, 2009
10 a.m.

Southeast Regional Office
Delaware Conference Room
2 East Main Street
Norristown, PA 19401

Department of Environmental Protection November 20, 2009
10 a.m.

Southwest Regional Office
Waterfront Conference Room A
and B
400 Waterfront Drive
Pittsburgh, PA 15222-4745

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

JOHN HANGER,
Chairperson

Fiscal Note: 7-441. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

CEMS—*Continuous emissions monitoring system*—**[For purposes of Chapter 127, Subchapter E, all]**

(i) **All of the equipment [that]:**

(A) That may be required to meet the data acquisition and availability requirements [of Chapter 127, Subchapter E] set forth by the Department to sample, condition, analyze and provide a record of emissions on a continuous basis.

(B) That may be necessary for the determination, collection and reporting of a pollutant or parameter in the applicable units of measurement in accordance with the requirements set forth by the Department.

(ii) The requirements may be set forth by the Department in one or more of the following:

- (A) Plan approval.
- (B) Permit.
- (C) Order.
- (D) Technical guidance.
- (E) Chapter 127, Subchapter E (relating to new source review).
- (F) Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources).
- (G) Other regulations.

CEMS level 1 quarterly report—The written emissions report submitted quarterly to the Department by the owner or operator of a facility with a CEMS. The format and content of the report are specified in the *Continuous Source Monitoring Manual* referenced in § 139.102(3) (relating to references).

CEMS level 1 quarterly report audit—The audit conducted by the Department on the CEMS level 1 quarterly emissions report submitted by the owner or operator of a facility.

(i) The audit includes both of the following activities:

(A) A review of the emissions report for consistency in both format and content with the current *Continuous Source Monitoring Manual* referenced in § 139.102(3).

(B) Subsequent processing of the emissions report through the Continuous Emission Monitoring Data Processing System (CEMDPS), from which a written report summarizing the quarterly report submitted by the facility is generated.

(ii) Initial submittal refers to the first time the CEMS level 1 quarterly report is submitted for audit.

(iii) Resubmittal refers to subsequent submittals of the CEMS level 1 quarterly report to correct incorrect data or calculations or to supply missing data or calculations.

CEMS level 2 system inspection audit—

(i) A random or as-needed audit conducted by the Department of the CEMS at a facility, which consists of all of the following:

- (A) A system configuration and equipment inspection.
- (B) A diagnostic check of the analyzers.
- (C) An operational audit.
- (D) A data inspection.

(ii) The term includes a field systems inspection audit.

CEMS level 3 analyzer audit—

(i) A random or as-needed audit conducted by the Department of analyzer performance of the CEMS at a facility, which includes both of the following actions:

(A) Each analyzer is challenged with Department-supplied calibration gases or neutral density filters (opacity) at three operational levels.

(B) The results obtained from the facility analyzers are compared to the values of the reference materials.

(ii) The term includes an analyzer performance audit.

CEMS level 4 system audit—An audit by either the Department or the owner or operator of the facility of the system performance of the CEMS, conducted in accordance with the Department's current RATA procedures, when both of the following occur:

(i) Testing is conducted using EPA-approved test methods.

(ii) The test results are reported in the applicable units of measurement in the CEMS level 4 system audit report.

CEMS level 4 system audit report—The written report containing the results of a Department- or company-conducted CEMS level 4 system audit of the system performance of the CEMS.

CEMS level 4 test protocol—A test protocol that describes all test procedures and methods to be used to inspect the CEMS.

CEMS level 4 test protocol review—Department review of the information contained in the CEMS level 4 test protocol.

CEMS level 4 test report (RATA)—The test report detailing the results of the testing conducted on the CEMS.

CEMS level 4 test report (RATA) review—Department review of the information contained in the CEMS level 4 test report (RATA).

CEMS levels—A four-level inspection and audit program that the Department uses to determine the continued accuracy and reliability of installed, certified CEMS.

CEMS periodic self-audit—A periodically conducted audit of system performance that is required of the owner or operator of a certified CEMS, which follows the current RATA procedures listed in the CEMS phase 2 performance testing section of the current *Continuous Source Monitoring Manual* referenced in § 139.102(3).

CEMS phase 1 monitoring plan—

(i) The initial written monitoring plan application for the installation of a CEMS, submitted by the owner or operator of a facility to the Department.

(ii) The monitoring plan application must indicate the probable capability of a monitoring system to meet all of the regulatory requirements.

CEMS phase 1 monitoring plan review—Review of the CEMS phase 1 monitoring plan by the Department.

(i) Initial certification refers to a currently uncertified CEMS undergoing the process of certification for the first time.

(ii) Recertification refers to a currently certified CEMS undergoing the process of the CEMS phase 1 monitoring plan review due to a change from the currently approved system.

CEMS phase 2 test protocol—

(i) The report that documents the performance testing that will be conducted on the CEMS by the owner or operator of the facility to obtain Department certification.

(ii) The report is submitted to the Department in the form of a written test protocol as specified in the *Continuous Source Monitoring Manual* referenced in § 139.102(3).

CEMS phase 3 certification test report—The written report submitted to the Department by the owner or operator of the facility, which includes all of the following information to verify the compliance of the CEMS with all regulatory requirements:

(i) Identification of all analyzer/measurement device serial numbers.

(ii) Identification of all raw data and calculations for the testing specified in the CEMS phase 2 test protocol submitted by the owner or operator of the facility.

(iii) All additional data or testing required by the Department,

CEMS phase 3 certification test report review—Review of the CEMS phase 3 certification test report by the Department, which, if approved in writing, results in the certification of the CEMS.

CEMS phases—

(i) The certification process for a new, currently uncertified CEMS.

(ii) The recertification process for a currently certified CEMS for which the owner or operator has applied for a change from the currently approved system.

* * * * *

Observer—For purposes of Chapter 139, Subchapter D (relating to testing, auditing and monitoring fees), Department staff qualified to observe testing.

* * * * *

RATA—Relative accuracy test audit—A performance test of the CEMS required as part of the following:

(i) A CEMS phase 2 test protocol.

(ii) A CEMS level 4 system audit, when conducted by the Department.

(iii) The CEMS periodic self-audit.

* * * * *

Risk assessment—The determination of potentially adverse health effects from exposure to chemicals, including both quantitative and qualitative expressions of risk.

* * * * *

Trial burn operating scenario—A demonstration of process capability for a source using an operating method or operating process different from the process operating conditions described in the operating permit.

* * * * *

CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES

Subchapter I. PLAN APPROVAL AND OPERATING PERMIT FEES

§ 127.701. General provisions.

* * * * *

(b) The fees collected under this subchapter shall be made payable to the Pennsylvania Clean Air Fund and deposited into the Clean Air Fund established under section 9.2 of the act (35 P. S. § 4009.2).

(c) Fees collected under this subchapter to implement the requirements of Title V of the Clean Air Act and the Small Business Stationary Source Technical and Environmental Compliance Assistance, Compliance Advisory Committee and the Office of Small Business Ombudsman shall be made payable to the Pennsylvania Clean Air Fund and deposited into a restricted revenue account within the Clean Air Fund.

(d) At least every 5 years, the Department will provide the EQB with an evaluation of the fees in this subchapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the air quality program with the objective of ensuring sufficient fees to meet all program costs.

§ 127.702. Plan approval fees.

* * * * *

(b) Except as provided in subsections (c)—[(g)] (j), the owner or operator of a source requiring approval under Subchapter B (relating to plan approval requirements) shall pay a fee equal to:

(1) [Seven hundred fifty dollars for applications filed during the 1995—1999 calendar years.

(2) Eight hundred fifty dollars for applications filed during the 2000—2004 calendar years.

(3)] One thousand dollars for applications filed [for] during the [calendar years beginning in] 2005—2009 calendar years.

(2) One thousand three hundred dollars for applications filed during the 2010—2014 calendar years.

(3) One thousand six hundred dollars for applications filed during the 2015—2019 calendar years.

(4) Two thousand dollars for applications filed for the calendar years beginning in 2020.

(c) [A] The owner or operator of a source requiring approval under Subchapter E (relating to new source review) shall pay a fee equal to:

(1) [Three thousand five hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Four thousand three hundred dollars for applications filed during the 2000—2004 calendar years.

(3)] Five thousand three hundred dollars for applications filed [beginning in] during the 2005—2009 calendar years.

(2) Six thousand three hundred dollars for applications filed during the 2010—2014 calendar years.

(3) Seven thousand three hundred dollars for applications filed during the 2015—2019 calendar years.

(4) Eight thousand dollars for applications filed for the calendar years beginning in 2020.

(d) [A] The owner or operator of a source subject to standards adopted under Chapter 122 (relating to national standards of performance for new stationary sources), [or to standards adopted under] Chapter 124 (relating to national emission standards for hazardous air pollutants) or § 127.35(b) (relating to maximum achievable control technology standards for hazardous air pollutants) shall pay a fee equal to:

(1) [One thousand two hundred dollars for applications filed during the 1995—1999 calendar years.

(2) One thousand four hundred dollars for applications filed during the 2000—2004 calendar years.

(3)] One thousand seven hundred dollars for applications filed [beginning in] during the 2005—2009 calendar years.

(2) Two thousand dollars for applications filed during the 2010—2014 calendar years.

(3) Two thousand five hundred dollars for applications filed during the 2015—2019 calendar years.

(4) Three thousand dollars for applications filed during the calendar years beginning in 2020.

(e) [A] The owner or operator of a source subject to § 127.35(c), (d) or (h) [(relating to maximum achievable control technology standards for hazardous air pollutants)] shall pay a fee equal to:

(1) [Five thousand five hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Six thousand seven hundred dollars for applications filed during the 2000—2004 calendar years.

(3)] Eight thousand dollars for applications filed [beginning in] during the 2005—2009 calendar years.

(2) Ten thousand dollars for applications filed during the 2010—2014 calendar years.

(3) Twelve thousand dollars for applications filed during the 2015—2019 calendar years.

(4) Fourteen thousand dollars for applications filed during the calendar years beginning in 2020.

(f) [A] The owner or operator of a source requiring approval under Subchapter D (relating to prevention of significant deterioration of air quality) shall pay a fee equal to:

(1) [Fifteen thousand dollars for applications filed during the 1995—1999 calendar years.

(2) Eighteen thousand five hundred dollars for applications filed during the 2000—2004 calendar years.

(3)] Twenty-two thousand seven hundred dollars for applications filed [beginning in] during the 2005—2009 calendar years.

(2) Twenty-seven thousand two hundred dollars for applications filed during the 2010—2014 calendar years.

(3) Thirty thousand seven hundred dollars for applications filed during the 2015—2019 calendar years.

(4) Thirty-five thousand seven hundred dollars for applications filed during the calendar years beginning 2020.

(g) Except as provided in subsection (h), the owner or operator of a source proposing a [minor] modification of a plan approval, extension of a plan approval[, and] or transfer of a plan approval due to a change of ownership, shall pay a fee equal to:

(1) [Two hundred dollars for applications filed during the 1995—1999 calendar years.

(2) Two hundred thirty dollars for applications filed during the 2000—2004 calendar years.

(3)] Three hundred dollars for applications filed [beginning in] during the 2005—2009 calendar years.

(2) Four hundred dollars for applications filed during the 2010—2014 calendar years.

(3) Five hundred dollars for applications filed during the 2015—2019 calendar years.

(4) Six hundred fifty dollars for applications filed during the calendar years beginning in 2020.

(h) The [modification] amendment of a plan approval or revision of an application by the applicant that [includes] requires the reassessment of a control technology determination or of the ambient impacts of the source [will not be considered] is a [minor] significant modification of the plan approval or application.

(1) The applicant proposing an amendment of the plan approval or revision to an application that requires reassessment of a control technology determination shall pay fees as established under subsections (b)—(f).

(2) The applicant proposing an amendment of a plan approval or revision to an application that requires changes to the ambient impact analysis or Department reanalysis of the ambient impacts of the source to meet the requirements of 40 CFR 51, Appendix W (relating to guideline on air quality models), shall pay fees in accordance with the following:

(i) For modeling using a screening technique as defined in 40 CFR 51, Appendix W:

(A) Three thousand five hundred dollars for applications filed during the 2010—2014 calendar years.

(B) Four thousand five hundred dollars for applications filed during the 2015—2019 calendar years.

(C) Six thousand dollars for applications filed for calendar years beginning in 2020.

(ii) For all other modeling as defined in 40 CFR 51, Appendix W:

(A) Seven thousand five hundred dollars for applications filed during the 2010—2014 calendar years.

(B) Nine thousand dollars for applications filed during the 2015—2019 calendar years.

(C) Eleven thousand dollars for applications filed for the calendar years beginning in 2020.

(i) The Department may establish application fees for general plan approvals and plan approvals for sources operating at multiple temporary locations [**which**] that will not be greater than the fees established [**by subsection (b)**] under this section. These fees [**shall**] will be established at the time the plan approval is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice; and review period).

(j) The owner or operator of a source that submits a request for determination for:

(1) A plan approval application shall pay a fee equal to:

(i) Four hundred dollars for requests for determination filed during the 2010—2014 calendar years.

(ii) Five hundred dollars for requests for determination filed during the 2015—2019 calendar years.

(iii) Six hundred fifty dollars for requests for determination filed for the calendar years beginning in 2020.

(2) Both a plan approval under this section and an operating permit under § 127.703(e) (relating to operating permit fees under Subchapter F) shall pay one request for determination fee.

(k) The owner or operator of a source proposing to use a general plan approval under Subchapter H (relating to general plan approvals and operating permits) shall pay a fee that will not be greater than the fees established under this section. The Department will establish these fees at the time the general plan approval is issued and will publish the fees in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632.

§ 127.703. Operating permit fees under Subchapter F.

(a) Each applicant for an operating permit, which is not a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required [**by**] under this section to the Department. These fees apply to [**the**] an administrative amendment, extension, minor modification, revision, renewal [**and**], reissuance or transfer due to a change of ownership of each operating permit or part thereof.

(b) The fee for processing an application for an operating permit is:

(1) [**Two hundred fifty dollars for applications filed during the 1995—1999 calendar years.**

(2) Three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) [**Three hundred seventy-five dollars for applications filed [for] during the [calendar years beginning in] 2005—2009 calendar years.**

(2) Five hundred dollars for applications filed during the 2010—2014 calendar years.

(3) Six hundred dollars for applications filed during the 2015—2019 calendar years.

(4) Eight hundred fifty dollars for applications filed for the calendar years beginning in 2020.

(c) The annual operating permit administration fee is [:] due on or before March 1 of each year for the current calendar year.

(1) [**Two hundred fifty dollars for applications filed during the 1995—1999 calendar years.**

(2) Three hundred dollars for applications filed during the 2000—2004 calendar years.

(3) [**Three hundred seventy-five dollars for applications filed [during] for the [years beginning in] 2005—2009 calendar years.**

(2) Five hundred dollars for the 2010—2014 calendar years.

(3) Six hundred dollars for the 2015—2019 calendar years.

(4) Seven hundred fifty dollars for the calendar years beginning in 2020.

(d) The Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations [**which**] that will not be greater than the fees established [**by**] under this section. These fees [**shall**] will be established at the time the operating permit is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice; and review period).

(e) The owner or operator of a source that submits a request for determination for:

(1) An operating permit shall pay a fee equal to:

(i) Four hundred dollars for requests for determination filed during the 2010—2014 calendar years.

(ii) Five hundred dollars for requests for determination filed during the 2015—2019 calendar years.

(iii) Six hundred fifty dollars for requests for determination filed for the calendar years beginning in 2020.

(2) Both an operating permit under this section and a plan approval under § 127.702(j) (relating to plan approval fees) shall pay one request for determination fee.

(f) The owner or operator of a source proposing to use a general plan approval under Subchapter H (relating to general plan approvals and operating permits) shall pay a fee that will not be greater than the fees established under this section. The Department will establish these fees at the time the general plan approval is issued and will publish the fees in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632.

§ 127.704. Title V operating permit fees under Subchapter G.

(a) Each applicant for an operating permit, which is a Title V facility, shall, as part of the operating permit application and as required on an annual basis, submit the fees required **[by] under this section to the Department. These fees apply to [the] an administrative amendment, extension, minor modification, revision, renewal [and], reissuance or transfer due to a change of ownership** of each operating permit or part thereof.

(b) The fee for processing an application for an operating permit is:

(1) **[Five hundred dollars for applications filed during the 1995—1999 calendar years.**

(2) **Six hundred fifteen dollars for applications during the 2000—2004 calendar years.**

(3) **] Seven hundred fifty dollars for applications filed during the [calendar years beginning in] 2005—2009 calendar years.**

(2) **Nine hundred dollars for applications filed during the 2010—2014 calendar years.**

(3) **One thousand one hundred dollars for applications filed during the 2015—2019 calendar years.**

(4) **One thousand five hundred dollars for applications filed for the calendar years beginning in 2020.**

(c) The annual operating permit administration fee to be paid by a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions) is:

(1) **[Six hundred fifteen dollars for applications filed during the 2000—2004 calendar years.**

(2) **] Seven hundred fifty dollars for applications filed during the [years beginning in] 2005—2009 calendar years.**

(2) **Nine hundred dollars for applications filed during the 2010—2014 calendar years.**

(3) **One thousand one hundred dollars for applications filed during the 2015—2019 calendar years.**

(4) **One thousand three hundred dollars for applications filed for the calendar years beginning in 2020.**

(d) The Department may establish application fees for general operating permits and operating permits for sources operating at multiple temporary locations **[which] that will not be greater than the fees established [by] under this section. These fees [shall] will be established at the time the operating permit is issued and will be published in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632 (relating to public notice; and review period).**

(e) **The owner or operator of a source proposing to use a general plan approval under Subchapter H (relating to general plan approvals and operating permits) shall pay a fee that will not be greater than the fees established under this section. The Department will establish these fees at the time the general plan approval is issued and will publish the fees in the *Pennsylvania Bulletin* as provided in §§ 127.612 and 127.632.**

§ 127.705. Emission fees.

(a) **[The] Beginning January 1, 2010, the owner or operator of a Title V facility including Title V facilities located in Allegheny County and Philadelphia County, except a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions), shall pay an annual Title V emission fee of [\$37] \$70 per ton for each ton of a regulated pollutant actually emitted from the facility. The owner or operator will not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the facility. Sources located in Philadelphia County and Allegheny County shall pay the emission fee to the county program if the county Title V program has received approval under section 12 of the act (35 P. S. § 4012) and § 127.706 (relating to Philadelphia County and Allegheny County financial assistance).**

(b) **[From November 26, 1994, through 1999, the owner or operator of a phase I affected unit or an active substitution unit as defined by Title IV of the Clean Air Act (42 U.S.C.A. §§ 7641 and 7642) shall pay an annual emission fee of \$14 per ton for each ton of a regulated pollutant actually emitted from the unit. The owner or operator will not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the facility. Sources located in Philadelphia County and Allegheny County shall pay the emission fee to the county program if the county Title V program has received approval under section 12 of the act (35 P. S. § 4012), and § 127.706. Beginning in the year 2000, sources covered by this subsection shall pay the fees established in subsection (a). The other provisions of this subsection notwithstanding, the owner or operator of a phase I affected unit or an active substitution unit as defined by Title IV of the Clean Air Act will not be required to pay more than \$148,000 plus the increase established by subsection (e) for each regulated pollutant emitted from a Title V facility. Substitution units identified as conditional substitution units by the owner or operator shall pay the emission fee established by subsection (a).**

(c) **[The emissions fees required by this section shall be due on or before September 1 of each year for emissions from the previous calendar year. The fees required by this section shall be paid for emissions occurring in calendar year [1994] 2009 and for each calendar year thereafter.**

[(d)] (c) As used in this section, the term “regulated pollutant” means a VOC, each pollutant regulated under sections 111 and 112 of the Clean Air Act (42 U.S.C.A. §§ 7411 and 7412) and each pollutant for which a National ambient air quality standard has been promulgated, except that carbon monoxide shall be excluded from this reference.

[(e)] (d) The emission fee imposed under subsection (a) shall be increased in each calendar year after [November 26, 1994] 2010, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year. For purposes of this subsection:

* * * * *

§ 127.708. Risk assessment.

(Editor’s Note: The following section is new and printed in regular type to enhance readability.)

(a) Each applicant for a risk assessment shall, as part of the plan approval application, submit the application fee required by this section to the Department.

(b) The owner or operator of a source applying for a risk assessment that is inhalation only with a screening model shall pay a fee equal to:

(1) Five thousand dollars for applications filed during the 2010—2014 calendar years.

(2) Six thousand dollars for applications filed during the 2015—2019 calendar years.

(3) Seven thousand two hundred dollars for applications filed for the calendar years beginning in 2020.

(c) The owner or operator of a source applying for a risk assessment that is inhalation only for all other modeling shall pay a fee equal to:

(1) Nine thousand dollars for applications filed during the 2010—2014 calendar years.

(2) Eleven thousand dollars for applications filed during the 2015—2019 calendar years.

(3) Thirteen thousand dollars for applications filed for the calendar years beginning in 2020.

(d) The owner or operator of a source applying for a risk assessment that is multi-pathway shall pay a fee equal to:

(1) Ten thousand dollars for applications filed during the 2010—2014 calendar years.

(2) Twelve thousand dollars for applications filed during the 2015—2019 calendar years.

(3) Fourteen thousand five hundred dollars for applications filed for the calendar years beginning in 2020.

CHAPTER 139. SAMPLING AND TESTING

(Editor's Note: The following §§ 139.201 and 139.202 are new and printed in regular type to enhance readability.)

Subchapter D. TESTING, AUDITING AND MONITORING FEES

§ 139.201. General provisions.

(a) This subchapter establishes fees for testing, auditing and monitoring activities that the Department undertakes to administer the requirements of the act or the Clean Air Act.

(b) The fees collected under this subchapter shall be made payable to the Pennsylvania Clean Air Fund and deposited into the Clean Air Fund established under section 9.2 of the act (35 P. S. § 4009.2).

(c) The Department will bill the applicant, owner or operator of an air contaminant source for the applicable testing, auditing or monitoring fees after the completion of the required testing, auditing or monitoring activity.

(d) The applicant, owner or operator shall submit payment for the testing, auditing or monitoring fee to the Department within 60 days of the billing date.

(e) At least every 5 years, the Department will provide the EQB with an evaluation of the fees in this subchapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the air quality program with the objective of ensuring sufficient fees to meet all program costs.

§ 139.202. Schedule of testing, auditing and monitoring fees.

(a) For testing, auditing and monitoring activities performed by Department personnel for calendar years 2010—2014, the Department will assess a testing, auditing or monitoring fee on the applicant or permittee in accordance with the Schedule of Testing, Auditing and Monitoring Fees listed in Table I for the 2010—2014 calendar years.

(b) For testing, auditing and monitoring activities performed by Department personnel for calendar years 2015—2019, the Department will assess a testing, auditing or monitoring fee on the applicant or permittee in accordance with the Schedule of Testing, Auditing and Monitoring Fees listed in Table I for the 2015—2019 calendar years.

(c) For testing, auditing and monitoring activities performed by Department personnel for calendar years beginning with 2020, the Department will assess a testing, auditing or monitoring fee on the applicant or permittee in accordance with the Schedule of Testing, Auditing and Monitoring Fees listed in Table I for the calendar years beginning with 2020.

TABLE I				
Schedule of Testing, Auditing and Monitoring Fees for Activities Performed by Department Personnel				
Activity	Fee Basis	Fee Amount		
		Calendar Years		
		2010—2014	2015—2019	2020+
(1) CEMS certification activities				
(i) CEMS phase 1 monitoring plan review, initial certification	Base fee (includes one air contamination source):	\$1,500	\$1,800	\$2,200
	Charge for each additional air contamination source:	\$500	\$600	\$700
	Charge for each CEMS:	\$200	\$240	\$300

TABLE I				
Schedule of Testing, Auditing and Monitoring Fees for Activities Performed by Department Personnel				
<i>Activity</i>	<i>Fee Basis</i>	<i>Fee Amount</i>		
		<i>Calendar Years</i>		
		<i>2010—2014</i>	<i>2015—2019</i>	<i>2020+</i>
(ii) CEMS phase 1 monitoring plan review, recertification	Base fee (includes one air contamination source):	\$750	\$900	\$1,100
	Charge for each additional air contamination source:	\$250	\$300	\$360
	Charge for each CEMS:	\$100	\$120	\$150
(iii) CEMS phase 3 certification test report review	Base fee (for each submittal):	\$750	\$900	\$1,100
	Charge for each CEMS:	\$200	\$240	\$300
(iv) CEMS test observation	One day, per observer, maximum of two observers*:	\$675	\$810	\$1,000
	Charge for each additional day, per observer, maximum of two observers*:	\$350	\$420	\$500
(2) CEMS test report review activities (not linked with a CEMS phase 1 certification application)				
(i) CEMS level 4 test protocol review	Per submittal:	\$500	\$600	\$700
(ii) CEMS level 4 test report (RATA) review	Base fee (for each submittal):	\$500	\$600	\$700
	Charge for each CEMS:	\$150	\$180	\$200
(3) CEMS audit activities				
(i) CEMS level 1 quarterly report audit, initial submittal	For each initial submittal, whichever is less:			
	Per facility:	\$500	\$600	\$700
	Per air contamination source:	\$200	\$240	\$300
	Per CEMS:	\$100	\$120	\$150
(ii) CEMS level 1 quarterly report audit, resubmittal	Per CEMS:	\$200	\$240	\$300
(iii) CEMS level 2 system inspection audit	Per test program:	\$1,000	\$1,200	\$1,500
(iv) CEMS level 3 analyzer audit	Per air contamination source:	\$1,000	\$1,200	\$1,500
	Charge for each CEMS, per air contamination source:	\$200	\$240	\$300
(v) CEMS level 4 system audit	Base fee per facility (includes one air contamination source):	\$2,500	\$3,000	\$3,600
	For each additional air contamination source at same facility:	\$1,000	\$1,200	\$1,500
	Lb/hr test, per air contamination source:	\$500	\$600	\$700

TABLE I				
Schedule of Testing, Auditing and Monitoring Fees for Activities Performed by Department Personnel				
Activity	Fee Basis	Fee Amount		
		Calendar Years		
		2010—2014	2015—2019	2020+
(4) Source testing activities				
(i) Source test protocol review	Per protocol:	\$675	\$810	\$1,000
	Review additional information, per request:	\$100	\$120	\$150
(ii) Trial burn source test protocol review	Per protocol:	\$1,700	\$2,040	\$2,500
(iii) Source test report review	Per air contamination source (as defined in the permit):	\$1,000	\$1,200	\$1,500
	Review of additional test information, per air contamination source, per request:	\$300	\$360	\$450
(iv) Trial burn source test report review	Per trial burn operating scenario:	\$3,050	\$3,660	\$4,400
(v) Source test observation**	Per day, per observer, maximum of two observers*:	\$675	\$810	\$1,000
(vi) Department-conducted source test	Per pollutant or parameter per day, laboratory costs included:	\$3,000	\$3,600	\$4,400

*When more than one observer is required to conduct observation.

**A source test observation does not include visible emission observations that are not part of a Department test plan.

[Pa.B. Doc. No. 09-1927. Filed for public inspection October 16, 2009, 9:00 a.m.]

[25 PA. CODE CHS. 121 AND 129]

Flat Wood Paneling Surface Coating Processes

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) to read as set forth in Annex A.

The proposed rulemaking would amend Chapter 129 to limit emissions of volatile organic compounds (VOCs) from the use and application of coatings and cleaning materials in flat wood paneling surface coating processes. The proposal would add § 129.52c (relating to control of VOC emissions from flat wood paneling surface coating processes) and would amend §§ 121.1 and 129.51 (relating to definitions; and general).

This proposal was adopted by the Board at its meeting on September 15, 2009.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Arleen J. Shulman, Chief, Division of Air Resource Management, P. O. Box

8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436, or Kristen Campfield Furlan, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. 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). This proposal is available electronically through the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (Quick Access: Public Participation).

C. Statutory Authority

This proposed rulemaking is authorized under section 5 of the Air Pollution Control Act (APCA) (35 P. S. § 4005), which in subsection (a)(1) grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and which in subsection (a)(8) grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA).

D. Background and Purpose

The purpose of this proposed rulemaking is to reduce VOC emissions from flat wood paneling surface coating

operations. VOCs are a precursor for ozone formation. Ground-level ozone is not emitted directly by surface coatings to the atmosphere, but is formed by a photochemical reaction between VOCs and nitrogen oxides (NO_x) in the presence of sunlight. The proposed rulemaking adopts the emission limits and other requirements of the Environmental Protection Agency's (EPA's) 2006 Control Techniques Guidelines (CTG) for flat wood paneling coating to meet Federal CAA requirements.

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ozone, particulate matter, NO_x, carbon monoxide, sulfur dioxide and lead. The CAA established two types of NAAQS: primary standards, limits set to protect public health; and secondary standards, limits set to protect public welfare, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA has established primary and secondary ozone NAAQS to protect public health and welfare.

When ground-level ozone is present in concentrations in excess of the Federal health-based 8-hour NAAQS for ozone, public health and welfare are adversely affected. Ozone exposure correlates to increased respiratory disease and higher mortality rates. Ozone can inflame and damage the lining of the lungs. Within a few days, the damaged cells are shed and replaced. Over a long time period, lung tissue may become permanently scarred, resulting in permanent loss of lung function and a lower quality of life. When ambient ozone levels are high, more people with asthma have attacks that require a doctor's attention or use of medication. Ozone also makes people more sensitive to allergens including pet dander, pollen and dust mites, all of which can trigger asthma attacks.

The EPA has concluded that there is an association between high levels of ambient ozone and increased hospital admissions for respiratory ailments including asthma. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ozone while engaged in activities that involve physical exertion. High levels of ozone also affect animals in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA has concluded that ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests, and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. Through deposition, ground-level ozone also contributes to pollution in the Chesapeake Bay. The economic value of some welfare losses due to ozone can be calculated, such as crop yield loss from both reduced seed production and visible injury to some leaf crops, including lettuce, spinach and tobacco, as well as visible injury to ornamental plants, including grass, flowers and shrubs. Other types of welfare loss may not be quantifiable, such as the reduced aesthetic value of trees growing in heavily visited parks.

High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

In July 1997, the EPA established primary and secondary ozone standards at a level of 0.08 parts per million (ppm) averaged over 8 hours. 62 FR 38855 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. This Commonwealth is meeting the 1997 standard in all areas except the five-county Philadelphia and seven-county Pittsburgh-Beaver Valley areas. The areas in which the 1997 standard has been attained are required to have permanent and enforceable control measures to ensure violations do not occur for the next decade. The Commonwealth must demonstrate that the two areas currently not attaining the 1997 standard will meet the 1997 standard as expeditiously as practicable. Should these two areas not attain the standard during the 2009 ozone season, additional reductions will be required.

In March 2008, the EPA lowered the standards to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). As required by the CAA, the Commonwealth submitted recommendations to the EPA in 2009 to designate 29 counties as nonattainment for the 2008 8-hour ozone NAAQS. The EPA is expected to take final action on the designation recommendation by March 2010. The EPA's designations will take effect 60 days after the EPA publishes a notice in the *Federal Register*. Monitors in most urban areas and some rural areas of this Commonwealth are currently not meeting the 2008 ozone standard.

There are no Federal statutory or regulatory limits for VOC emissions from flat wood paneling surface coating operations. State regulations to control VOC emissions from flat wood paneling surface coating operations are required under Federal law, however, and will be reviewed by the EPA to determine whether they meet the "reasonably available control technology" (RACT) requirements of the CAA and its implementing regulations. *Consumer and Commercial Products, Group II: Control Techniques Guidelines in lieu of Regulations for Flexible Packaging Printing Materials, Lithographic Printing Materials, Letterpress Printing Materials, Industrial Cleaning Solvents, and Flat Wood Paneling Coatings*, 71 FR 58745, 58747 (October 5, 2006).

Section 172(c)(1) of the CAA provides that State Implementation Plans (SIPs) for nonattainment areas must include "reasonably available control measures," including RACT, for sources of emissions. See 42 U.S.C. § 7502(c)(1). Section 182(b)(2) of the CAA provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emission covered by a CTG document issued by the EPA prior to the area's date of attainment. See 42 U.S.C. § 7511a(b)(2). More importantly, section 184(b)(1)(B) of the CAA requires that states in the Ozone Transport Region (OTR), including this Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG. See 42 U.S.C. § 7511c(b)(1)(B).

Section 183(e) of the CAA directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. See 42 U.S.C. § 7511b(e). Section 183(e)(3)(C) of the CAA provides that the EPA may issue a CTG in place of a National regulation for a product category where the EPA determines that the CTG will be “substantially as effective as regulations” in reducing emissions of VOC in ozone nonattainment areas. See 42 U.S.C. § 7511b(e)(3)(C).

In 1995, the EPA listed flat wood paneling coatings on its section 183(e) list and, in 2006, issued a CTG for flat wood paneling coatings. See 60 FR 15264 (March 23, 1995) and 71 FR 58745 (October 5, 2006). In the 2006 notice, the EPA determined that the CTG would be substantially as effective as a National regulation in reducing VOC emissions from this product category in ozone nonattainment areas. See 71 FR 58745.

The CTG provides states with the EPA’s recommendation of what constitutes RACT for the covered category. States can use the recommendations provided in the CTG to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies are free to implement other technically sound approaches that are consistent with the CAA requirements and the EPA’s implementing regulations or guidelines.

The Department has reviewed the recommendations included in the 2006 CTG for flat wood paneling coatings for their applicability to the ozone reduction measures necessary for this Commonwealth. The Department has determined that the measures provided in the CTG for flat wood paneling coatings are appropriate to be implemented in this Commonwealth as RACT for this category.

This rulemaking, if adopted as a final rule, would assist in reducing VOC emissions locally as well as reducing the transport of VOC emissions and ground-level ozone to downwind states. Adoption of VOC emission requirements for flat wood paneling surface coating operations is part of the Commonwealth’s strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS. The proposed rulemaking is required under the CAA requirements that states regulate sources covered by CTGs issued by the EPA and is reasonably necessary to attain and maintain the health-based 8-hour ozone NAAQS in this Commonwealth. When final, this rulemaking will be submitted to the EPA as a revision to the SIP.

The concepts of the proposed rulemaking were discussed with the Air Quality Technical Advisory Committee (AQTAC) at its October 30 and December 11, 2008, meetings. The proposed rulemaking was discussed with the AQTAC on May 28, 2009. The AQTAC concurred with the Department’s recommendation to present the proposed amendments to the Board for approval for publication as a proposed rulemaking. The Department also consulted with the Citizens Advisory Council on July 21, 2009, and with the Small Business Compliance Advisory Committee on October 22, 2008, and April 22 and July 22, 2009.

E. Summary of Regulatory Requirements

This proposed rulemaking adds the definitions of the following 15 terms to § 121.1 to support the proposed addition of § 129.52c: “Class II hardboard paneling finish,” “decorative interior panel,” “exterior siding,” “exterior trim,” “flat wood paneling coating,” “hardboard,” “hardwood plywood,” “MDF-medium density fiberboard,” “natural finish hardwood plywood panel,” “particleboard,” “plywood,” “printed interior panel,” “thin particleboard,” “tileboard” and “waferboard.”

The proposed rulemaking would amend § 129.51(a) to extend its coverage to flat wood paneling surface coating processes covered by this proposed rulemaking, as well as to paper, film and foil surface coating processes and large appliance and metal furniture surface coating processes, which are covered in parallel rulemakings. Section 129.51(a) provides an alternative method for owners and operators of facilities to achieve compliance with air emission limits.

The proposed rulemaking would add § 129.52c to regulate VOC emissions from flat wood paneling surface coating processes. The applicability of this new section is described in subsection (a), which establishes that § 129.52c applies to the owner and operator of a flat wood paneling surface coating process, other than a field-applied coating process or a surface coating process regulated under §§ 129.101–129.107 (relating to wood furniture manufacturing operations) or §§ 129.52(f) and 129.52, Table I, Category 11 (relating to surface coating processes; and wood furniture manufacturing operations), if the total actual VOC emissions from all flat wood paneling surface coating operations listed in Table I (relating to emission limits of VOCs for flat wood paneling surface coatings), including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day, before consideration of controls. Field-applied coatings are not subject to this rulemaking because they are regulated under Chapter 130, Subchapter C (relating to architectural and industrial maintenance coatings).

Proposed subsection (b) explains that the requirements of § 129.52c supersede the requirements of a RACT permit for VOC emissions from a flat wood paneling surface coating operation already issued to the owner or operator of a source subject to § 129.52c, except to the extent the RACT permit contains more stringent requirements.

Proposed subsection (c) establishes VOC emission limits. Beginning January 1, 2011, a person may not cause or permit the emission into the outdoor atmosphere of VOCs from a flat wood paneling surface coating process, unless: (1) the VOC content of each as applied coating is equal to or less than the limit specified in the table in § 129.52c; or (2) the overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery, incineration or another method that is acceptable under § 129.51(a). The second option also addresses the overall efficiency of a control system.

Proposed subsection (d) identifies daily records that must be kept to demonstrate compliance with § 129.52c, including records of parameters and VOC content of each coating, thinner, component and cleaning solvent, as supplied, and the VOC content of each as applied coating or cleaning solvent.

Proposed subsection (e) requires that the records be maintained for 2 years and submitted to the Department on request.

Under proposed subsection (f), an owner or operator subject to § 129.52c may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of flat wood paneling surface coatings, unless the coatings are applied using offset rotogravure coating, curtain coating, direct roll coating, reverse roll coating, hand brush or hand roller coating, or high volume-low pressure spray coating. An owner or operator may use another coating application method if a request is submitted in writing that demonstrates that the method is capable of achieving a transfer efficiency equivalent to, or better than, that achieved by the other methods listed in subsection (f), and is approved in writing by the Department prior to use.

Proposed subsection (g) exempts coatings used exclusively for determining product quality and commercial acceptance and other small quantity coatings from the VOC coating content limits in Table I of proposed § 129.52c, if the quantity of coating used does not exceed 50 gallons per year (gpy) for a single coating and a total of 200 gpy for all coatings combined for the facility and if the owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

Proposed subsection (h) establishes work practices that an owner or operator of a flat wood paneling surface coating process subject to § 129.52c shall comply with, for coating-related activities.

Proposed subsection (i) establishes work practices that an owner or operator of a flat wood paneling surface coating process subject to § 129.52c shall comply with, for cleaning materials.

Proposed Table I establishes emission limits for VOCs for flat wood paneling surface coatings, expressed in weight of VOC per volume of coating solids, as applied.

F. *Benefits, Costs and Compliance*

Benefits

Implementation of the proposed control measure would benefit the health and welfare of the approximately 12 million humans, animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to ground-level ozone air pollution. Although the proposed amendments are designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable to users may also result in reduction of hazardous air pollutant (HAP) emissions, which are also a serious health threat.

The proposed rulemaking provides as one compliance option that inks, coatings and adhesives used on or applied to flat wood paneling products manufactured in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents would also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected flat wood paneling surface coating process facilities may also reduce VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

The EPA estimates that implementation of the recommended control options for noncomplying flat wood paneling surface coating processes will result in additional

reductions of VOC emissions of approximately 20% for interior flat wood paneling coating operations and 80% for exterior siding operations.

In this Commonwealth, about 11 flat wood paneling surface coating operations emitted approximately 440.44 tons of VOCs in 2008. The highest emitting of these facilities has potentially noncomplying interior flat wood paneling coating operations with total VOC emissions of 75.9 tons in 2008. Based on 2008 data, the estimated potential maximum annual additional VOC emission reductions from noncomplying interior flat wood paneling coating operations at this facility would be 15.18 tons (75.9 tons x 20%). No additional VOC emission reductions are expected from this facility for exterior siding coating operations.

The remaining ten facilities emitted a total of 41.74 tons of VOCs in 2008. The maximum anticipated additional annual VOC emission reductions from noncomplying flat wood paneling surface coating operations at these facilities as a result of this proposed rulemaking range from approximately 8.3 tons (41.74 tons x 20%) for interior paneling coating operations to 33.4 tons (41.74 tons x 80%) for exterior siding coating operations.

Compliance Costs

The costs of complying with the proposed new requirements include the cost of using alternative product formulations, including low-VOC or water-based inks, coatings and adhesives, and low-VOC or water-based cleanup solvent products, and the use of add-on controls. Based on information provided by the EPA in the CTG, the cost effectiveness of reducing VOC emissions from flat wood paneling surface coating operations is estimated to range from \$1,900 for interior paneling coating operations to \$2,600 for exterior siding coating operations per ton of VOC emissions reduced. This range is based on the use of low VOC-content coatings for control.

The total estimated anticipated annual costs to noncomplying facilities would range from \$28,842 (15.18 tons VOC emissions reduced x \$1,900/ton reduced) to \$86,000 (33.3 tons VOC emissions reduced x \$2,600/ton reduced). The potential total annual costs of \$28,842 to \$86,000 to the owners or operators of noncomplying facilities are negligible compared to the improved health and environmental benefits that would be gained from this measure.

The implementation of the work practice requirements for cleaning materials is expected to result in a net cost savings. The recommended work practices should reduce the amount of cleaning materials used by reducing the amount of cleaning materials lost to evaporation, spillage or waste.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

The owners and operators of affected flat wood paneling surface coating operations would be required to keep daily operational records of information for coatings and cleaning solvents sufficient to demonstrate compliance, including identification of materials, VOC content and volumes used. The records must be maintained for 2 years and submitted to the Department upon request. Persons claiming the small quantity exemption or use of exempt coating would be required to keep records demon-

strating the validity of the exemption. Persons seeking to comply through the use of add-on controls would be required to meet the applicable reporting requirements specified in Chapter 139 (relating to sampling and testing).

G. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives:

The proposed amendments will assure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from flat wood paneling surface coating processes. Although the proposed amendments are designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The proposed rulemaking provides as one compliance option that inks, coatings and adhesives used on or applied to flat wood paneling products manufactured in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents would also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected flat wood surface coating process facilities may also reduce VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 6, 2009, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

J. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 21, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 21, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by December 21, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

K. *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

- | | |
|---|-----------------------------|
| Department of Environmental Protection
Southcentral Regional Office
Susquehanna Room A
909 Elmerton Avenue
Harrisburg, PA 17110 | November 17, 2009
2 p.m. |
| Department of Environmental Protection
Southeast Regional Office
Delaware Conference Room
2 East Main Street
Norristown, PA 19401 | November 19, 2009
2 p.m. |
| Department of Environmental Protection
Southwest Regional Office
Waterfront Conference Room
A and B
400 Waterfront Drive
Pittsburgh, PA 15222-4745 | November 20, 2009
2 p.m. |

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

JOHN HANGER,
Chairperson

Fiscal Note: 7-447. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Class II hardboard paneling finish—A finish that meets the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

* * * * *

Decorative interior panel—Interior wall paneling that is usually grooved, frequently embossed and sometimes grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, MDF or particleboard.

* * * * *

Exterior siding—Siding made of solid wood, hardboard or waferboard. Siding made of solid wood or hardboard is typically primed at the manufacturing facility and finished in the field, although some finishing may be performed during manufacturing. The term includes exterior trim.

Exterior trim—Material made out of siding panels and used for edges and corners around the siding. Exterior trim is typically manufactured at the same facility as exterior siding and coated with the same coatings as siding.

* * * * *

Flat wood paneling coating—A protective, decorative or functional material applied to a flat wood paneling product, including a decorative interior panel, exterior siding or tileboard.

* * * * *

Hardboard—A panel manufactured primarily from interfelted lignocellulosic fibers that are consolidated under heat and pressure in a hot-press.

Hardwood plywood—Plywood on which the surface layer is a veneer of hardwood.

* * * * *

MDF—Medium density fiberboard—An engineered wood panel product manufactured from individual wood fibers combined with wax and resin and consolidated under extreme heat and pressure.

* * * * *

Natural-finish hardwood plywood panel—A panel on which the original grain pattern is enhanced by an essentially transparent finish frequently supplemented by filler and toner.

* * * * *

Particleboard—A manufactured board made of individual wood particles that have been coated with a binder and formed into flat sheets by pressure.

* * * * *

Plywood—A structural material made of layers of laminated plies of veneers or layers of wood glued together, usually with the grains of adjoining layers at right angles to each other.

* * * * *

Printed interior panel—A panel on which the grain or natural surface is obscured by filler and basecoat upon which a simulated grain or decorative pattern is printed.

* * * * *

Thin particleboard—Particleboard that has a thickness of 1/4 inch or less.

* * * * *

Tileboard—A premium interior wall paneling product made of hardboard that is used in high moisture areas of the home, including kitchens and bathrooms. Tileboard meets the specifications for Class I hardboard approved by the American National Standards Institute.

* * * * *

Waferboard—A structural material made from rectangular wood flakes of controlled length and thickness bonded together with waterproof phenolic resin under extreme heat and pressure. The layers of flakes are not oriented.

* * * * *

CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOCs

§ 129.51. General.

(a) *Equivalency.* Compliance with §§ 129.52, 129.52a, 129.52b, 129.52c and 129.54—129.73 may be achieved by alternative methods if the following exist:

* * * * *

(3) Compliance by a method other than the use of a low VOC coating or ink which meets the applicable emission limitation in §§ 129.52, 129.52a, 129.52b, 129.52c, 129.67 and 129.73 [(relating to surface coating processes; graphic arts systems; and aerospace manufacturing and rework)] shall be determined on the basis of equal volumes of solids.

* * * * *

(6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.52a, § 129.52b, § 129.52c, § 129.67, § 129.68(b)(2) and (c)(2) or § 129.73.

* * * * *

(Editor's Note: Section 129.52c is new and printed in regular type to enhance readability.)

§ 129.52c. Control of VOC emissions from flat wood paneling surface coating processes.

(a) *Applicability.* Except as specified in paragraphs (1)—(3), this section applies to the owner and operator of a flat wood paneling surface coating process if the total actual VOC emissions from all flat wood paneling surface coating operations listed in Table I (relating to emission limits of VOCs for flat wood paneling surface coatings), including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day, before consideration of controls. This section does not apply to the following:

- (1) A field-applied coating process.
- (2) A coating process regulated under §§ 129.101—129.107 (relating to wood furniture manufacturing operations).
- (3) A coating process regulated under §§ 129.52(f) and 129.52, Table I, Category 11 (relating to surface coating processes; and wood furniture manufacturing operations).

(b) *Existing RACT permit.* The requirements of this section supersede the requirements of a RACT permit issued to the owner or operator of a source subject to subsection (a) prior to January 1, 2011, under §§ 129.91—129.95 (relating to stationary sources of NOx and VOCs) to control, reduce or minimize VOCs from a flat wood paneling surface coating process, except to the extent the RACT permit contains more stringent requirements.

(c) *Emission limits.* Beginning January 1, 2011, a person subject to this section may not cause or permit the emission into the outdoor atmosphere of VOCs from a flat wood paneling coating process unless one of the following limitations is met:

- (1) The VOC content of each as applied coating is equal to or less than the limit specified in Table I.
- (i) The VOC content of each as applied coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated as follows:

$$VOC = (W_o)(D_c)/V_n$$

Where:

- VOC = VOC content in lb VOC/gal of coating solids
- W_o = Weight percent of VOC (W_v-W_w-W_{ex})
- W_v = Weight percent of total volatiles (100%-weight percent solids)
- W_w = Weight percent of water
- W_{ex} = Weight percent of exempt solvent(s)
- D_c = Density of coating, lb/gal, at 25° C
- V_n = Volume percent of solids of the as applied coating

(ii) Sampling and testing shall be done in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing).

(2) The overall weight of VOCs emitted to the atmosphere is reduced through the use of oxidation or solvent recovery or another method that is acceptable under § 129.51(a) (relating to general). The overall efficiency of a control system, as determined by the test methods and procedures specified in Chapter 139 (relating to sampling and testing), may be no less than 90% or may be no less than the equivalent efficiency as calculated by the following equation, whichever is less stringent:

$$O = (1 - E/V) \times 100$$

Where:

V = The VOC content of the as applied coating, in lb VOC/gal of coating solids.

E = The Table I limit in lb VOC /gal of coating solids.

O = The overall required control efficiency.

(d) *Compliance monitoring procedures.* The owner or operator of a facility subject to this section shall maintain records sufficient to demonstrate compliance with this section. The owner or operator shall maintain daily records of:

- (1) The following parameters for each coating, thinner, other component or cleaning solvent as supplied:
 - (i) Name and identification number of the coating, thinner, other component or cleaning solvent.
 - (ii) Volume used.
 - (iii) Mix ratio.
 - (iv) Density or specific gravity.
 - (v) Weight percent of total volatiles, water, solids and exempt solvents.
 - (vi) Volume percent of solids for each coating used in the flat wood paneling coating process.
 - (vii) VOC content.

(2) VOC content of each as applied coating or cleaning solvent.

(e) *Recordkeeping and reporting requirements.* The records required under subsection (d) shall be maintained for 2 years and shall be submitted to the Department on request.

(f) *Coating application methods.* A person subject to this section may not cause or permit the emission into the outdoor atmosphere of VOCs from a flat wood paneling surface coating process unless the coatings are applied using one or more of the following coating application methods:

- (1) Offset rotogravure coating.
- (2) Curtain coating.
- (3) Direct roll coating.
- (4) Reverse roll coating.
- (5) Hand brush or hand roller coating.
- (6) High volume-low pressure (HVLP) spray coating.
- (7) Other coating application method, if approved in writing by the Department prior to use.

(i) The coating application method must be capable of achieving a transfer efficiency equivalent to or better than that achieved by a method listed in paragraphs (1)—(6).

(ii) The request for approval must be submitted in writing.

(g) *Exempt coatings.* The VOC coating content standards in Table I do not apply to a coating used exclusively for determining product quality and commercial acceptance and other small quantity coatings, if the coating meets the following criteria:

- (1) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.

(2) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

(h) *Work practice requirements for coating-related activities.* The owner or operator of a flat wood paneling surface coating process subject to this section shall comply with the following work practices for coating-related activities:

(1) Store all VOC-containing coatings, thinners and coating-related waste materials in closed containers.

(2) Minimize spills of VOC-containing coatings, thinners and coating-related waste materials and clean up spills immediately.

(3) Convey VOC-containing coatings, thinners and coating-related waste materials from one location to another in closed containers or pipes.

(4) Ensure that mixing and storage containers used for VOC-containing coatings, thinners and coating-related waste materials are kept closed at all times, except when depositing or removing these materials.

(i) *Work practice requirements for cleaning materials.* The owner or operator of a flat wood paneling surface coating process subject to this section shall comply with the following work practices for cleaning materials:

(1) Store all VOC-containing cleaning materials, waste cleaning materials and used shop towels in closed containers.

(2) Minimize spills of VOC-containing cleaning materials and waste cleaning materials and clean up spills immediately.

(3) Convey VOC-containing cleaning materials and waste cleaning materials from one location to another in closed containers or pipes.

(4) Ensure that mixing vessels and storage containers used for VOC-containing cleaning materials and waste cleaning materials are kept closed at all times, except when depositing or removing these materials.

(5) Minimize VOC emissions during cleaning of storage, mixing and conveying equipment.

Table I

Emission Limits of VOCs for Flat Wood Paneling Surface Coatings
Weight of VOC per Volume of Coating Solids, as Applied

<i>Surface Coatings, Inks or Adhesives Applied to the Following Flat Wood Paneling Categories</i>	<i>lbs VOC per gallon coating solids</i>	<i>grams VOC per liter coating solids</i>
Printed interior panels made of hardwood plywood or thin particleboard	2.9	350
Natural-finish hardwood plywood panels	2.9	350
Class II finishes on hardboard panels	2.9	350
Tileboard	2.9	350
Exterior siding	2.9	350

[Pa.B. Doc. No. 09-1928. Filed for public inspection October 16, 2009, 9:00 a.m.]

[25 PA. CODE CHS. 121 AND 123]

Outdoor Wood-Fired Boilers

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 123 (relating to general provisions; and standards for contaminants) as set forth in Annex A. The proposed amendments would add four new terms and definitions under § 121.1 (relating to definitions). The proposed amendments would add provisions under Chapter 123 for the control of emissions of particulate matter (PM) from the operation of outdoor wood-fired boilers (OWBs).

This notice is given under Board order at its meeting of September 15, 2009.

A. Effective Date

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

These amendments will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Pennsylvania State Implementation Plan upon final-form rulemaking.

B. Contact Persons

For further information, contact Ron Davis, Chief, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9257 or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Information regarding submitting comments on this proposal appear in Section K of this preamble. 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). This proposal is available electronically through the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (Quick Access: Public Participation, then Proposals Open for Comment).

C. Statutory Authority

This proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

D. Background and Summary

On July 18, 1997, the EPA revised the National Ambient Air Quality Standard (NAAQS) for PM to add a new standard for fine particles, using fine particulates equal to and less than 2.5 micrometers in diameter (PM_{2.5}) as the indicator. The EPA set the health-based (primary) and welfare-based (secondary) PM_{2.5} annual standard at a level of 15 micrograms per cubic meter (µg/m³) and the 24-hour standard at a level of 65 µg/m³. See 62 FR 38652. The health-based primary standard is designed to protect human health from elevated levels of PM_{2.5}, which have been linked to premature mortality and other important health effects. The secondary standard is designed to protect against major environmental effects of PM_{2.5} such as visibility impairment, soiling and materials damage. The following counties in this Commonwealth have been designated nonattainment for the 1997 fine particulate NAAQS: Allegheny (Liberty-Clairton), Allegheny (remainder), Armstrong, Berks, Beaver, Bucks, Butler,

Cambria, Chester, Cumberland, Dauphin, Delaware, Greene, Indiana, Lancaster, Lawrence, Lebanon, Montgomery and Philadelphia.

Subsequently, on October 17, 2006, the EPA revised the primary and secondary 24-hour NAAQS for PM_{2.5} to 35 µg/m³ from 65 µg/m³. See 71 FR 61236. On December 18, 2008, all or portions of the following counties in this Commonwealth were designated by the EPA as nonattainment for the 2006 24-hour fine particulate NAAQS: Allegheny (Liberty-Clairton), Allegheny (remainder), Armstrong (partial), Berks, Beaver, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene (partial), Indiana (partial), Lancaster, Lawrence (partial), Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Washington, Westmoreland and York.

The health effects associated with exposure to PM_{2.5} are significant. Epidemiological studies have shown a significant correlation between elevated PM_{2.5} levels and premature mortality. Other important health effects associated with PM_{2.5} exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems. Individuals particularly sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease and children.

A significant and growing source of PM_{2.5} emissions in this Commonwealth is from OWBs. OWBs, also referred to as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, are free-standing fuel-burning devices designed: (1) to burn clean wood or other approved solid fuels; (2) specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, such as garages; and (3) to heat building space or water by means of distribution, typically through pipes, of a fluid heated in the device, typically water or a water and antifreeze mixture. OWBs are being sold to heat homes and buildings and to produce domestic hot water.

The emissions, health effects and the nuisance factor created by the use of OWBs are a major concern to the Department. The Northeast States for Coordinated Air Use Management has conducted stack tests on OWBs. Based on the test results, the average PM_{2.5} emissions from one OWB are equivalent to the emissions from 205 oil furnaces or as many as 8,000 natural gas furnaces. Cumulatively, the smallest OWB has the potential to emit almost 1 1/2 tons of PM every year. Of the estimated 155,000 OWBs sold Nationwide between 1990 and 2005, 95% were sold in 19 states, of which this Commonwealth is one.

Unlike indoor wood stoves that are regulated by the EPA, no Federal standards exist for OWBs and the majority of them are not equipped with pollution controls. The EPA has initiated a voluntary program that encourages manufacturers of OWBs to improve air quality through developing and distributing cleaner-burning, more efficient OWBs. Phase 1 of the program was in place from January 2007 through October 15, 2008. To qualify for Phase 1, manufacturers were required to develop an OWB model that was 70% cleaner-burning than unqualified models by meeting the EPA air emission standard of 0.6 pound PM per million Btu heat input as tested by an independent accredited laboratory. Phase 1 Partnership Agreements ended when the Phase 2 Partnership Agreements were initiated on October 16, 2008. To qualify for Phase 2, manufacturers must develop an

OWB model that is 90% cleaner-burning than preprogram, unqualified OWBs and meet the EPA air emissions standard of 0.32 pound PM per million Btu heat output as tested by an independent accredited laboratory. The emission standard established in the proposed rulemaking would be the Phase 2 emission standard described in the EPA voluntary program.

The proposed rulemaking would help assure that the citizens of this Commonwealth will benefit from reduced emissions of PM_{2.5} from OWBs. Attaining and maintaining levels of PM_{2.5} below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM_{2.5} exposure. There are many citizen complaints regarding the operation of OWBs. This proposed rulemaking would reduce the problems associated with the operation of OWBs, including smoke, odors and burning prohibited fuels including garbage, tires, hazardous waste and the like. Reductions in ambient levels of PM_{2.5} would promote improved human and animal health and welfare, improved visibility, decreased soiling and materials damage and decreased damage to plants and trees.

While there are no Federal limits for the OWBs that would be subject to regulation under this proposed rulemaking, section 4.2 of the APCA authorizes the Board to adopt regulations more stringent than Federal requirements when the control measures are reasonably necessary to achieve and maintain the ambient air quality standards. See 35 P.S. § 4004.2. These measures are reasonably necessary to attain and maintain the primary and secondary 24-hour NAAQS for PM_{2.5} in this Commonwealth.

E. Summary of Regulatory Revisions

The proposed amendments add definitions under § 121.1 for the following four new terms—"Btu," "clean wood," "outdoor wood-fired boiler" and "Phase 2 outdoor wood-fired boiler."

Section 123.14 (relating to outdoor wood-fired boilers) is proposed to be added. In general, under subsection (a) regarding to applicability, beginning on the effective date of the regulation, the requirements of this proposal apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an OWB for use in this Commonwealth; a person who installs an OWB in this Commonwealth; and a person who purchases, receives, leases, owns, uses or operates an OWB in this Commonwealth.

Under subsection (b) regarding Phase 2 outdoor wood-fired boiler, person may not purchase, sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 OWB.

Under subsection (c) regarding setback requirements for Phase 2 outdoor wood-fired boilers, a person may not install a Phase 2 OWB in this Commonwealth unless the boiler is installed a minimum of 150 feet from the nearest property line.

Under subsection (d) regarding stack height requirements for Phase 2 outdoor wood-fired boilers, a person may not install, use or operate a Phase 2 OWB in this Commonwealth unless the boiler has a permanently attached stack. The stack must meet both of the following height requirements: extend a minimum of 10 feet above the ground and extend at least 2 feet above the highest peak of the highest residence located within 150 feet of the OWB.

Under subsection (e) regarding stack height requirements for existing outdoor wood-fired boilers, a person

may not use or operate an OWB that was installed before the effective date of the regulation unless the boiler has a permanently attached stack. The stack must meet both of the following height requirements: extend a minimum of 10 feet above the ground and extend at least 2 feet above the highest peak of the highest residence located within 500 feet of the OWB.

Under subsection (f) regarding allowed fuels, a person that owns, leases, uses or operates a new or existing OWB in this Commonwealth shall use only one or more of the following fuels: clean wood; wood pellets made from clean wood; certain home heating oil, natural gas or propane fuels; or other fuel approved in writing by the Department.

Under subsection (g) regarding prohibited fuels, a person who owns, leases, uses or operates an OWB in this Commonwealth may not burn a fuel or material in that OWB other than those fuels listed under subsection (f).

Under subsection (h) regarding regulatory requirements, a person may not use or operate an OWB in this Commonwealth unless it complies with all applicable Commonwealth regulations and statutes.

Under subsection (i) regarding written notice, prior to the execution of a sale or lease for a new or used OWB, the distributor, seller or lessor shall provide the prospective buyer or lessee with certain information as more fully explained under this subsection.

Under subsection (j) regarding recordkeeping requirements, the distributor, seller or lessor shall keep the records required under subsection (i) onsite for 5 years and provide the records to the Department upon request.

In addition to the summary of the proposed rulemaking, the Board also seeks comments on whether any final rule should include a seasonable prohibition to operate OWBs between the dates of May 1 and September 30. There is concern that while owners and operators may operate these units at a reduced capacity during the summer months, their operation may nevertheless result in increased PM emissions. Consequently, the Board would like to receive comments on whether a seasonal prohibition is an appropriate means to address this air quality issue.

F. *Benefits, Costs and Compliance*

Benefits

The citizens of this Commonwealth will benefit from these proposed amendments because it would help to reduce emissions of PM_{2.5} from OWBs. Attaining and maintaining levels of PM_{2.5} below the health-based NAAQS is important to reduce premature mortality and other health effects associated with PM_{2.5} exposure. There are also many citizen complaints regarding the operation of OWBs. Reductions in ambient levels of PM_{2.5} would promote improved human and animal health and welfare, improved visibility, decreased soiling and materials damage and decreased damage to plants and trees.

Compliance Costs

The cost of complying with the new requirements includes the cost of designing, manufacturing and distributing an OWB model that meets the EPA Phase 2 emission limit. Currently, there are at least 10 models available Nationally that meet the EPA Phase 2 emission limit. Nonqualifying OWB models cost between \$8,000 and \$18,000, depending on the size of the unit. It is estimated that the cleaner units may be approximately

15% more expensive because of the changes made to improve the efficiency of these units and reduce their emissions. However, most of these qualifying models are significantly more efficient which means they will burn less wood to produce the same amount of heat, reducing the cost of wood purchases.

Operators of existing OWBs would be required to ensure that the stack height complies with the requirements of the proposed rulemaking. Therefore, operators of existing OWBs may be required to extend the height of the existing stack. A review of the Hearthside Fireplace, Patio and Barbecue Center internet catalog indicated that the cost would be between \$73 and \$84 for a 2-foot section of chimney pipe and between \$119 and \$145 for a 4-foot section of chimney pipe.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the newly added requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

There are some additional paperwork requirements associated with this proposed rulemaking that the regulated community would need to comply with, namely a written notice of information specified under § 123.14(i). Subsection (j) requires that the distributor, seller or lessor shall keep the records required under subsection (i) onsite for 5 years and provide the records to the Department upon request.

G. *Advisory Committee Recommendation*

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this proposed rulemaking. At its May 28, 2009, meeting, the AQTAC recommended adoption of the proposed rulemaking. The Department also consulted with the Citizens Advisory Council on July 21, 2009, the Small Business Compliance Advisory Committee on July 22, 2009, and the Agricultural Advisory Board on August 19, 2009.

H. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The proposed rulemaking does not directly promote a multimedia approach. The reduced levels of PM_{2.5}, however, will benefit water quality through reduced soiling and quantities of sediment that may run off into waterways. Reduced levels of PM_{2.5} would therefore promote improved aquatic life and biodiversity, as well as improved human, animal and plant life on land.

I. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 6, 2009, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

K. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulation to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by January 4, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by January 4, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which time the final regulation will be considered.

Electronic Comment—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by January 4, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

L. Public Hearings

The Board will hold four public hearings for the purpose of accepting comments on this proposed rule-making. The hearings will be held as follows:

Department of Environmental Protection Rachel Carson State Office Building Conference Room 105 400 Market Street Harrisburg, PA 17101	November 30, 2009 1 p.m.
Department of Environmental Protection Northeast Regional Office Susquehanna Conference Rooms A and B 2 Public Square Wilkes-Barre, PA 18711-0790	December 1, 2009 1 p.m.
Cranberry Township Municipal Building	December 2, 2009 1 p.m.

2525 Rochester Road
Cranberry Township, PA
16066-6499

Department of Environmental Protection
Northcentral Regional Office
Goddard Conference Room
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

December 3, 2009
1 p.m.

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

JOHN HANGER,
Chairperson

Fiscal Note: 7-444. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES
CHAPTER 121. GENERAL PROVISIONS**

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Btu—British thermal unit—The amount of thermal energy necessary to raise the temperature of 1 pound of pure liquid water by 1° F at the temperature at which water has its greatest density (39° F).

* * * * *

Clean wood—The term includes the following:

(i) Wood that contains no paint, stains or other types of coatings.

(ii) Wood that has not been treated with preservatives, including copper chromium arsenate, creosote, pentachlorophenol or the like.

* * * * *

Outdoor wood-fired boiler—

(i) A fuel-burning device that:

(A) Is designed to burn, or is capable of burning, clean wood or other fuels listed under § 123.14(f) (relating to outdoor wood-fired boilers).

(B) The manufacturer specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.

(C) Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

(ii) The fuel-burning device may also be known as:

- (A) Outdoor wood-fired furnace.
- (B) Outdoor wood-burning appliance.
- (C) Outdoor hydronic heater.
- (D) Outdoor water stove.

* * * * *

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly.

* * * * *

CHAPTER 123. STANDARDS FOR CONTAMINANTS PARTICULATE MATTER EMISSIONS

(Editor's Note: Section 123.14 is new and printed in regular type to enhance readability.)

§ 123.14. Outdoor wood-fired boilers.

(a) *Applicability.*

(1) Beginning on _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) this section applies to the following:

(i) A person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in this Commonwealth.

(ii) A person who installs an outdoor wood-fired boiler in this Commonwealth.

(iii) A person who purchases, receives, leases, owns, uses or operates an outdoor wood-fired boiler in this Commonwealth.

(2) This section does not apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes in this Commonwealth an outdoor wood-fired boiler that does not comply with the Phase 2 outdoor wood-fired boiler particulate matter standards if the person, manufacturer, supplier or distributor demonstrates both of the following:

(i) The outdoor wood-fired boiler is intended for shipment and use outside of this Commonwealth.

(ii) The person, manufacturer, supplier or distributor has taken reasonably prudent precautions to ensure that the outdoor wood-fired boiler is not distributed to or within this Commonwealth.

(b) *Phase 2 outdoor wood-fired boiler.*

(1) A person may not sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(2) A person may not purchase, lease or receive an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(c) *Setback requirements for Phase 2 outdoor wood-fired boilers.* A person may not install a Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler is installed a minimum of 150 feet from the nearest property line.

(d) *Stack height requirements for Phase 2 outdoor wood-fired boilers.* A person may not install, use or operate a Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler has a permanently attached stack. The stack must meet both of the following height requirements:

(1) Extend a minimum of 10 feet above the ground.

(2) Extend at least two feet above the highest peak of the highest residence located within 150 feet of the outdoor wood-fired boiler.

(e) *Stack height requirements for existing outdoor wood-fired boilers.* A person may not use or operate an outdoor wood-fired boiler that was installed before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.) unless the boiler has a permanently attached stack.

(1) The stack must meet both of the following height requirements:

(i) Extend a minimum of 10 feet above the ground.

(ii) Extend at least 2 feet above the highest peak of the highest residence located within 500 feet of the outdoor wood-fired boiler.

(2) If the existing outdoor wood-fired boiler is a Phase 2 outdoor wood-fired boiler, subsection (d) applies.

(f) *Allowed fuels.* A person that owns, leases, uses or operates a new or existing outdoor wood-fired boiler in this Commonwealth shall use only one or more of the following fuels:

(1) Clean wood.

(2) Wood pellets made from clean wood.

(3) Home heating oil, natural gas or propane that:

(i) Complies with all applicable sulfur limits.

(ii) Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.

(4) Other fuel approved in writing by the Department.

(g) *Prohibited fuels.* A person who owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under subsection (f).

(h) *Regulatory requirements.* A person may not use or operate an outdoor wood-fired boiler in this Commonwealth unless it complies with all applicable Commonwealth regulations and statutes including the following:

(1) Section 121.7 (relating to prohibition of air pollution).

(2) Section 123.1 (relating to prohibition of certain fugitive emissions).

(3) Section 123.31 (relating to limitations).

(4) Section 123.41 (relating to limitations).

(5) Section 8 of the act (35 P.S. § 4008) regarding unlawful conduct.

(6) Section 13 of the act (35 P.S. § 4013) regarding public nuisances.

(i) *Written notice.*

(1) Prior to the execution of a sale or lease for a new or used outdoor wood-fired boiler, the distributor, seller or lessor shall provide the prospective buyer or lessee with a copy of this section and a written notice that includes the following:

(i) An acknowledgement that the buyer was provided with a copy of this section.

(ii) A written list of the fuels allowed under subsection (f).

(iii) A written statement that a person who owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under subsection (f).

(iv) A written statement that even if the requirements set forth in this section are met, the installation and operation of the outdoor wood-fired boiler may be subject to other applicable Commonwealth regulations and statutes including the regulations and statutes listed under subsection (h).

(v) A written statement that even if the requirements set forth in this section are met, the installation and operation of the outdoor wood-fired boiler may be subject to local regulations or local stack height or setback requirements that will further limit or prohibit the use of the purchased or leased outdoor wood-fired boiler.

(vi) A written statement that the stack height and setback requirements provided under this section may not be adequate in some areas of this Commonwealth due to terrain that could render the operation of the outdoor wood-fired boiler a nuisance or public health hazard.

(2) The written notice must be signed and dated by the buyer or lessee and the distributor, seller or lessor when the sale or lease of the outdoor wood-fired boiler is completed. The written notice must include the following:

(i) The name, address and telephone number of the buyer or lessee.

(ii) The name, address and telephone number of the distributor, seller or lessor.

(iii) The location where the outdoor wood-fired boiler will be installed.

(iv) The make, model name or number and date of manufacture of the outdoor wood-fired boiler.

(j) *Recordkeeping requirements.* The distributor, seller or lessor shall keep the records required under subsection (i) onsite for 5 years and provide the records to the Department upon request.

[Pa.B. Doc. No. 09-1929. Filed for public inspection October 16, 2009, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 435a, 461a, 465a, 467a AND 501a]

Employee Credentials, Design Standards and Internal Controls

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. §§ 1207(3), (5), (9) and (11) and 1322 (relating to regulatory authority of the Board; and slot machine accounting controls and audits), proposes to amend Chapters 435a, 461a, 465a, 467a and 501a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

The proposed rulemaking revises the Board's requirements for the display of Board issued credentials, permits the use of nonfixed seating and makes a number of other changes related to internal controls which improve the clarity of the current requirements and make revisions which will simplify, improve the effectiveness of or add some additional flexibility to existing provisions.

Explanation of Amendments to Chapters 435a, 461a, 465a, 467a and 501a

In § 435a (relating to employees), subsection (c) has been amended to relax the existing requirement that all of a slot machine licensee's employees display their Board credentials when they are working in the licensed facility. Employees whose jobs require them to be on the gaming floor or in restricted areas will continue to be required to display their Board credentials, but employees who are not required to be on the gaming floor or in a restricted area will only have to carry their credential. This will allow employees not working in sensitive areas, for whom the display of their credential may interfere with job performance, to just carry their credential. Also, to give slot machine licensees some additional flexibility, food and beverage employees working on the gaming floor will be allowed to just carry their Board credential if their employer issued access badge displays a unique employee identification number. This will ensure that the surveillance department and the Board's casino compliance representatives will still have a means to visually verify the identity of these individuals.

In § 461a.7 (relating to slot machine minimum design standards), subsection (s) has been amended to give slot machine licensees the option to use fixed or nonfixed seating for slot machines. Currently, slot machine licensees must use fixed seating unless they file a petition asking for a waiver of the fixed seating requirement. Under this revision, slot machine licensees will be allowed to use nonfixed seating if the slot machine licensee provides a 48-inch minimum aisle width and submits, to the Bureau of Gaming Operations, a certification from local building and fire safety officials or a certification from an architect registered in this Commonwealth that the use of nonfixed seating complies with all building and fire safety codes.

In § 461a.10 (relating to automated gaming voucher and coupon redemption machines), subsections (g), (i) and (o) that relate to internal controls have been deleted and relocated to the new § 465a.34 (relating to automated gaming voucher and coupon redemption machine account-

ing controls). Since Chapter 461a deals mainly with equipment standards and Chapter 465a contains internal control requirements, the internal control requirements related to automated gaming voucher redemption machines, automated coupon redemption machines, bill breakers or some combination thereof are more appropriately placed in Chapter 465a. Similarly, § 461a.11 (relating to automated gaming voucher and coupon redemption machines: accounting controls) has been deleted in its entirety and the provisions in § 461a.11 have been moved to § 465a.34.

Also in § 461a.10, in subsection (t)(4)(iv) and (v), the word "dispensed" has been replaced with "accepted." This correction reflects the fact that the gaming voucher, coupon and currency storage box contains the currency that has been inserted into the automated gaming voucher and coupon redemption machine, and has nothing to do with the currency that is dispensed by the automated gaming voucher and coupon redemption machine. Additionally, subparagraphs (vi), (viii) and (x) have been deleted. The information listed in these subparagraphs is captured by the software for the automated gaming voucher and coupon redemption machine and is found on the other reports. Therefore, there is no need for this information to also be provided as part of the gaming voucher, coupon and currency storage box report.

In § 461a.19 (relating to remote system access), subsection (c) has been revised to require that a slot machine licensee must establish and obtain Board approval of internal controls that will be used to protect the integrity of the slot machine licensee's computer systems and related data before the slot machine licensee may allow a licensed manufacturer's employee to have remote access to its computer systems when there is an emergency. Because it would be difficult for the slot machine licensee to monitor what the manufacturer's employee is doing in this situation, it is imperative that the slot machine licensee have adequate protocols in place to prevent any unauthorized access to systems that are unaffected by the emergency. Requiring that these protocols be included in a slot machine licensee's internal controls will provide a mechanism for the Board to make sure that adequate protections are in place.

In §§ 465a.9 and 465a.33 (relating to surveillance system; surveillance department control; surveillance department restrictions; and access to areas containing central computer control equipment), the information required to be recorded in the access log books for the surveillance room and the areas containing central computer control equipment has been revised so that these requirements are the same for both log books. Making these formats the same should make compliance easier for the slot machine licensees.

In § 465a.18 (relating to transportation of slot cash storage boxes to and from bill validators; storage), subsection (d)(2), relating to slot cash storage boxes not contained in a bill validator, is being revised to make the key control requirements consistent with the key control requirements for slot cash storage boxes that are in bill validators. The existing key control requirements in subsection (d)(2) are unnecessarily more restrictive. The revised language will make the requirements in subsection (d)(2) the same as the requirements in subsection (c)(1)(ii).

In § 465a.33, a number of changes have been made to improve the clarity of this section and ensure that the operator of the central computer control system and the casino compliance representatives are notified whenever

someone is going to enter the areas that contain the central computer control equipment. Also, as noted earlier, the log book requirements in this section and in § 465a.9 have been revised to match each other. This should make compliance easier for the slot machine licensees.

In § 467a.1 (relating to gaming floor plan), the citation in subsection (a)(2)(iv) has been updated to read "461a.7(s)." The subsections in § 461a.7 were previously amended but this citation was not changed as part of that amendment.

In § 501a.6 (relating to check cashing), subsection (b) has been revised to allow a slot machine licensee to cash checks for patrons that have been issued by the slot machine licensee. Currently, if a slot machine licensee issues a check to a patron, which frequently happens when the patron wins a large jackpot, the slot machine licensee can not cash that check for the patron later. However, the slot machine licensee may accept that check to establish a customer deposit, which the customer can then close and receive cash. This change will eliminate the need to open a customer deposit just to cash a check that the slot machine licensee has issued to the patron.

Affected Parties

Slot machine licensees will benefit from the additional operating flexibility some of these amendments provide. Slot machine licensees who allow remote access to their computer systems will also be required to submit internal controls governing that access and will be required to notify the Board's casino compliance agents and the Department of Revenue's contractor whenever access is being provided to the areas housing the central computer control equipment.

Fiscal Impact

Commonwealth

The Board does not anticipate that there will be any significant costs or savings to the Board or any other Commonwealth agency as a result of this rulemaking.

Political Subdivisions

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

Private Sector

This proposed rulemaking may result in some small savings or additional costs to slot machine licensees. However, the Board does not expect that these savings or costs will be significant.

General Public

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

Paperwork requirements

This proposed rulemaking will simplify the log book requirements and reduce the need for slot machine licensees to file petitions with the Board relating to the use of nonfixed seating or display of Board credentials. It will also make it easier for patrons to cash checks issued by a slot machine licensee as payment for jackpot winnings.

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 #125-106.

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 October 6, 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 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.

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.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-106. 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.6. Board credentials.

* * * * *

(c) A State employee required to obtain a Board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee, who is required to obtain a Board credential and whose duties do not require the individual to be on the gaming floor or in a restricted area, shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee, who is required to obtain a Board credential and whose duties require the individual to be on the gaming floor or in a restricted area, shall display the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. A food and beverage employee of a slot machine licensee who is required to obtain a Board credential and whose duties require the individual to be on the gaming floor may carry, instead of display, the Board credential if:

(1) The employee displays the access badge required under § 465a.12 (relating to access badges and temporary access credentials).

(2) The access badge displays a unique identification number that has been assigned to that employee.

* * * * *

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL

§ 461a.7. Slot machine minimum design standards.

* * * * *

(s) Seating made available by a slot machine licensee for use during slot play [**must**] may be fixed and stationary [**in nature**] or nonfixed. [**Slot**] When fixed and stationary seating is used, it must be installed in a manner that effectively precludes its ready removal by a patron but permits controlled removal, for example for American With Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213) purposes, by slot operations department personnel. When nonfixed seating is used, the slot machine licensee shall:

(1) Maintain a minimum aisle width of 48 inches, measured from the seat back to seat back when the nonfixed seating is vacant and is touching or is as close as possible to the slot machine at which the nonfixed seating is being used.

(2) Provide to the Bureau of Gaming Operations copies of a certification obtained from the local building code or fire safety officials or a certification from an architect registered in this Commonwealth that the use of the nonfixed seating complies with applicable building and fire safety code requirements.

* * * * *

§ 461a.10. Automated gaming voucher and coupon redemption machines.

* * * * *

(g) An automated gaming voucher and coupon redemption machine must have, at a minimum, the following:

(1) One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment, the keys to which must be different from each other. [**The key to the lock securing the compartment housing the storage box shall be controlled by the slot operations department. The key to the lock securing the storage box within the compartment shall be controlled by the finance department.**]

(2) One lock securing the compartment housing the currency cassettes [, the key to which shall be controlled by the finance department] .

(3) One lock securing the contents of the storage box, the key to which must be different from the keys referenced in paragraphs (1) and (2). [**This key shall be controlled by an employee of the finance department other than the employee controlling the keys referenced in paragraphs (1) and (2).**]

* * * * *

(i) An automated gaming voucher and coupon redemption machine's currency cassettes must be designed to preclude access to its interior. [Access to each currency cassette shall be controlled by the finance department.]

* * * * *

(o) An automated gaming voucher and coupon redemption machine must detect, display and record electronically the error conditions in paragraphs (1)–(4). These error conditions must disable the automated gaming voucher and coupon redemption machine and prohibit new transactions [and may only be cleared by either the finance department or slot operations department].

* * * * *

(t) An automated gaming voucher and coupon redemption machine or ancillary systems, applications and equipment associated with the reconciliation thereof, must be capable of producing the following reports upon request:

* * * * *

(4) *Gaming voucher, coupon and currency storage box report.* The report must be generated, at a minimum, whenever a gaming voucher, coupon and currency storage box is removed from an automated gaming voucher and coupon redemption machine. The report must include the following:

* * * * *

- (iv) Total value of currency [**dispensed**] **accepted**.
- (v) Total number of bills [**dispensed**] **accepted** by denomination.
- (vi) [**Total dollar value of gaming vouchers accepted.**
- [(viii) **Total dollar value of coupons accepted.**
- (ix)] (vii) Total count of coupons accepted.
- [(x) **Details required to be included in the gaming voucher transaction report required by paragraph (1) and the coupon transaction report required in paragraph (2).**]

* * * * *

§ 461a.11. [**Automated gaming voucher and coupon redemption machines: accounting controls**] (Reserved).

[**Prior to commencing use of an automated gaming voucher redemption machine, an automated coupon redemption machine, bill breaker or some combination thereof, a slot machine licensee shall establish a comprehensive system of internal controls addressing the distribution of currency or coin, or both, to the machines, the removal of gaming vouchers, coupons or currency accepted by the machines and the reconciliations associated therewith. The internal controls shall be submitted to, and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).**]

§ 461a.19. **Remote system access.**

* * * * *

(c) [**A slot machine licensee authorizing access to a system by a licensed manufacturer under this section shall be responsible for implementing a system of access protocols and other controls over the physical integrity of that system and the remote access process sufficient to insure appropriately limited access to software and the system wide reliability of data.**] Prior to granting remote system access, a slot machine licensee shall establish a system of internal controls applicable to remote system access. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee shall be designed to protect the physical integrity of the systems listed in subsection (a) and the related data and be capable of limiting the remote access to the system or systems requiring technical support.

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.9. **Surveillance system; surveillance department control; surveillance department restrictions.**

* * * * *

(p) Entrances to the surveillance monitoring rooms may not be visible from the gaming floor. A person entering the surveillance monitoring room who is not an employee of the surveillance department assigned to the monitoring room on the particular shift corresponding to the time of entry shall sign a monitoring room entry log upon entering the monitoring room. The monitoring room entry log shall be:

* * * * *

(3) Signed by each person entering the monitoring room, with each entry containing the following:

(i) The date and time of [**entering the monitoring room**] **each entry.**

(ii) The entering person's name, **Board-issued credential number** and [**his**] department or affiliation.

* * * * *

§ 465a.18. **Transportation of slot cash storage boxes to and from bill validators; storage.**

* * * * *

(d) Slot cash storage boxes not contained in a bill validator, including emergency slot cash storage boxes that are not actively in use, shall be stored in the count room or other secure area outside the count room approved by the Board, in an enclosed storage cabinet or trolley and secured in the cabinet or trolley by a separately keyed, double locking system. The keys shall be maintained and controlled as follows:

* * * * *

(2) The key to the second lock shall be maintained and controlled by [**a**] the security department. Access to the security department's key shall be [**limited to a supervisor of that department**] **controlled, at a minimum, by a sign-out and sign-in procedure.**

* * * * *

§ 465a.33. **Access to areas containing central computer control equipment.**

(a) A slot machine licensee shall develop and submit to the Board and the Department, as part of the submission

required under § 465a.2 (relating to internal control systems and audit protocols), procedures for safeguarding and limiting access to the central control computer (CCC) equipment housed within the licensed facility. At a minimum, these procedures must include the following requirements:

- (1) The area containing CCC equipment must:
 - (i) Be secured with a manual key lock system, **the keys to which must be different from any other keys used in the licensed facility.**

* * * * *

(2) **Access to the area containing the CCC system equipment may not be permitted unless prior arrangements have been made with the operator of the CCC system and the casino compliance representatives at the licensed facility.**

(3) All keys which access the area containing CCC equipment shall be maintained by the slot machine licensee's security department. **[Access to the]** The keys may only be **[authorized] signed out** by the director of security or the security shift manager **[with] to employees of the Department or the operator of the CCC system who are on the authorized access list. The authorized access list shall be obtained from the Department and made available to the casino compliance representatives at the licensed facility. A verbal notification shall be made to the surveillance monitoring room, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to signing out the keys.**

[(3)](4) The slot machine licensee shall maintain an access log for the area containing CCC equipment. The log shall be maintained in a book with bound numbered pages that cannot be readily removed and placed in close proximity to the CCC equipment. Casino compliance representatives at the licensed facility may review the log upon request. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a log:

- (i) The date and time of each entry **[and exit]**.
- (ii) The **entering person's name, [and]** Board-issued credential number **[of each person who initiates, performs or supervises the entry] and department or affiliation.**
- (iii) The **[purpose of entry]** reason for entering the area containing CCC equipment.
- (iv) The name of the person authorizing the person's entry into the area containing CCC equipment.
- (v) The date and time of exiting the area containing CCC equipment.

[(4) The slot machine licensee's security department shall maintain a list of employees who are authorized to have access to the area containing CCC equipment. The list shall be obtained from the Department and made available to the casino compliance representatives at the licensed facility.]

(5) **[Emergency access to individuals]** Individuals who are not authorized to have access to the area containing CCC equipment may only be granted **access for emergency situations requiring environmental**

adjustments with a security escort. When emergency access is granted, the slot machine licensee shall provide notice to the Department and the casino compliance representatives at the licensed facility **[as soon as possible] prior to permitting entry to the area containing CCC equipment.**

§ 465a.34. Automated gaming voucher and coupon redemption machine accounting controls.

(a) Prior to commencing use of an automated gaming voucher redemption machine, an automated coupon redemption machine, bill breaker or some combination thereof, a slot machine licensee shall establish a comprehensive system of internal controls. The internal controls shall be submitted to, and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) The internal controls required by subsection (a) must include procedures which:

- (1) Address the distribution of currency or coin, or both, to the machines, the removal of gaming vouchers, coupons or currency accepted by the machines and the reconciliations associated therewith.
- (2) Require that the key to the lock securing the compartment housing the storage box in the automated gaming voucher redemption machine, automated coupon redemption machine, bill breaker or combination thereof shall be controlled by the slot operations or security department and that the key to the lock securing the storage box within the compartment shall be controlled by the finance department.

(3) Require that the key to the lock securing the compartment housing the currency cassettes in the automated gaming voucher redemption machine, automated coupon redemption machine, bill breaker or combination thereof shall be controlled by the finance department.

(4) Require that the lock securing the contents of the storage box in the automated gaming voucher redemption machine, automated coupon redemption machine, bill breaker or combination thereof, the key to which must be different from the keys referenced in paragraphs (1) and (2), be controlled by an employee of the finance department other than the employee controlling the keys referenced in paragraphs (1) and (2).

(5) Require that the keys to the locks securing the contents of the currency cassettes in the automated gaming voucher redemption machine, automated coupon redemption machine, bill breaker or combination thereof be controlled by the finance department.

(6) Require either the finance department or slot operations department to clear the error conditions listed in § 461a.10(o) (relating to automated gaming voucher and coupon redemption machines).

CHAPTER 467a. COMMENCEMENT OF SLOT OPERATIONS

§ 467a.1. Gaming floor plan.

(a) An applicant for, or holder of a slot machine license, shall submit to the Board a floor plan of its gaming floor and the restricted areas servicing the slot operation. A floor plan must be:

* * * * *

(2) Certified by an architect licensed to practice in this Commonwealth and depict the following:

* * * * *

(iv) Each slot seat on the gaming floor in compliance with [§ 461a.7(t)] § 467a.7(s) (relating to slot machine minimum design standards).

* * * * *

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

§ 501a.6. Check cashing.

* * * * *

(b) A holder of a license, certification or registration from the Board or any employee authorized by a holder of a license, certification or registration from the Board may accept a personal check, wire transfer or cash equivalent, such as a recognized traveler's check, cashier's check or money order. **A slot machine licensee may accept a check issued to a patron by the slot machine licensee.**

[Pa.B. Doc. No. 09-1930. Filed for public inspection October 16, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-2009-2069117/57-268]

Natural Gas Distribution Company; Business Practices

The Pennsylvania Public Utility Commission (Commission) on April 30, 2009, adopted a proposed rulemaking order which establishes standard business practices and communication standards for natural gas distribution companies (NGDCs).

Executive Summary

In its October 2005 *Report to the General Assembly*, the Commission found that effective competition was not in Pennsylvania's Statewide retail natural gas market, based in part on the low participation rate of natural gas suppliers (NGSs). (Docket No. I-00040103.) The lack of uniformity in NGDC business practices, operating rules and supplier tariffs was cited as a possible market barrier to supplier entry and participation.

Based on the Commission's findings, a collaborative of natural gas industry stakeholders (SEARCH) was convened to discuss ways to increase competition. The *SEARCH Report* suggested that standardizing NGDC operating rules, business practices, requirements, penalties and procedures could remove barriers to NGS participation. The Commission adopted this suggestion in its September 11, 2008, *Final Search Order and Action Plan*, Docket No. I-00040103F0002, and directed that a proposed rulemaking be initiated to revise and, when feasible, to standardize NGDC business practices, operating rules and supplier coordination tariffs.

This rulemaking sets forth proposed regulations in §§ 62.181—62.185 that direct NGDCs to submit standard

supplier coordination tariffs (SCTs), and to implement standard business practices and communication standards and formats that are cost-effective and remove market barriers. Proposed regulation § 62.184 provides for NGDC recovery of reasonable costs prudently incurred directly attributable to the implementation.

Public Meeting held
April 30, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Concurring in result only, Statement; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Natural Gas Distribution Company Business Practices;
Doc. No. L-2009-2069117

SEARCH Final Order and Action Plan for Increasing Effective Competition in Pennsylvania's Retail Natural Gas Supply Services Market; *Doc. No. I-00040103F0002*

Proposed Rulemaking Order

By the Commission:

On September 11, 2008, the Commission adopted its *Final SEARCH Order and Action Plan* which was based on the discussions held by the SEARCH¹ stakeholders.² Order entered September 11, 2008 at Docket No. I-00040103F0002 (SEARCH Order). The Action Plan was designed to increase effective competition in Pennsylvania's retail natural gas market by increasing the participation of NGSs in the market. In the SEARCH Order, we directed that a proposed rulemaking be initiated to revise and, when feasible, to standardize NGDC business practices, operating rules and supplier coordination tariffs.

By this order, we issue for comment the proposed regulations that, *inter alia*, direct NGDCs to submit standard SCTs, and to implement standard business practices and communication standards and formats that the Commission determines to be cost-effective and that remove market barriers. The proposed regulations also provide for NGDC recovery of reasonable costs prudently incurred directly attributable to the implementation.

We also announce our intent to initiate a stakeholder process that will run concurrently with the rulemaking and will provide an additional avenue for public input. The stakeholder process will be used to develop a standard SCT, and will make recommendations for the adoption of standard business practices for the retail natural gas market.

Discussion

In the *SEARCH Order's* Action Plan, the Commission directed that a proposed rulemaking be prepared "to revise and, when feasible, standardize supplier coordination tariffs and NGDC system operating rules, business practices, requirements, penalties and procedures to remove or reduce barriers to supplier participation in the retail natural gas market." *SEARCH Order*, page 32.

The order further directed that the major issues to be addressed would include:

¹ SEARCH is an acronym for "Stakeholders Exploring Avenues for Removing Competition Hurdles."

² The Stakeholders had been convened in accordance with 66 Pa.C.S. § 2204(g) (relating to investigation and report to General Assembly) based on the Commission finding that "effective competition" did not exist in the retail natural gas market. See *Investigation into the Natural Gas Supply Market: Report to the General Assembly on Competition in Pennsylvania's Retail Natural Gas Supply Market*, Order entered at Docket No. I-00040103. The *SEARCH Report* was drafted by Commission staff as a neutral overview of the discussions regarding the possible avenues to increase competition in Pennsylvania's retail natural gas supply market. The final version of the report was released as a companion to the *SEARCH Final Order and Action Plan*.

- The elimination or revision of inflexible or unreasonable nomination rules and delivery requirements.
- The adoption of wider tolerance bandwidths, where justified, and the elimination or revision of other rules affecting system flow that do not negatively impact system reliability.
- The revision of unreasonable cash out rules and penalties.
- The adoption of best business practices related to information exchange and data transfer, including the possible standardization of NGDC business practices by the adoption of certain NAESB [North American Energy Standards Board] practices.

The use and standardization of Electronic Bulletin Boards will also be addressed.

SEARCH Order, pages 32-33 (footnote omitted).

These issues are addressed under the corresponding sections of the rulemaking below.

§ 62.181. General.

Proposed § 62.181 sets forth the purpose of these proposed regulations and summarizes its contents. The purpose of this subchapter is to establish standard business practices, including supplier tariffs for implementation by the NGDCs. Using a common set of business practices, including standard supplier tariffs, facilitates the participation of NGSs in the retail market, reduces the potential for mistakes or misunderstandings between NGSs and NGDCs, and increases efficiency in industry operations. NGDCs are directed to implement a standard SCT, business practices and communications standards as directed by the Commission. NGDCs are authorized to recover reasonable costs prudently incurred of implementing and promoting natural gas competition in the Commonwealth.

§ 62.182. Definitions.

Terms appearing in this subchapter relating to NGDC business practices and NGDC/NGS interactions are defined.

§ 62.183. NGDC Customer Choice System Operations Plan.

Section 62.183 directs NGDCs to file system operations plans for Commission review, and to serve a copy of the plan on the Office of Consumer Advocate, the Office of Small Business Advocate, and NGSs licensed in the NGDC's service territory. Copies of the plan shall be provided to other NGSs upon request and shall be posted on the NGDC's web site. The contents of the NGDC's plan are to include an SCT, business practices and standards, and communications standards that comply with the provisions of the subchapter. The plan is also to include a copy of each standard agreement, form or contract that will be used by NGSs in operating on the system.

The customer choice system operations plan serves two purposes. First, it is a compliance filing that demonstrates that the NGDC has adopted a standard SCT and other business practices and standards consistent with the requirements of this subchapter. Second, the plan acts as a complete, single source for all the information that a supplier needs to know to conduct business and operate on the NGDC's system. Having all the necessary information in one place and having it freely accessible to all, will lower an entry barrier for NGSs contemplating market entry, and will reduce the potential for mistakes or misunderstandings between NGSs and NGDCs. In the

time, it should increase efficiency in industry operations and should result in increased NGS participation in the retail natural gas market.

§ 62.184. Natural Gas Distribution Company Costs of Competition Related Activities

In the Proposed Rulemaking Order on Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets, Order entered March 27, 2009 at Docket No. L-2008-2069114 (*PRO*), we determined that NGDCs could recover reasonable costs related to promoting competition in the retail gas market through the use of a surcharge. We also proposed the adoption of an automatic adjustment mechanism for the surcharge and determined that, because the surcharge will be paid by all customers, it would not be used in calculating the price to compare.

In our Action Plan, we concluded that the NGDCs "should be able to recover reasonable costs that are prudently incurred in connection with the implementation of any changes designed to promote the development of effective competition in the retail market." Action Plan at 21. Such costs also include expenses associated with increasing customer participation in the market such as modifications to NGDC billing systems or increased consumer education activities. *Id.* We determined that we would allow NGDCs to recover these costs through a surcharge with an automatic adjustment mechanism. We are adopting such a mechanism today in § 62.226.

However, we note that to the extent it helps promote competition, the surcharge for competition related activities benefits all customers and, therefore, it should be paid by all customers, shoppers and non-shoppers alike. Because of that, this surcharge should not be considered in the calculation of the price to compare.

PRO, page 7.

Proposed § 62.184 in Annex A reiterates the language in proposed § 62.226 that authorizes NGDCs to recover reasonable costs prudently incurred in support of increasing competition through the use of surcharge with an automatic adjustment mechanism. In the event that § 62.226 is finalized while this rulemaking is pending, § 62.184 will be revised to cite to § 62.226.

§ 62.185. Supplier Coordination Tariff, Business Practices And Standards.

The *SEARCH Order*, quoting the *SEARCH Report*, discussed streamlining and/or standardizing certain business interactions between NGDCs and NGSs rather than requiring NGDCs to migrate to a preferred asset management system.

Requiring all NGDCs to migrate to a preferred model for managing system assets would require comprehensive legislative changes and subsequent Commission proceedings to ensure due process related to property rights. However, certain business practices governing interactions between the suppliers and the NGDC can be tailored to operate within the preferred model. *SEARCH Report*, page 13. This preferred model would streamline and/or standardize certain interactions between the NGSs and NGDCs involving gas supply management on the NGDC system.

SEARCH Order, pages 27-28.

It was determined that these best business practices could be defined and memorialized in a generic supplier's tariff, or promulgated in Commission regulations. *SEARCH Report*, page 13.

A suggested approach to achieve some level of standardization was through the adoption of business practices and forms that were developed by the North American Energy Standards Board (NAESB). The reason for this approach was that changes to NGDC business practices would require less time to implement and would result in lower costs to the NGDCs and their customers because of the previous work that NAESB had already completed in this area. *SEARCH Report*, page 14.

NAESB³ is a nonprofit, standards development organization accredited by the National Standards Institute.⁴ NAESB develops definitions, standards and principles for the wholesale and retail natural gas industry through an open and balanced process involving all stakeholders—NGDCs, NGSs, pipeline operators, consumer representatives and regulatory agencies. NAESB standards and definitions for the wholesale natural gas industry have been adopted by the FERC as regulations and are required to be included or incorporated into interstate pipeline tariffs.

The suggestion to use NAESB standards for developing standards for the Pennsylvania retail market was based on the work of a subgroup of the *SEARCH Inter-Company Activity Subgroup*. This technical subgroup, which was comprised of representatives from NGDCs, NGSs and pipelines, reviewed each NAESB standard and business practice and identified agreement and disagreement on eight operational issues that included NAESB wholesale gas nomination standards and retail business practices in nine areas: (1) market participant interactions; (2) creditworthiness; (3) billing and payments; (4) distribution company/supplier disputes; (5) Electronic Data Interchange and Internet Electronic Delivery Mechanisms; (6) Quadrant Specific Electronic Delivery Mechanism; (7) contracts; (8) customer information and customer enrollment, (9) drop and account maintenance. *SEARCH Report*, p. 13.

This subgroup's work clearly demonstrates that standardizing business practices requires resolution of many complicated and interrelated issues. Commission working groups and other stakeholder processes have been very successful in developing proposed regulations and technical standards where the issues are complex and consensus is not easily reached. Therefore, we believe that the most efficient way to develop a standard SCT and best business practices is through the use of a stakeholder process.

Accordingly, we plan to utilize a stakeholder process in conjunction with this rulemaking. This process will proceed concurrently with the proposed rulemaking and will provide another avenue for public input.

To initiate this stakeholder process, we will issue for comment a draft SCT and draft best business practices for use in Pennsylvania's retail markets. This straw man proposal will be based on comments and other documents submitted in the *SEARCH*⁵ process and in our investigation into natural gas competition at Docket No. I-00040103. NAESB standards that are cost-effective and that remove barriers to market entry and participation

³ NAESB is a successor to the Gas Industry Standards Board (GISB), an organization that was incorporated in 1994 to develop business practice standards and communications and e-commerce protocols for the interstate natural gas industry. GISB's best known work involved the development of electronic transfer mechanism EDM standards which have been adopted for use in Pennsylvania's electric generation market.

⁴ The American National Standards Institute oversees the creation, promulgation and use of thousands of standards and guidelines that directly impact businesses.

⁵ *The Statement and Combined Assessment Report on Market Participant Interactions*, prepared for the Commission by the Inter-Company Activity NAESB Subgroup, dated October 31, 2006, shall also be considered in regard to uniform electronic communications transactions.

will be incorporated in the straw man proposal as well as the specific rules related to nomination and delivery requirements that are included in proposed § 62.185(c)(3) in Annex A.

After comments and reply comments are submitted to the straw man proposal, we will schedule a technical conference to receive additional input. We intend to complete the stakeholder process no later than August 1, 2009.

In regard to the instant proposed rulemaking, § 62.185(a) is a general statement related to the scope of the section. It states that the Commission may adopt best business practices and standards that facilitate supplier participation in the retail market and may direct NGDC and NGS compliance with the standards. It also states that NAESB standards and model agreements that are cost effective and remove market barriers for suppliers will be considered for adoption.

Proposed § 62.185(b) addresses SCTs. The section states that the Commission may establish and revise the standard SCT, and will direct NGDCs to implement an SCT based on the standard SCT that conforms to the NGDC's customer choice system operations plan. The NGDC's existing SCT, if any, will remain in effect until the Commission approves an SCT or tariff supplement that complies with this regulation.

Proposed § 62.185(c) states that the Commission may establish business practices as necessary to implement the Act, and may direct their adoption by NGDCs and NGSs. The NGDC's implementation of business practices and standards will be included in the NGDC's customer choice system operations plan.

Proposed § 62.185(c)(3) sets forth proposed standards on five technical subjects: imbalance trading, tolerance bands, cash out and penalties, nominations, and capacity. Because of the complexity of each of the subjects, we recognize that it may not be feasible to draft a regulation that can be applied in every situation. For this reason, we will instruct the stakeholders to consider developing best practices for use by NGDCs in addition to regulations for these subjects.

Proposed § 62.185(d) addresses communication standards and formats. This section states that the Commission may establish and revise electronic data communication standards and formats and may direct their implementation by NGDCs and NGSs. Standards and formats may be implemented for nominations and delivery requirements and customer enrollment, usage and billing and payments.

Additionally, proposed § 62.185(d) makes the NGDC responsible for testing and certifying NGSs on the approved communications standards. Also, this proposed section states that the Commission, after notice and opportunity to be heard, may direct an NGDC to install and upgrade a billing system, electronic bulletin board, software and other communication or data transmission equipment and facilities to implement established electronic data communications standards and formats.

In regard to the implementation of proposed § 62.185(d), we will convene a separate working group of technical experts to establish electronic data communication standards and formats. NGDC participation in the working group will be made mandatory. The working group will be led by Commission staff and will make recommendations in regard to the standards and formats that should be adopted. In making these recommendations, consideration should be given to incorporating

NAESB standards that are cost-effective and that remove barriers to market entry for suppliers.

The stakeholder collaborative will also be assigned the task of developing a plan, including a time frame, for implementation of electronic data communications standards and formats. The plan should identify priorities for implementation, including interim steps that should be taken immediately to rectify market barriers in information exchange (Information Exchange and Data Transfer). The technical working group will carry out its work in accordance with this plan.

Conclusion

The use of a common set of business practices and supplier coordination tariffs not only will increase efficiency in industry operations, but also, and most importantly, will facilitate the entry and participation of NGSs in the retail natural gas supply market. The purpose of this proposed rulemaking is to develop and to codify these standards for Pennsylvania's natural gas retail market. The scope of, and the time frame for this undertaking is ambitious, and its completion will require the commitment and cooperation of all industry stakeholders. We are convinced that the effort will be worthwhile as the resulting market place will better support supplier participation and thus, will increase competition for natural gas supply. We anticipate and appreciate your comments on this proposed rulemaking.

Accordingly, pursuant to §§ 501, 504 and 2201—2212 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504 and 2201—2212; sections 201 and 202 of the act of July 31, 1968, (P. L. 769 No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder in 4 Pa. Code §§ 7.231—7.234, we are proposing to amend our regulations as set forth in Annex A, attached hereto;

Therefore, it is Ordered That:

1. A rulemaking docket shall be opened to amend the regulations in 52 Pa. Code Chapter 62 (relating to natural gas supply customer choice) by adding §§ 62.181—62.185 as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of written comments referencing the docket number of the proposed regulations be submitted within 45 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Reply comments may be submitted in the same manner no later than 15 days after the end date for filing comments. To facilitate posting, all filed comments shall be forwarded by means of electronic mail to Patricia Krise Burket at pburket@state.pa.us, Annunciata Marino at anmarino@state.pa.us and Cyndi Page at cypage@state.pa.us.

6. A copy of this order and Annex A shall be served on all jurisdictional natural gas distribution companies, all licensed natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate and all other parties that filed comments at the Docket No. I-00040103.

7. The Director of Operations shall implement the stakeholder process to create a standard supplier coordination tariff; to develop best business practices for use in natural gas retail markets and to establish a plan for the implementation of electronic data communications standards and formats as set forth in this order.

8. The Director of Operations, with the assistance of the Bureau of Fixed Utility Services and other bureaus as may be necessary, shall initiate a working group to establish electronic data communication standards and formats as set forth in this order.

9. The contact persons for this proposed rulemaking are Patricia Krise Burket, Law Bureau, (717) 787-3464 (legal) and Annunciata Marino, (717) 772-2151 (technical).

By the Commission

JAMES J. MCNULTY,
Secretary

Statement of Vice Chairperson Tyrone J. Christy

Before the Commission for consideration is the initiation of a proposed rulemaking proceeding to promulgate regulations that are designed to encourage increased natural gas supply competition among our jurisdictional NGDCs and licensed NGSs. The genesis of this rulemaking is the Commission's *Report to the General Assembly on Pennsylvania's Retail Natural Gas Supply Market* that was released in October 2005. In that report, the Commission determined that effective competition did not exist in Pennsylvania's retail natural gas market, and subsequently reconvened the stakeholders in the natural gas industry to identify existing barriers to competition. In our *SEARCH Final Order and Action Plan* issued on September 11, 2008, the Commission identified several initiatives to eliminate these barriers to competition. The rulemaking before us today addresses the standardization of NGDC business practices, operating rules and supplier coordination tariffs (SCT).

Besides issuing these proposed regulations for comment, the Commission also is initiating a stakeholder process to run concurrently with the proposed rulemaking. The purpose of this group is to develop a standard SCT and to make recommendations for the adoption of standard business practices for the retail natural gas market. In order to begin this process the Commission intends to issue a draft SCT and a draft "best business practices" plan for comments and reply comments. A technical conference then will be held to finalize these proposed documents. Additionally, the Commission intends to convene a separate technical working group for the purpose of establishing communication standards.

My main concerns as we embark on this process are the potential cost ramifications of some of the proposed changes in operational rules and practices. Changes are being proposed with regard to imbalance trading, tolerance bands, cash-out rules, nominations and capacity access. Throughout this proposed rulemaking it is stated that only those practices and standards determined to be cost-effective by the Commission will be implemented. "Cost effective" is not defined by the Order, and therefore can be subjective. While some provisions may be deemed

cost effective to alternative suppliers, they could be detrimental to non-shopping customers. The Order further states that the proposed regulations will limit NGDC cost recovery to reasonable costs prudently incurred that are directly attributable to the implementation of these changes. In order to provide for recovery of these potential costs, the proposed regulations will establish an automatically adjusted surcharge mechanism to be paid by all customers, whether they decide to exercise their right to choose or not. As such, this charge will not be included within the NGDC's price to compare. Also, as the proposed surcharge is to be determined within each NGDC's annual 1307(f) proceeding, these proceedings will become more complicated in the future, potentially increasing the costs of all parties participating in the adjudication of these cases, including the Commission.

What this means in plain English is that we potentially are imposing new non-bypassable costs on Pennsylvania gas consumers so that we can create a more competitive environment for alternative suppliers. If the goal of competition is to level the playing field and provide consumers with choices that could result in cost savings, then I would support such charges. However, if the end results of leveling the playing field is simply to add new non-bypassable costs that otherwise would not have been incurred, then I would be less inclined to support such charges. Alternative gas suppliers have a significant hurdle here to demonstrate that savings are possible with retail natural gas choice in the residential sector, particularly when the NGDCs are required by statute to procure their gas supply under a Commission approved least cost procurement standard with no provision for a profit on that cost. While both NGDCs and alternative suppliers generally obtain natural gas from the same market, alternative suppliers must earn a profit on that gas—otherwise they would not be in business. The alternative suppliers must find enough efficiencies somewhere in their gas procurement practices to earn a profit while undercutting what has been blessed as a least cost gas procurement by the NGDC.

Therefore, I request parties to consider addressing in their comments, which are due within 45 days of publication in the *Pennsylvania Bulletin*, and in their reply comments due 15 days thereafter, the potential costs involved in the implementation of the directives within this rulemaking. I believe it is incumbent upon the Commission to determine beforehand the economic effect of these proposals.

Because of my concern over the unknown magnitude and nature of these potential costs, I will concur in the result only of this proceeding for the purpose of seeking comments from interested parties.

TYRONE J. CHRISTY,
Vice Chairperson

Fiscal Note: 57-268. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

Subchapter F. NATURAL GAS DISTRIBUTION COMPANY BUSINESS PRACTICES

(*Editor's Note:* Proposed §§ 62.181 and 62.185 are new and are printed in regular type to enhance readability.)

§ 62.181. General.

The use of a common set of business practices, including standard supplier tariffs, facilitates the participation of NGSs in the retail market, reduces the potential for mistakes or misunderstandings between NGSs and NGDCs, and increases efficiency in industry operations. This subchapter requires NGDCs to implement a standard supplier coordination tariff, business practices and communication standards and formats as directed by the Commission. NGDCs are authorized to recover reasonable and prudently incurred costs of implementing and promoting natural gas competition in this Commonwealth.

§ 62.182. Definitions.

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

Asset management—A function of the system operations of an NGDC relative to daily NGS and pipeline interactions relating to nominations, capacity, storage, delivery, balancing, reconciliation, penalties, forecasts and customer requirements, to assure safe, reliable natural gas service to the end user.

Balancing—The act of equalizing receipts and deliveries of gas into or withdrawals from an interstate gas pipeline or an NGDC's distribution system. Balancing may be accomplished daily, monthly or seasonally, with fees or penalties generally assessed for excessive imbalances.

Business practices—The use of a common set of formats, definitions and standards relating to business operations.

Capacity—The maximum quantity of natural gas that can be produced, transported, stored, distributed, or used in a given period of time under specified conditions.

Cash out—A generic term used to describe the corrective measures taken when an NGS's imbalance of natural gas supply in the system exceeds the prescribed tolerance.

City gate—The site where an NGDC receives and measures gas from a pipeline company.

Electronic bulletin board—A computer system that provides current natural gas information on nominations, interruptions, rates and other items.

Gas daily average—Index price for natural gas as published daily by Platts Gas Daily.

Imbalance—When an NGS receives or delivers a quantity of natural gas, then delivers or redelivers a larger or smaller quantity of natural gas to another party.

Intraday cycle—Under NAESB pipeline industry standards, one of two nomination cycles that permit a nomination to be made on the day of gas flow.

NAESB—North American Energy Standards Board—NAESB is a nonprofit standards development organization which develops business practice standards and communications and e-commerce protocols for the wholesale and retail natural gas industry.

NGDC—Natural gas distribution company—A natural gas distribution company as defined in 66 Pa.C.S. § 2202 (relating to definitions).

NGS—Natural gas supplier—A supplier as defined by 66 Pa.C.S. § 2202.

Nominations—A precise listing of the quantities of gas to be transported during any specified time period. A nomination includes all custody transfer entities, loca-

tions, compressor fueled and other volumetric assessments, and the precise routing of gas through the pipeline network. Nominations often create contract rights and liabilities.

OFO—Operational flow order—An order issued by an NGDC as defined in § 69.11 (relating to definitions).

PGC—Purchased gas cost—Natural gas costs which are collected, with adjustments, by NGDCs from their customers under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments).

SCT—Supplier coordination tariff—The formal rules and regulations of an NGDC for providing NGS service to customers. It contains a compilation of all of the effective rate schedules of a particular company and the general terms and conditions of service.

Storage—Storing gas that has been transferred from its original location in underground reservoirs. Gas is usually stored in the summer for winter delivery reducing peak winter pipeline requirements. Storage can be in either the market or producing areas.

Timely cycle—Under NAESB pipeline standards, the initial nomination cycle where a nomination is due 12:30 p.m. prior to the day of gas flow.

Tolerance band—A range of acceptable values for the measured difference between the gas volume that is nominated to be delivered in a certain time frame and the gas volume that is delivered during that time frame by an NGS.

Uniform electronic transactions—Standard formats that allow all parties to develop the business process and automated systems needed to facilitate the exchange of business information in the energy industry in this Commonwealth.

§ 62.183. NGDC customer choice system operations plan.

(a) An NGDC shall file a customer choice system operations plan for Commission review to comply with this subchapter.

(b) The NGDC shall serve copies of the plan on the Office of Consumer Advocate, the Office of Small Business Advocate, and NGSs registered in the NGDC's service territory. Copies of the plan shall be provided upon request and shall be made available to the public on the NGDC's web site.

(c) A customer choice system operations plan must include the following elements:

- (1) An SCT that complies with this subchapter.
- (2) Business practices and standards that comply with this subchapter.
- (3) Communication standards that comply with this subchapter.
- (4) Copies of standard agreements, forms or contracts that will be used by NGSs.

§ 62.184. NGDC cost recovery.

(a) As part of its next annual filing under 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments), an NGDC may include a proposed tariff rider to establish a nonbypassable reconcilable surcharge filed within the requirements of 66 Pa.C.S. § 1307 designed to recover the reasonable and prudently incurred costs of implementing and promoting natural gas competition within this Commonwealth.

(b) The surcharge shall be calculated annually and adjusted to account for past over- or under-collections in conjunction with the 1307(f) process to become effective with new PGC rates.

(c) The surcharge shall be recovered on a per unit basis on each unit of commodity which is sold or transported over its distribution system without regard to the customer class of the end user.

(d) Before instituting the surcharge, an NGDC shall remove the amounts attributable to promoting retail competition from its base rates. This may be done through a 66 Pa.C.S. § 1308 (relating to voluntary changes in rates) rate case filed not less than 5 years after first seeking recovery through a 66 Pa.C.S. § 1307 nonbypassable mechanism.

(e) Until an NGDC which seeks a nonbypassable recovery of its costs of promoting retail competition files a base rate case under 66 Pa.C.S. § 1308(d), the NGDC shall eliminate the effect of recovery of these costs in base rates through the filing of a credit to its base rates equal to the amount in base rates. This may be accomplished through the use of a revenue neutral adjustment clause that would credit base rates for the costs associated with promoting retail competition that are currently reflected in base rates. Costs would be fully recoverable through a nonbypassable reconcilable surcharge. The adjustment clause would be established through the filing of a fully allocated cost of service study and a proposed tariff rider in the NGDC's proceeding, under 66 Pa.C.S. § 1307(f). The credit and surcharge shall be adjusted at least annually through the 66 Pa.C.S. § 1307(f) process.

(f) The revenue neutral adjustment clause rider shall remain in effect until establishment of new base rates under 66 Pa.C.S. § 1308(d) which include a fully allocated cost of service study to remove these costs from base rates.

(g) The surcharge shall be subject to audit.

§ 62.185. Supplier coordination tariff, business practices and standards.

(a) *General.* The Commission may adopt best business practices and standards that will facilitate supplier participation in the retail natural gas market and will direct NGDCs and NGSs to comply with the practices and standards. NAESB standards and model agreements that are determined to be cost-effective and which remove market barriers for supplier participation will be considered for adoption.

(b) *Supplier coordination tariff.* The Commission may establish a standard SCT and will direct that an NGDC implement an SCT that conforms to the standard SCT. The standard SCT may be revised in accordance with Commission orders, policies and regulations. The current version of the standard SCT will be made available on the Commission web site.

(1) An NGDC shall implement an SCT based on a standard format SCT that is consistent with its customer choice system operations plan.

(2) The NGDC shall file an SCT in accordance with Commission orders, policies and regulations. When the NGDC has an existing SCT, the NGDC shall file a tariff supplement.

(3) The NGDC's current supplier tariff or supplement shall remain in effect until the Commission approves an SCT or tariff supplement filed in compliance with this section.

(c) *Business practices and standards.* The Commission may establish best business practices and standards as necessary to implement the provisions of 66 Pa.C.S. Chapter 22 (relating to natural gas competition), and may direct their implementation by NGDCs and NGSs.

(1) An NGDC's implementation of business practices and standards shall be consistent with its customer choice system operations plan.

(2) An NGDC's business practices and the process by which they are adopted may not undermine existing negotiated settlements with NGSs, may not compromise the safety, efficiency, security and reliability of system operations, and may not be discriminatory.

(3) An NGDC shall implement the following standards:

(i) *Imbalance trading.* An NGDC shall facilitate NGS imbalance trading. An NGS's customers' natural gas usage shall be balanced against NGS deliveries on the same monthly schedule. For computational purposes relating to balancing, an NGDC shall eliminate separate pooling for an NGS's interruptible customers so they are deemed to be in the same operating pool.

(ii) *Tolerance bands.* A tolerance band shall provide for a deviation in the volume of gas delivered of at least 10% of the volume nominated by the NGS, thus establishing a tolerance band that spans 90% to 110% of the volume of gas nominated.

(iii) *Cash out and penalties.* An NGDC shall cash out imbalances that fall within the 10% tolerance band at 100% of the gas daily average at the applicable index for the pool level. Outside the 10% tolerance band, a multiplier of 110% for under-deliveries and 90% for over deliveries shall apply, except during periods of gas shortage requiring the issuance of an OFO to protect the safe and reliable operation of the NGDC system.

(iv) *Nominations.* An NGDC shall support all four NAESB nominations cycles and support the timely cycle and at least one intraday cycle.

(v) *Capacity.* An NGDC shall provide full access to pipeline and storage capacity and will support daily nominations and delivery requirements that reflect current pool consumption conditions.

(d) *Communication standards and formats.* The Commission may establish electronic data communication standards and formats and may direct their implementation by NGDCs and NGSs. Standards and formats may be implemented for nominations and delivery requirements and customer enrollment, usage and billing and payments.

(1) An NGDC shall be responsible for NGS testing and certification in regard to approved electronic data communication standards and formats.

(2) The Commission may, subject to notice and an opportunity to be heard, direct an NGDC to install and upgrade a billing system, electronic bulletin board, software and other communication or data transmission equipment and facilities to implement established electronic data communications standards and formats.

(3) Communication standards and formats shall be revised in accordance with Commission orders, policies and regulations.

[Pa.B. Doc. No. 09-1931. Filed for public inspection October 16, 2009, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions and 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 October 6, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), persons 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

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-30-2009	Affinity Bank of Pennsylvania Wyomissing Berks County	Effective
	Merger of Affinity Bank of Pennsylvania, Wyomissing, with and into Affinity Interim Bank, Wyomissing, with the resulting institution continuing under the name "Affinity Bank of Pennsylvania." As a result of this transaction, Affinity Bank of Pennsylvania has become the wholly-owned subsidiary of Affinity Bancorp, Inc., Wyomissing, a newly-formed holding company.	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-28-2009	Northwest Savings Bank Warren Warren County	1632 Empire Boulevard Webster Monroe County, NY	Opened
9-30-2009	Integrity Bank Camp Hill Cumberland County	1683 Oregon Pike Lancaster Lancaster County	Filed
9-30-2009	Integrity Bank Camp Hill Cumberland County	300 Centerville Road Lancaster Lancaster County	Filed
10-2-2009	Northwest Savings Bank Warren Warren County	413 South Logan Boulevard Suite 3 Altoona Blair County	Filed
10-5-2009	Graystone Tower Bank Lancaster Lancaster County	830 North U.S. Highway 15 Dillsburg York County	Filed
10-5-2009	Graystone Tower Bank Lancaster Lancaster County	329 East Beaver Avenue State College Centre County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
8-4-2009	Hometown Bank of Pennsylvania Bedford Bedford County	Approved and Effective
	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.	

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1932. Filed for public inspection October 16, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Notice of Hearing Regarding Cyber Charter School Application

Notice is hereby given that the Department of Education (Department) has scheduled a public hearing regarding the two cyber charter school applications that it received on October 1, 2009. The hearing will be held on Friday, November 20, 2009, in Heritage A on the lobby level at 333 Market Street, Harrisburg, PA beginning at 10 a.m. The hearing pertains to applicants seeking to operate cyber charter schools beginning in the 2010-2011 school year: the Lighthouse Cyber Charter School and the William Penn Virtual Academy Public Charter School. The purpose of the hearing is to receive information from the applicants about the proposed cyber charter schools and to receive comments from interested persons regarding the applications. The applications can be viewed on the Department's web site at www.pde.state.pa.us.

The charter applicant will have 30 minutes to present information about the proposed cyber charter school. Individuals who wish to provide comments at the hearing must send the Department and the applicant a copy of the comments on or before November 6, 2009. Failure to comply with this deadline will preclude the respective individual from providing verbal comments at the hearing. Verbal comments may be limited based on the number of individuals requesting time to provide comments, and may also be limited if the comments are duplicative or repetitive of other individual's comments. A panel of individuals who have reviewed the applications will conduct the hearing. The panel members may question the applicants regarding issues identified during their review, as well as issues raised in the written comments filed before the hearing date. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicants or the panel members. Individuals who are unable to attend the hearing may also provide the Department and the respective applicant with written comments on or before November 13, 2009. Any written comments provided to the Department by this deadline will become part of the certified record.

Comments sent to the Department should be addressed to Gregg Spadafore, Bureau of Community and Student Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333. An agenda will be prepared after November 6, 2009, when the Department is aware of the number of individuals who wish to provide verbal comments at the hearing. That agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. Individuals wanting a copy of the agenda should call Gregg Spadafore at (717) 705-2881.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 09-1933. Filed for public inspection October 16, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228796 (Sewage)	Matthew M. Barr 1957 Halfmoon Valley Road Port Matilda, PA 16870	Centre County Halfmoon Township	Halfmoon Creek HQ-CWF 11-A	Y
PA0228788 (Sewage)	Evergreen Youth Services, Inc. R. D. 1 Box 468 Mifflinville, PA 17059	Clearfield County Beccaria Township	Drainage swale to Cofinan Run SWP 8C	Y
PA0035777 SN	Hoeganaes Corporation 1315 Airport Road Gallatin, TN 37066	Northumberland County Delaware Township	UNT to Muddy Run 10D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239291	Wintergreen Animal Hospital 9021 Wattsburg Road Erie, PA 16509-6023	Erie County Greene Township	UNT to Four Mile Creek 15	Y
PA0102822	Robert and Ronald Krenitsky, d/b/a Rolling Valley Estates 385 Eagle Mill Road Butler, PA 16001	Butler County Connoquenessing Township	UNT to Little Connoquenessing Creek 20-C	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.

PA0244465, Industrial Waste, SIC 5171, **Oehlert Brothers, Inc.**, 1203 South Township Line Road, Royersford, PA 19468. This facility is located in Limerick Township, **Montgomery County**. The application is issuance of an NPDES permit to discharge stormwater runoff from Royersford PA Bulk Petroleum Storage plant located at 1203 South Township Line Road, Royersford in Limerick Township, Montgomery County. This is a new discharge to a UNT (Stream Code 01615) to Mingo Creek. At point of discharge, stream is in the State Water Plan Watershed 3J and is classified for WWF.

The proposed effluent limits for Outfall 001, based on an average storm event, are as follows:

<i>Parameter</i>	<i>Effluent Concentration limitations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Recoverable Petroleum Hydrocarbons	15		30
Oil and Grease	15		30
Total Suspended Solids	30	60	75
pH (Standard Units)	6.0 Instantaneous Minimum		9.0

The proposed effluent limits for Outfall 001, during Hydrostatic test water discharges, are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (gpm)	Monitor and Report
Duration (Hours)	Monitor and Report
Dissolved Oxygen	Minimum of 5.0 mg/l
Total Suspended Solids	60
Oil and Grease	30
Iron	7.0
Benzene*	0.0025
Total BETX*	0.25
Ethylbenzene*	Monitor and Report
Toluene*	Monitor and Report
Xylene (Total)*	Monitor and Report
Total Residual Chlorine**	0.5 mg/l
pH (Standard Units)	Within limits of 6.0 to 9.0 Standard Units at all times

* Not applicable to new pipelines and/or tanks.

** Applicable only if chlorinated water is used as the source of test water.

The EPA waiver is in effect.

Other Requirements:

1. Remedial Measure if creates Public Nuisances.
2. Applicable BAT/BCT Standards.
3. Change in Ownership.
4. Proper Sludge Disposal.
5. Small Stream Discharges.
6. Watershed TMDL/WLA Analysis.
7. Product Contaminated Stormwater Runoff.
8. Additional Monitoring and Reporting Requirements.
9. PPC Plan Requirements.
10. Other Wastewater Discharges Associated with Facility.
11. Definitions.
12. Hydrostatic Test Water Discharge Requirements.
13. Laboratory Certifications.

PA0031097, Sewage, SIC 4952, **Radley Run Country Club**, 1100 Country Club Road, West Chester, PA 19382. This proposed facility is located in Birmingham Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from the sewage treatment plant serving the Radley Run Country Club.

The receiving stream, Radley Run, a tributary to Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 17,000 gpd:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅			25		50
Total Suspended Solids			30		60
Ammonia (as N)			10		20
Phosphorus (as P)					
(4-1 to 10-31)			1.5		3.0
(11-1 to 3-31)					
(years 1 and 2)	M/R*		M/R*		
(years 3—5)			2.0		4.0
Total Residual Chlorine			0.5		
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			5.0 (Minimum)		
pH			6.0 (Minimum)		
Total Nitrogen**					
(years 1 and 2)	M/R*		M/R*		9.0

* M/R = Monitor and Report

** Total Nitrogen = Total Kjeldahl-N + Nitrite-N + Nitrate-N

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

1. Notification of Designation of Operator.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. I-Maximum.
10. 2/Month Sampling.
11. Laboratory Certification.
12. Fecal Coliform I-Maximum Reporting.
13. Certified Operator.

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

Application No. PA 0027197, Sewage, **The Harrisburg Authority (Harrisburg Advanced WWTF)**, One Keystone Plaza, Harrisburg, PA 17101. This facility is located in Harrisburg City, **Dauphin County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 0.73 mile downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 37.7 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (Interim)			
(5-1 to 10-31)	17		14
(11-1 to 4-30)	Report		
NH ₃ -N (Final)			
(5-1 to 10-31)	11		22
(11-1 to 4-30)	Report		
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

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

Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	688,575*
Net Total Phosphorus	XXX	Report	91,810*

* 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.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2013. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. The 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, 2013.

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

- Requirements Applicable to Stormwater Outfalls.
- Industrial Pretreatment Program Implementation.
- Management and Control of Combined Sewer Overflows.
- Chesapeake Bay Nutrient Requirements.

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.

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

PABIG 0801, McGuire's Septic Service, Sheshequin Township, **Bradford County**. McGuire's Septic Service, P. O. Box 289, Ulster, PA 18850 has applied to have their biosolids approved for beneficial use by land applications.

Individual permit is being applied for, due to the construction and utilization of a 704,600 gallon tank for processing.

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

PA0096521, Sewage, **Department of Conservation and Natural Resources, Bureau of State Parks, Ohioyle State Park**, P. O. Box 105, 168 Dinnerbell Road, Ohioyle, PA 15470. This application is for renewal of an NPDES permit to discharge treated sewage from Ohioyle State Park—Boater's Change House STP in Stewart Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Meadow Run, which are classified as a HQ-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 North Fayette County Municipal Authority.

Outfall 001: existing discharge, design flow of 0.008 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	15			30
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0

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

The EPA waiver is in effect.

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

NPDES Permit No. PA0267694, CAFO, **Zylstra Diary, Inc.**, 1161 Geiger Road, Friedens, PA 15541. This facility is located in Somerset Township, **Somerset County**.

Description of Size and Scope of Proposed Action/Activity: Authorization to operate a 798-Animal Equivalent Units dairy operation near a UNT of South Fork Beaverdam Creek, HQ-CWF in Watershed 18-E.

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

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

WQM Permit No. 0609402, Sewerage, **Washington Township Municipal Authority**, P. O. Box 156, Barto, PA 19604. This proposed facility is located in Washington Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of the West Trace temporary pump station.

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025203017R	Kalian at Poconos, LLC 225 Highway 35 Red Bank, NJ 07701	Pike	Lehman Township	Saw Creek HQ-CWF, MF

Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, (570) 836-2589.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI026609002	Department of Transportation, District 4 55 Keystone Industrial Park Dunmore, PA 18512	Wyoming	Forkston Township	Mehoopany Creek HQ-CWF, MF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10F073-R	Perry Desiato, President Village of Nittany Glen, LP 1490 Durham Road New Hope, PA 18938	Centre	Benner Township	UNT to Buffalo Run HQ-CWF

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 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>
Embrovac, LLC 616 Dairy Road Tamaqua, PA 18252	Schuylkill	212.7	453.13	Layers/ Roasters	HQ-CWF	New

**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

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

Application No. 0909517, Public Water Supply.

Applicant	Richland Township Water Authority
Township or Borough	Richland
County	Bucks
Responsible Official	Timothy Arnold Executive Director 1328 California Road Suite D Quakertown, PA 18951
Type of Facility	PWS

Consulting Engineer Van Cleef Engineering Associates
551 Main Street
Bethlehem, PA 18018

Application Received Date September 21, 2009

Description of Action Arsenic removal w/iron and manganese pretreatment at an existing public water storage and distribution facility.

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

Permit No. 3609508, Public Water Supply.

Applicant **Manheim Borough Authority**

Township or Borough Manheim Borough

County **Lancaster**

Responsible Official David Fenicle
Operations Manager
15 East High Street
Manheim, PA 17545

Type of Facility Public Water Supply

Consulting Engineer Yves E. Pollart, BCEE, P. E.
Rettew Associates, Inc.
2500 Gettysburg Road
Camp Hill, PA 17011

Application Received September 25, 2009

Description of Action Addition of sequestering chemical to reduce tuberculation and scaling.

Permit No. 3609509, Public Water Supply.

Applicant **Herr Mobile Home Park**

Township or Borough West Earl Township

County **Lancaster**

Responsible Official Rick Herr
428 East Conestoga Street
New Holland, PA 17557-1422

Type of Facility Public Water Supply

Consulting Engineer John G. Fuehrer II, P. E.
Fuehrer Associates, Ltd.
Box 541
Ephrata, PA 17522

Application Received September 29, 2009

Description of Action Convert iodine disinfection to sodium hypochlorite.

Permit No. 3609510, Public Water Supply.

Applicant **Groffdale Mobile Home Park**

Township or Borough Upper Leacock Township

County **Lancaster**

Responsible Official Rick Herr
428 East Conestoga Street
New Holland, PA 17557-1422

Type of Facility Public Water Supply

Consulting Engineer John G. Fuehrer II, P. E.
Fuehrer Associates, Ltd.
Box 541
Ephrata, PA 17522

Application Received September 29, 2009

Description of Action Convert iodine disinfection to sodium hypochlorite.

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

Application No. 4909503—Construction, Public Water Supply.

Applicant **Eyers' Manor Personal Care Home**

Township or Borough Point Township

County **Northumberland**

Responsible Official Beverly Cook-Trego, Owner
Eyers' Manor Personal Care Home
3196 Ridge Road
Northumberland, PA 17857

Type of Facility Public Water Supply—Construction

Consulting Engineer Chris Beidler, P. E.
Larson Design Group
1000 Commerce Park Drive
Williamsport, PA 17701

Application Received September 30, 2009

Description of Action Construction of a new drinking water well with disinfection, softening and iron and manganese removal.

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

Application No. 3309502, Public Water Supply.

Applicant **Brockway Borough Municipal Authority**

Township or Borough Brockway Borough
Snyder Township
Jefferson County

Responsible Official Michael Debich, Manager

Consulting Engineer N. Peter Fleszar, P. E.
Project Engineer
Glace Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Application Received Date October 1, 2009

Description of Action Relocation of disinfection; added storage/contact time; remote monitoring and emergency generation.

MINOR AMENDMENT

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

Application No. 4298502-MA4, Minor Amendment.

Applicant **St. Marys Borough Area Water Authority**

Township or Borough Fox Township
Elk County

Responsible Official Dwight D. Hoare, P. E.
 Authority Manager
 St. Marys Area Water Authority
 967 State Street
 P. O. Box 33
 St. Marys, PA 15857

Type of Facility Public Water System

Application Received Date September 24, 2009

Description of Action Construction of additional 400,000-gallon welded steel water storage tank to be located adjacent to an existing identical water storage tank, to increase storage capacity and provide storage redundancy.

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.

Florence Titus Elementary School, Warrington Township, **Bucks County**. Daniel Lewis, Spots, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610 on behalf of Michael Nickerson, Central Bucks School District, 320 West Swamp Road, Doylestown, PA 18901 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will continue to be that of a public elementary school. A summary of the Notice of intent to Remediate was reported to have been published in *The Intelligencer* on September 3, 2009.

2nd Attic Spruce Street, Borough of Pottstown, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Stan McIlvee, 1028 Commerce Drive, Pottstown, PA 19464 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline. The intended future use of the site is commercial. A Summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on June 13, 2009.

Lot 2 Hawks Crest, Pennsbury Township, **Chester County**. Samuel Kucia and Andre Hubley, Environmental Consulting, Inc., 500 West Washington Street, Suite 375, Norristown, PA, 19041, on behalf of Tom Spano, First Blackhawk, 364 Wilmington-West Chester Pike, Glen Mills, PA 19342 have submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics. The subject property has historically consisted of undeveloped land.

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

Former Lancaster Press Building, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482-0810, on behalf of City of Lancaster, Economic Development and Neighborhood Revitalization, 120 North Duke Street, P. O. Box 1599, Lancaster, PA 17608 submitted a Notice of Intent to Remediate site soils contaminated with VOCs, PAHs, PCBs and metals. The currently vacant site will be developed for both residential and nonresidential use. The applicant intends to remediate to a combination of Nonresidential and Residential Statewide Health Standards.

AIR QUALITY
PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS
NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

35-322-011: Alliance Sanitary Landfill, 398 South Keyser Avenue, Taylor, PA 18517, for construction of a

landfill expansion at their facility in Ransom Township, Taylor and Old Forge Boroughs, **Lackawanna County**.

66-315-055: Procter & Gamble Paper Products Co., P. O. Box 32, Mehoopany, PA 18629-0032, for modification to their existing 2M paper machine to change the control technology at their facility in Washington Township, **Wyoming County**.

54-302-080: Pine Grove Area School District—Pine Grove High School, 101 School Street, Pine Grove, PA 17963, for the installation of a new backup coal fired boiler at their facility in Pine Grove Borough, **Schuylkill County**.

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

62-183A: PAPCO, Inc.—Warren Station, Route 6, Warren, PA 16365, for operation of a gas stripping plant consisting of a two gas compressor engine, dehydration plant, condenser and storage tanks at their facility in the Township of Mead, **Warren County**.

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

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

15-0078F: Centocor, Inc., 200 Great Valley Parkway, Malvern, PA 19355, for modification of two 16.8 mmBtu/hr boilers at the Centocor pharmaceutical research and development/manufacturing/biotechnological facility at 200 Great Valley Parkway, East Whiteland Township, **Chester County**. The permittee has requested to operate two existing boilers simultaneously which will result in an increase in NO_x, CO, PM, SO_x, VOC and HAP emission rates. The facility is a synthetic minor and operates under Operating Permit 15-00078. The permittee will take limitations to remain a synthetic minor facility for all pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0035E: SmithKline Beecham Corp.—d/b/a GlaxoSmithKline, 709 Swedeland Road, King of Prussia, PA 19406, for a 750 Kw Diesel Fired Internal Combustion Engine to be installed in building 40 in **Montgomery County**. GlaxoSmithKline is a Title V Facility. This generator is subject to New Source Performance Standards. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

09-0031B: Eureka Stone Quarry, Inc., P. O. Box 249, Chalfont, PA 18914, for modifications to the operating conditions of the asphalt plant installed under Plan Approval 09-0031 at the Rush Valley 1 Quarry and Asphalt Plant in Wrightstown Township, **Bucks County**. Under this Plan Approval, a reduction in plant throughput is proposed, with a corresponding decrease in all pollutants except for SO_x, which is proposed to increase. There is no increase in the sulfur content of the fuel; rather a change is made in the method of calculation. A modification in the pressure drop range across the

baghouse, which controls PM emissions, as well as the method of initiation of the baghouse cleaning cycle, is included in the Plan Approval application. These changes do not allow for an increase in PM emissions. The facility will remain a synthetic minor. The plan approval will include monitoring, recordkeeping and reporting requirements 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.

54-302-079: The County of Schuylkill—Schuylkill County Court House, 401 North Street, Pottsville, PA 17901, for installation and operation of a 4.612 mmBtu heat input anthracite coal fired boiler at the Schuylkill County Court House facility in the City of Pottsville, **Schuylkill County**. The boiler will utilize anthracite coal containing ash less than 10% by weight. There are no New Source Performance Standards for this size of boiler while firing an anthracite coal. The company has proposed to use a multi cyclone to control PM emissions from the boiler, which will reduce the PM emissions from the boiler to 1.8 lb/hr and will meet the BAT requirements of the Department. SO_x emissions from the boiler will be less than 14.9 tpy. The company will operate and maintain the boiler in accordance with the good engineering practices to assure proper operation. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

54-302-078: The County of Schuylkill—Schuylkill County Prison, 401 North Street, Pottsville, PA 17901, for installation and operation of a 4.612 mmBtu heat input anthracite coal fired boiler at the Schuylkill County Prison's facility in the City of Pottsville, **Schuylkill County**. The boiler will utilize anthracite coal containing ash less than 10% by weight. There are no New Source Performance Standards for this size of boiler while firing an anthracite coal. The company has proposed to use a multi cyclone to control PM emissions from the boiler, which will reduce the PM emissions from the boiler to 1.8 lb/hr and will meet the BAT requirements of the Department. SO_x emissions from the boiler will be less than 14.9 tpy. The company will operate and maintain the boiler in accordance with the good engineering practices to assure proper operation. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

05-05014A: WSI Sandy Run Landfill, Inc., 995 Landfill Road, Hopewell, PA 16650, for construction of an enclosed ground flare to control VOC emissions from their Sandy Run Landfill in Broad Top Township, **Bedford County**. The flare will be subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 63, Subpart AAAAA—National Emission Standards for HAPs: Municipal Solid Waste Landfills. The plan approval will include emission limits, testing and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

46-00137: Oehlert Bros., Inc., 1203 Township Line Road, Royersford, PA 19468, for a State-only, Natural Minor Operating Permit Renewal in Limerick Township, **Montgomery County**. Oehlert Bros., Inc. is in the business of retail/wholesale sale of petroleum products and HVAC sales and service. The facility operates two gasoline storage tanks which are a source of VOCs. A vapor recovery system is installed on the tanks as a control device. This facility does not have the potential to exceed any Title V thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

45-00019: Haines and Kibblehouse, Inc., 2052 Lucon Road, Skippack, PA 19474, for operation of a rock crushing operation and associated air cleaning devices at their Locust Ridge Quarry in Tobyhanna Township, **Monroe County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

54-00075: D. G. Yuengling and Sons, Inc., 310 Mill Creek Avenue, Pottsville, PA 17901, for operation of a aerobic reactor in Port Carbon Borough, **Schuylkill County**. This is a new State-only Operating Permit.

45-00012: Royal Chemical Co., Ltd., 8679 Freeway Drive, Macedonia, OH 44056, for renewal of an operating permit for a facility in East Stroudsburg Borough, **Monroe County**. The facility has the potential to emit pollutants above Title V emission thresholds and is taking elective restrictions on control device efficiencies and stack testing requirements to maintain synthetic minor operating permit status. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

06-05104: H. B. Mellott Estate, Inc./Evansville Plant, 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267-8555, for their mineral crushing plant in Maiden Creek Township, **Berks County**. This is a renewal of the State-only operating permit issued in 2004 and modified in 2007.

22-03063: Chemetron Railway Products, Inc./Steelton Rail Welding Plant, 1600 Progress Drive, P. O. Box 1037, Albertville, AL 35950, for their rail welding operation in Steelton Borough, **Dauphin County**. This is a renewal of the State-only operating permit issued in 2004.

22-05049: TW Cylinders, LLC/Harrisburg, P. O. Box 2365, Harrisburg, PA 17105-2365, for their compressed

gas cylinders manufacturing facility in the City of Harrisburg, **Dauphin County**. This is a renewal of the State-only operating permit issued in 2004 and amended in 2008.

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

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

PA 35-318-095: BAE Systems—SDS of PA, Inc., 11 Alberigi Drive, Jessup, PA 18434, for the operation of a surface coating operation in Jessup Borough, Lackawanna County.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to BAE Systems, SDS of PA, Inc. (11 Alberigi Drive, Jessup, PA 18434) for their facility in Jessup Borough, Lackawanna County. This Plan Approval No. 35-318-095 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 35-318-095 is for the operation of a surface coating operation. The application is also for the anticipation of production increases. VOC emissions from the plant will remain under 50 tpy threshold limit, 12-month rolling sum. PM emissions will not exceed 0.04 gr/dscf. The company shall be subject to and comply with 25 Pa. Code Chapter 129.52 for VOC emission limits. Total HAP emissions from the facility will be under 25 tpy, 12-month rolling sum. Single HAP emissions will be under 10 tpy, 12-month rolling sum. The company shall be subject to, and comply with, 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to, and comply with, 25 Pa. Code § 123.41 for Visible emissions. Emissions will be controlled by the use of a dry filters. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No.: 35-318-095.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted

based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

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 description below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department

at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and 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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

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

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

30841317 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, LLC, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323, to revise the permit for the Enlow Fork Mine in East Finley Township, Washington County, United States Army Corps of Engineers, Pittsburgh District (Claysville, PA Quadrangle USGS map from N: 9.52 inches; W: 1.21 inches, N: 10.78 inches; W: 0.65 inch).

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submit-

ted as part of the mining permit revision application to authorize the stream restoration for pooling or flow loss due to longwall mining in three areas of Templeton Fork.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department of Environmental Protection within 30 days of the date of this notice to the District Mining Office identified previously. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application, (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed previously.

Application received June 1, 2009

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

56090110 and NPDES No. PA0262862. Godin Mining, Inc., 128 Colton Drive, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 91.9 acres. Receiving stream: Hoffman Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. Application received September 18, 2009.

56980103 and NPDES No. PA0234699. Godin Brothers, Inc., 195 East Philadelphia Street, P. O. Box 216, Armagh, PA 15920, revision of an existing surface and auger mine to add 4.5 acres to the surface mine permit boundary changing the total SMP acres from 133.5 to 138.0 in Jenner and Lincoln Townships, **Somerset County**, affecting 133.5 acres. Receiving stream: UNTs to Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received September 24, 2009.

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

26090101 and NPDES Permit No. PA0251569. Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258. Revision for stream variance and land use change from forestland to a postmining land use of pastureland/land occasionally cut for hay to the pend-

ing application for a bituminous surface mine located in Dunkard Township, **Fayette County**, affecting 160.7 acres. Receiving stream: Craig Branch to Bute Run classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision to application received September 28, 2009.

26080106 and NPDES Permit No. PA0251763. Amerikohl Mining, Inc., 1384 SR 711, Stahlstown, PA 15687. Application for commencement, operation and reclamation of a bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 464.6 acres. Receiving streams: UNTs to Youghiogheny River, classified for the following use: HQ-CWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: North Fayette Municipal Authority and Municipal Authority of Westmoreland County. Application received September 29, 2009.

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

10010101 and NPDES Permit No. PA0241873. Ancient Sun, Inc., P. O. Box 129, Main Street, Shippenville, PA 16254. Renewal of an existing bituminous surface strip operation in Muddy Creek Township, **Butler County** affecting 38.2 acres. Receiving stream: UNTs of Cheeseman Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received September 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 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

66090301. Noxen Sand and Materials, 2162 Chase Road, Shavertown, PA 18708, commencement, operation and restoration of a quarry operation in Noxen Township, **Wyoming County** affecting 55 acres, receiving stream: Beaver Run, classified for the following use: HQ-CWF. Application received September 29, 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 com-

ment, 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.

E46-1044. Turnpike Commission, 700 South Eisenhower Boulevard, Middletown, PA 17057-5529, Plymouth, Worcester and Whitpain Townships, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

Project Description:

This application is part of an overall project for associated impacts, to construct and maintain the proposed approximately 10-mile segment of roadway reconstruction and widening of Northeast Extension of the Turnpike (I-476) from Mid-County Interchange (MP A20.2) to the Lansdale Interchange (MP A30.3). The overall project will widen the turnpike from four-lanes to six-lanes (three-lanes per direction).

The overall 10-mile project proposes to permanently impact a total of approximately 1,297 linear feet of perennial streams and a total of approximately 2.27 acres of wetlands (PEM/PSS/PFO). Compensatory mitigation for the entire 10 mile project will occur at the Norristown Farm Park, East Norriton Township and Norristown Borough, located in Montgomery County. The total area of compensatory mitigation is 18.04 acres which includes the following:

- Establishment of approximately 5.76 acres of wetlands.
- Establishment of approximately 8.33 acres of riparian buffer along Stony Creek.
- Removal of the Stony Creek dam.
- Stabilization of approximately 300 feet of stream channel and stream bank.
- Protection of approximately 3.95 acres of existing wetlands and woodlands.

This permit is for the roadway reconstruction and widening of the 6-mile Southern Section of the Turnpike. The limit of work extends between Mid-County Interchange (MP A20.2) in Plymouth Township, Montgomery County (Norristown, PA USGS Quadrangle N: 21.1 inches; W: 4.0 inches) to just north of Bethel Road (MP A26.14) in Worcester Township, Montgomery County (Lansdale, PA USGS Quadrangle N: 12.3 inches; W: 9.2 inches).

The construction work for the Southern Section includes the following water obstruction and encroachment activities:

1. To place and maintain fill, to construct and maintain a retaining wall and to install, and maintain a temporary sediment basin in a UNT to Sawmill Run (WWF) at Station 87+00 (Lansdale, PA USGS Quadrangle N: 1.0 inch; W: 5.1 inches), permanently impacting 278 linear feet (0.04 acre) and temporarily impacting 591 linear feet (0.08 acre) of the stream.

2. To place and maintain fill, and to construct and maintain a retaining wall in a UNT to Sawmill Run (WWF) at Station 112+50 (Lansdale, PA USGS Quadrangle N: 2.2 inches; W: 5.3 inches), permanently impacting 148 linear feet (0.02 acre) and temporarily impacting 125 linear feet (0.02 acre) of the stream.

3. To place and maintain fill, and to extend a 36-inch RCP in wetlands which drains to a UNT to Sawmill Run (WWF) at Station 114+50 (Lansdale, PA USGS Quadrangle N: 2.6 inches; W: 5.4 inches), permanently impacting 0.50 acre and temporarily impacting 0.16 acre of wetlands.

4. To install and maintain a retaining wall and to conduct minor grading for roadway drainage adjacent to a UNT to Sawmill Run (WWF) at Station 123+50 (Lansdale, PA USGS Quadrangle N: 2.5 inches; W: 5.5 inches), temporarily impacting 57 linear feet (0.01 acre) of the stream.

5. To install and maintain a retaining wall and a temporary sediment basin, and to maintain surface runoff by installing a bioretention swale in a forested wetland which drains to a UNT to Sawmill Run (WWF) at Station 124+10 (Lansdale, PA USGS Quadrangle N: 2.6 inches; W: 5.5 inches), permanently impacting 0.01 acre of the wetlands.

6. To install and maintain a retaining wall and to maintain surface runoff by installing a bioretention swale in a wetland which drains to a UNT to Sawmill Run (WWF) at Station 125+00 (Lansdale, PA USGS Quadrangle N: 2.7 inches; W: 5.6 inches), permanently impacting 0.01 acre of the wetlands.

7. To place and maintain fill in a wetland which drains to Sawmill Run (WWF) at Station 130+60 (Lansdale, PA USGS Quadrangle N: 3.0 inches; W: 5.6 inches), permanently impacting 0.13 acre and temporarily impacting 0.06 acre of wetlands.

8. To extend and maintain a 6-foot wide by 6-foot rise box culvert in Sawmill Run (WWF) at Station 130+80 (Lansdale, PA USGS Quadrangle N: 3.0 inches; W: 5.6 inches), permanently impacting 61 linear feet (0.01 acre) and temporarily impacting 66 linear feet (0.01 acre) of the stream.

9. To place and maintain fill in a wetland which drains to Sawmill Run (WWF) at Station 131+00 (Lansdale, PA USGS Quadrangle N: 3.0 inches; W: 5.5 inches), permanently impacting 0.04 acre and temporarily impacting 0.09 acre of wetlands.

10. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 158+15 (Lansdale, PA USGS Quadrangle N: 4.5 inches; W: 5.8 inches), permanently impacting 1,323 linear feet (0.30 acre) and temporarily impacting 109 linear feet (0.03 acre) of the stream.

11. To construct and maintain a noise barrier and a temporary sediment basin, and to place and maintain fill in a UNT to Stony Creek (TSF) at Station 172+20

(Lansdale, PA USGS Quadrangle N: 5.2 inches; W: 6.2 inches), permanently impacting 436 linear feet (0.05 acre) and temporarily impacting 487 linear feet (0.08 acre) of the stream.

12. To place and maintain fill and to clean waterway of debris for proper drainage in a UNT to Stony Creek (TSF) at Station 172+20 (Lansdale, PA USGS Quadrangle N: 5.3 inches; W: 6.1 inches), permanently impacting 390 linear feet (0.05 acre) and temporarily impacting 739 linear feet (0.11 acre) of the stream.

13. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 211+25 (Lansdale, PA USGS Quadrangle N: 6.8 inches; W: 7.0 inches), permanently impacting 490 linear feet (0.10 acre) of the stream.

14. To excavate and maintain a temporary sediment basin impacting 0.10 acre of wetlands which drains to a UNT to Stony Creek (TSF) at Station 221+80 (Lansdale, PA USGS Quadrangle N: 7.2 inches; W: 7.3 inches).

15. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 222+00 (Lansdale, PA USGS Quadrangle N: 7.3 inches; W: 7.4 inches), permanently impacting 613 linear feet (0.13 acre) and temporarily impacting 31 linear feet (0.01 acre) of the stream.

16. To extend and maintain a 24-inch RC arch culvert in UNT to Stony Creek (TSF) at Station 222+40 (Lansdale, PA USGS Quadrangle N: 7.2 inches; W: 7.3 inches), permanently impacting 39 linear feet (0.02 acre) and temporarily impacting 30 linear feet (0.01 acre) of the stream. The work also includes placement and maintenance of 9,300 cy of fill in the 100-year floodplain of UNT to Stony Creek.

17. To place and maintain fill in a UNT to Stony Creek (TSF) at Station 228+00 (Lansdale, PA USGS Quadrangle N: 7.5 inches; W: 7.5 inches), permanently impacting 1,264 linear feet (0.23 acre) of the stream.

18. To place and maintain fill in a wetland which drains to a UNT to Stony Creek (TSF) at Station 231+00 (Lansdale, PA USGS Quadrangle N: 7.5 inches; W: 7.5 inches), permanently impacting 0.08 acre and temporarily impacting 0.10 acre of wetlands.

19. To place and maintain fill in a wetland which drains to a UNT to Stony Creek (TSF) at Station 232+90 (Lansdale, PA USGS Quadrangle N: 7.6 inches; W: 7.6 inches), permanently impacting 0.11 acre and temporary impacting 0.12 acre of wetlands.

20. To excavate and maintain a temporary sediment basin, impacting 236 linear feet (0.04 acre) of a UNT to Stony Creek (TSF) at Station 266+50 (Lansdale, PA USGS Quadrangle N: 9.2 inches; W: 8.1 inches).

21. To extend and maintain a 20-inch RC arch culvert in Stony Creek (TSF) at Station 268+10 (Lansdale, PA USGS Quadrangle N: 9.3 inches; W: 8.2 inches), permanently impacting 37 linear feet (0.03 acre) and temporarily impacting 64 linear feet (0.04 acre) of stream. This work also includes placement and maintenance of 1,300 cy of fill in the 100-year floodplain of Stony Creek.

22. To construct and maintain a bioretention swale for maintaining surface runoff in a wetland which drains to Stony Creek (TSF) at Station 271+25 (Lansdale, PA USGS Quadrangle N: 9.5 inches; W: 8.2 inches), permanently impacting 0.01 acre of wetlands.

23. To excavate, depress, extend and maintain a 42-inch RC culvert in a tributary to Stony Creek (TSF) at Station 304+70 (Lansdale, PA USGS Quadrangle N: 11.0

inches; W: 8.7 inches), permanently impacting 21 linear feet (< 0.01 acre) and temporarily impacting 40 linear feet (0.01 acre) of the stream.

24. To excavate, depress, extend, relocate and maintain a 24-inch RC culvert in a UNT to Stony Creek (TSF) at Station 306+80 (Lansdale, PA USGS Quadrangle N: 11.0 inches; W: 8.7 inches), permanently impacting of 282 linear feet (0.04 acre) of the stream.

E15-796. Brandywine Valley Association, 1760 Unionville-Wawaset Road, West Chester, PA 19382, Londonderry Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following Water Obstruction and Encroachment activities along a UNT to Doe Run (TSF-MF) associated with stream bank restoration project:

1. To restore and maintain approximately 1,955 linear feet of stream bank by utilizing Natural Stream Design techniques. This work includes installation of in-stream grade control, and habitat structures; and excavation of the existing floodplain.

2. To place fill in approximately 432 linear feet of existing channel.

3. To place fill in 0.122 acre of wetland (PFO).

4. To relocate, and maintain two existing ford crossing along the stream.

The project is located along Tributary No. 11 of Doe Run. It commences approximately 457 feet Northeast of the intersection of Fernwood and Jackson Roads and extends approximately 1,325 feet along Jackson Road in Londonderry Township, Chester County (Parkesburg, PA USGS Quadrangle N: 14.38 inches; W: 11.96 inches).

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

E52-216. Nikles Properties, 104 Bennett Avenue, Suite 1A, Milford, PA 18337, in Dingman Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.01 acre of EV PEM wetlands for the purpose of constructing a driveway to provide access for a single-family dwelling. The project is located on the east side of Beaver Run, within the Conashaugh Lakes Development, approximately 5.39 miles southeast of the intersection of Interstate 84 and SR 0739 in Dingman Township, Pike County (Edgemere, PA Quadrangle Latitude: 41° 17' 52" N; Longitude: -74° 59' 27" W).

E45-547. Lake Naomi Club, Route 423, P. O. Box T, Pocono Pines, PA 18350-0620. Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a pedestrian bridge having a single span of approximately 102 feet and a minimum underclearance of approximately 10 feet across Upper Tunkhannock Creek (HQ-CWF) and three road crossings in a de minimis area of Exceptional Value Wetlands equal to 0.05 acre for the purpose of constructing a pedestrian walkway. The project begins at a point 30 feet upstream of the SR 0423 bridge and includes approximately 2,600 feet of pedestrian walkway along SR 0423, northwest of Lake Naomi (Pocono Pines, PA Quadrangle Latitude: 41° 6' 34"; Longitude: -75° 28' 27") in Tobyhanna Township, Monroe County. (Subbasin: 2A)

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D43-067. Barbara A. Moreland and Harry Means, 88 Seidle Road, Mercer, PA 16137-2134. To modify, operate and maintain Looney Lake Dam across a tributary to Lackawannock Creek for the purpose of recreation (Fredonia, PA Quadrangle N: 3.85 inches; W: 10.32 inches) in Jefferson Township, **Mercer County**.

ACTIONS

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061051	Farda Realty Associates, LP P. O. Box 130 Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek HQ-CWF Watershed 1E	Y
PA0061697	Gilberton Power Company 50 Eleanor Avenue Frackville, PA 17931	Schuylkill County West Mahanoy Township	Mahanoy Creek CWF Watershed 6B	

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051781 (IW)	Reading Area Water Authority 815 Washington Street Reading, PA 19601	Berks County Ontelaunee Township	Maiden Creek 3B	Y
PA0087637 (Sew)	Thomas Rodas Mountain View Terrace MHP 1190 Wyndsong Drive York, PA 17403	Cumberland County Upper Frankford Township	UNT Conodoguinet Creek 7B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209805	Enterprises Real Estate, LLC 930 5th Avenue Ford City, PA 16226-1117	Clarion County Redbank Township	Town Run 17-C	Y
PA0210218	Beazer East, Inc. One Oxford Center Suite 300 Pittsburgh, PA 15219-6401	Butler County Petrolia Borough	South Branch Bear Creek 17-B	Y
PA0001945	CEMEX Wampum Cement Plant 2001 Portland Park Wampum, PA 16157	Lawrence County Wampum Borough	Beaver River and UNTs of the Beaver River 20-B	Y

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

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

NPDES Permit No. PA0024716, 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 Action/Activity: Issuance of NPDES Permit for the discharge of treated sewage, with a proposed expansion from a design flow of 0.750 mgd to 1.20 mgd.

NPDES Permit No. PA0028576, Sewage, **Clarks Summit-South Abington Joint Sewer Authority**, P. O. Box 199, Chinchilla, PA 18410-0199. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Action/Activity: Revocation and Reissuance of NPDES Permit.

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

NPDES Permit No. PA0209741, Sewage, **Route 322 Mobile Home Park**, 191 28th Division Highway, Carlton, PA 16311. This proposed facility is located in French Creek Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit replacing an expired NPDES permit for an existing discharge of treated sewage.

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

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

WQM Permit No. 4009409, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3420. This proposed facility is located in White Haven Borough, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for modifications to the Powerhouse Road Pump Station and construction of approximately 1,380 feet of associated 8-inch force main. The project reflects a revision to the design as previously authorized under WQM Permit No. 4006405.

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

WQM Permit No. 4909402, Sewerage, SIC 4952, **Shamokin-Coal Township Joint Sewer Authority**, 114 Bridge Street, Shamokin, PA 17872-9603. This proposed facility will be located in Coal Township and the City of Shamokin, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued authorizing the Springfield Area Sanitary Sewer Separation.

WQM Permit No. WQG015509011, Sewerage 4952, **Scott Garrison SFTF**, 10058 Route 235, Beavertown, PA 17813. This facility will be located in Adams Township, **Snyder County**.

Description of Action/Activity: The applicant has been approved for the construction and operation of a 400 gpd small flow treatment facility to serve a residence. The discharge will be to a UNT to North Branch Middle Creek.

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

WQM Permit No. 0473404-A3, Sewerage, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009. This existing facility is located in Vanport Township, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of the water pollution control plant expansion.

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

WQM Permit No. WQG028320, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of the Hutchman Road Sewer Line Extension Project that consists of the installation of approximately 27,800 feet pressure main, 19,200 feet of pressure service laterals, 3,800 feet of gravity sewer, manholes, 129 grinder pumps, control panels, accessories, restoration and incidental work to serve establishments with onlot systems of which a majority are malfunctioning.

WQM Permit No. WQG018710, Sewerage, **Mr. and Mrs. Alan G. Cornell**, 1052 West 31st Street, Erie, PA 16508. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Issuance 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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024009002	Gerald Bonner 156 Fairway Drive Mountaintop, PA 18707	Luzerne	Wright Township	Bow Creek HQ-CWF, MF
PAI024009001	Apple Alley Associated, LP 372 Center Avenue PMB 114 Schuylkill Haven, PA 17972	Luzerne	Lehman Township	Tributary to East Fork Harveys Creek CWF, MF EV Wetlands

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050209003	Brooks & Blair Waterfront Properties, LP 310 Seven Fields Boulevard Suite 350 Seven Fields, PA 16046	Allegheny	Borough of Oakmont	Allegheny River WWF, N Plum Creek WWF

Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051108001	Michael E. Walsh Munster Holdings, LLC 796 Unionville Road Prospect, PA 16052	Cambria	Munster Township	UNT to Noel's Creek HQ-CWF North Branch of Little Conemaugh River CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities

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

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Scranton Lackawanna County	PAG2003509017	Jeffrey Brazil City of Scranton 340 North Washington Avenue Scranton, PA 18503	Lackawanna River CWF, MF	Lackawanna County Conservation District (570) 281-9495
City of Scranton Lackawanna County	PAG2003509018	James Devers University of Scranton 900 Mulberry Street Scranton, PA 18510	Lackawanna River CWF, MF	Lackawanna County Conservation District (570) 281-9495
Hampden Township Cumberland County	PAG2002109005	John Kennedy Cart 38, LTD 5020 East Trindle Road Mechanicsburg, PA 17055	UNT to Cedar Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAG2002109015	John Hudson Hudson Companies 2450 Shenango Valley Freeway Hermitage, PA 16148	Sear Run WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Rye Township Perry County	PAG2035009005	William Dittmar 57 Reitz Boulevard Suite 100 Lewisburg, PA 17827	Fishing Run WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Manheim Township Lancaster County	PAG2003609024	Linford Good Landis Homes Retirement Community 1001 East Oregon Road Lititz, PA 17543	UNT to Kurtz Run—Kurtz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003609058	George Hurst Hurst Enterprise 2870 Oregon Pike Lititz, PA 17543	Kurtz Run— Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Strasburg Borough Lancaster County	PAG2003609052	Keystone Custom Homes 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Kendig Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAG2003609054	Four Star Associates P. O. Box 277 Landisville, PA 17358	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003608081	Landis Valley Partners, LP 120 North Pointe Boulevard Suite 300 Lancaster, PA 17601	Landis Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
East Cocalico Township Lancaster County	PAG2003609013	Benderson Development Co., Inc. 570 Delaware Avenue Buffalo, NY 14202	Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAG2003609040	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17013	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAG2003609036	Campus Plaza, LLC P. O. Box 551 East Petersburg, PA 17520	UNT to Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003609053	Mennonite Disaster Service 1018 Main Street Akron, PA 17501	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAG2003609047	Joel H. Rutt 1178 White Oak Road Manheim, PA 17545	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Stewartstown Borough York County	PAG2006709034	David Hogg Stewartstown Courtyard, LP 146 Pine Grove Circle York, PA 17403	UNT to Ebaughs Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
Newberry Township York County	PAG2006707095	Francis McNaughton Golf Enterprises, Inc. 1227 Valley Green Road Etters, PA 17319	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Windsor Township York County	PAG2006704064-R	Kenneth R. Stoltzfus 67 Indian Springs Road Red Lion, PA 17356 and Scott Powell Scott Powell Construction 225 Navajo Drive Red Lion, PA 17356	Kruetz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
East Manchester Township York County	PAG2006707066-1	Mark Paradise SADG-II Associates, LP 100 Colliery Road Dickson City, PA 18519	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
Rye Township Perry County	PAG2035009005	William Dittmar 57 Reitz Boulevard Suite 100 Lewisburg, PA 17837	Fishing Run WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Rome Township Bradford County	PAG2000809006	Roger L. Druck Pine Cradle Lake Family Campground P. O. Box 113 Rome, PA 18837	Parks Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Ralpho Township Northumberland County	PAG2004909008	Northumberland County Airport-Taxiway A 2095 SR 54 Elysburg, PA 17824	Miller's Run CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Chartiers Township Washington County	PAG2006304020-R	Margaret A. Strimel 303 Windsor Circle Washington, PA 15301	UNT to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Mahoning Township Lawrence County	PAG2003709001	Calvary Temple of New Castle Attn: Dr. Abel Robles P. O. Box 820 New Castle, PA 16103	UNT to Shenango River WWF	Lawrence County Conservation District (724) 652-4512
Bradford Township McKean County	PAG2004209003	University of Pittsburgh Bradford Campus 300 Campus Drive Bradford, PA 16701	West Branch Tunungwant Creek CWF	McKean County Conservation District (814) 887-4001

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Potter Township Centre County	PAR604815	H. R. Bierly Auto Service 585 North Pennsylvania Avenue Centre Hall, PA 16828	Storm Drain to Gap Run CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clinton Township Lycoming County	PAR604816	B & C Auto Wreckers 4867 Route 15 Highway Montgomery, PA 17752	UNT to Black Hole Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Rankin Borough Allegheny County	PAR606125	Josh Steel Company 46 Sixth Street Braddock, PA 15104-1948	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
North Apollo Borough Armstrong County	PAR806158	UPS, Inc. 521 North Center Avenue New Stanton, PA 15672	Kiskiminetas River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Pittsburgh Allegheny County	PAR806159	UPS, Inc. 521 North Center Avenue New Stanton, PA 15672	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rochester Township Beaver County	PAR806156	UPS, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT of the Beaver River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
East Huntingdon Township Westmoreland County	PAR116104	Sony Electronics, Inc. 1001 Technology Drive Mt. Pleasant, PA 15666	Belson Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bethel Township Berks County	PAG043729	Stephen Gass 159 Fort Henry Road Bethel, PA 19507	UNT Crosskill Creek CWF 7D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County East Hanover Township	PAG043652	Kathryn S. Watkins 124 Amor Drive Hershey, PA 17033	UNT Swatara Creek 7D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams Township Snyder County	PAG045264	Scott Garrison 10058 Route 235 Beavertown, PA 17813	UNT to North Branch Middle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Brothersvalley Township Somerset County	PAG046121	Charles Thomas, Jr. 2003 Garrett Shortcut Road Garrett, PA 15542	UNT to Buffalo Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Erie County	PAG049533	Mr. and Mrs. Alan G. Cornell 1052 West 31st Street Erie, PA 16508	Little Conneauttee Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-10

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North Union Township Fayette County	PAG106125	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451-1493	UNT of Reitz Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Center, Cumberland, Franklin, Jefferson, Morgan and Richhill Townships Greene County	PAG106124	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451-1493	N/A	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-12

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Hanover Township Lebanon County	PAG123681	Justin Beamsderfer Thistle Creek Farm CAFO 10702 Jonestown Road Annville, PA 17003	2 UNTs to Reeds Creek WWF 7D	DEP—SCRO— Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Washington Township Snyder County	PAG124827	Neal M. Hoover Shady Rill Farms CAFO 252 Tharp Road Mount Pleasant Mills, PA 17853-8310	North Branch Mahantango Creek CWF 6C	DEP—NCRO 208 West Third Street Williamsport, PA 17701 (570) 327-3636

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent 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.

Persons aggrieved by any action may appeal under section 517 of Act 38, 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, however, so individuals 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.

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<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>Approved or Disapproved</i>
Mason Dixon Farms 1800 Mason Dixon Road Gettysburg, PA 17325	Adams	2,892.3	4,634	Dairy	NA	Approved

**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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit No. 0909518 issued to **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912.

(PWSID No. 1090159) Buckingham Township, **Bucks County** on September 30, 2009, for the operation of Facilities approved under construction permit No. 0908507 for Furlong Well F-9 with filtration, UV and chlorine disinfection.

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

Permit No. 4809506MA, Minor Amendment, Public Water Supply.

Applicant	Bethlehem Authority 10 East Church Street Room B311 Bethlehem, PA 18018
Township or Borough	City of Bethlehem

County **Northampton**
 Type of Facility PWS
 Consulting Engineer Kirt Ervin, P. E.
 U. S. Engineering, LLC
 13742 Mary Lane
 Aviston, IL 62216

Permit to Construct Issued October 5, 2009

Permit No. 3909505, Public Water Supply.

Applicant **Salisbury Township**
 2900 South Pike Avenue
 Allentown, PA 18103

Township or Borough Salisbury Township
 County **Lehigh**
 Type of Facility PWS
 Consulting Engineer David J. Tetteimer, P. E.
 Keystone Consulting Engineers,
 Inc.
 6235 Hamilton Boulevard
 Wescosville, PA 18106

Permit to Construct Issued October 5, 2009

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

Permit No. 6709508 MA, Minor Amendment, Public Water Supply.

Applicant **Dover Township**
 Municipality Dover Township
 County **York**
 Type of Facility Replacing 4-inch and 6-inch
 waterline with 10-inch and
 12-inch waterline to existing
 residences.

Consulting Engineer Terry Myers, P. E.
 C. S. Davidson, Inc.
 38 North Duke Street
 York, PA 17401

Permit to Construct Issued: September 29, 2009

Operations Permit issued to **Budget Inn Chambersburg**, 7280312, Guilford Township, **Franklin County** on October 1, 2009, for the operation of facilities approved under Construction Permit No. 2807502.

Operations Permit issued to **McAlisterville Area Joint Authority**, 4340002, Fayette Township, **Juniata County** on September 29, 2009, for the operation of facilities approved under Construction Permit No. 3406501.

Operations Permit issued to **Waynesboro Borough Authority**, 7280032, Waynesboro Borough, **Franklin County** on September 29, 2009, for the operation of facilities approved under Construction Permit No. 2806501.

Source Water Protection Program Approval issued to **Bernville Borough Authority**, P. O. Box 104, 6602 Bernville Road, Bernville, PA 19506, PWSID 3060085, Bernville Borough, **Berks County** on October 5, 2009.

Wellhead Protection Program Approval issued to **Newmanstown Water Authority**, P. O. Box 247,

Newmanstown, PA 17073, PWSID 7380028, Newmanstown Borough, **Lebanon County** on October 5, 2009.

Wellhead Protection Program Approval issued to **Womelsdorf-Robeson Joint Authority**, 318 South Sheridan Road, Newmanstown, PA 17073, PWSID 3060080, Womelsdorf Borough, **Berks County** on October 5, 2009.

Wellhead Protection Program Approval issued to **Richland Borough Water Supply**, P. O. Box 676, Richland, PA 17087, PWSID 7380032, Richland Borough, **Lebanon County** on October 5, 2009.

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

Operations Permit issued to **Jay Township Water Authority**, PWSID No. 6240005, Jay Township, **Elk County**, September 22, 2009, for the operation of the renovated 272,000-gallon steel storage tank, known as the "Byrnedale Tank," as approved by construction permit number 2493501-MA5, issued November 12, 2008.

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:

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

Former Fort Hunter Station, Middle Paxton Township, **Dauphin County**. Herbert Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Dauphin County Parks and Recreation, 100 Fort Hunter Road, Harrisburg, PA 17110, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with petroleum products. The site will be remediated to a combination of Statewide Health and Site-Specific Standards.

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

Honeywell Wax Manufacturing Facility OLD, Emlenton Borough, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Corporation, 700 Milam Street, 30th Floor, Houston, TX 77002 has submitted a Final Report concerning remediation of site soil contaminated with carbon disulfide, chloromethane, ethylbenzene, hexane, isopropylbenzene, methylene chloride, naphthalene, sec-butylbenzene, tert-butylbenzene, trichloroethane xylenes, 2-butanone, acenaphthene, benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[g,h,i]perylene, biphenyl, chrysene, fluoranthene, fluorene, indeno pyrene, phenanthrene, pyrene, 2-methylnaphthalene, aluminum, antimony, barium, beryllium, cadmium, cobalt, copper, iron, manganese, nickel, selenium, silver, vanadium, benzene, 1,2,4-TMB, 1,3,5-TMB, cyclohexane, toluene, benzo[a]pyrene, dibenzofuran, arsenic, chromium, lead, mercury and site groundwater contaminated with acetone, benzene, isopropylbenzene, p-isopropyltoluene, sec-butylbenzene, tert-butylbenzene, 2-butanone, hexane, 1,2,4-TMB, 1,3,5-TMB, cyclohexane, chloroethane, chloromethane, ethylbenzene, toluene, m,p,o-xylenes, aluminum, antimony, arsenic, barium, beryllium, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, vanadium, and zinc. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposing 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:

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

Snyder Residence, 47 Rushmore Road, Chestnuthill Township, **Monroe County**. Michael R. Schirato, P. G., Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 submitted a Final Report, on behalf of his client, Lester Snyder, 47 Rushmore Road, Effort, PA 18330, concerning the remediation of soil found to have been impacted by diesel fuel, motor oil and antifreeze as a result of an electrical fire of a school bus that was parked in the property owner's driveway. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on September 28, 2009. The report was originally submitted within 90 days of the release.

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 submitted a Final Groundwater Report, on behalf of her client, First Industrial Realty Trust, Inc., 311 South Wacker Drive, Suite 4000, Chicago, IL 60606, concerning the remediation of groundwater found to have been impacted by chromium and trichloroethene constituents as a result of historical operations at the site. The report documented attainment of the nonuse aquifer, Statewide Health Standard and was approved on September 29, 2009.

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

Richard Rainey Property, Bell Township, **Clearfield County**. Environmental Remediation and Recovery, Inc., 4250 Route 6 North, Edinboro, PA 16412 on behalf of Richard A. Rainey, 1619 Stillwood Street, Chesapeake, VA 23320, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX and PHCs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on September 30, 2009.

Palmer Industrial Coatings, Inc., Woodward Township, **Lycoming County**. Palmer Industrial Coatings Inc., 191 Palmer Industrial Road, Williamsport, PA 17701 has submitted a Final Report 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 September 30, 2009.

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

Andres Estate Property, Sugarcreek Borough, **Venango County**. Moody & Associates, Inc., 199 Johnson Road, Building 2, Suite 101, Houston, PA 15342 on behalf of Sugarcreek Ventures, LP, 1148 Old Freeport Road, Pittsburgh, PA 15238 and Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with 1,3,5-Trimethylbenzene, 1,1,2,2-Tetrachloroethane, lead and site groundwater contaminated with Bis[2-Ethylhexyl]phthalate and Arsenic. The Baseline Environmental Report demonstrated attainment of the Special Industrial Area Standard and was approved by the Department of Environmental Protection on October 2, 2009.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. 100934. The IESI Blue Ridge Landfill Corporation, located in Greene Township, **Franklin County** has submitted an application for permit renewal. The Department of Environmental Protection (Department) has reviewed the previously referenced application for permit renewal to determine whether it contains the information, maps, fees and other documents necessary to be considered administratively complete. Be advised that the application has been determined to be administratively complete.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60

days of this notice and may recommend revisions to, and approval or denial of the application.

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.

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

GP1-67-03159: Precision Custom Components, LLC, 500 Lincoln Street, York, PA 17405-7101, on September 29, 2009, for a Small Gas and No. 2 Oil Fired Combustion Unit under GP1 in the City of York, York District, **York County**.

GP3-21-03092: John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013, on September 28, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Upper Frankford Township, **Cumberland County**.

GP11-21-03092: John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013, on September 28, 2009, for a Nonroad Engine under GP11 in Upper Frankford Township, **Cumberland County**.

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

GP3-04-00718: Ennstone Inc., d/b/a Three Rivers Aggregates, P. O. Box 6090, Falmouth, VA 22405, on September 29, 2009, was authorized under GP-3 to continue to operate one Simplicity triple-deck screen, one Simplicity double-deck screen, one Nordberg crusher powered by a built-in engine and eight associated conveyors at their Palmer Plant facility in Darlington Township, **Beaver County**. This is a renewal of the GP-3 permit issued in 2003.

GP5-65-01005A: Rex Energy I, LLC, 476 Rolling Ridge Drive, Suite 300, State College, PA 16801-7639, on October 5, 2009, was authorized under GP-5 to construct and operate one Caterpillar G3516 LE natural gas compressor engine and continue to operate one existing Caterpillar G3508 LE natural gas compressor engine at their Bergman Road Compressor Station facility in Derry 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.

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

29-03001A: JLG Equipment Services, Inc., 1 JLG Drive, McConnellsburg, PA 17233-9502, on September 29, 2009, for modification of four spray booths at their Military Support Center in Ayr Township, **Fulton County**.

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

AMS 09068: Inolex Chemical Co., 2101 South Swanson Street, Philadelphia, PA 19148-3497, on October 1, 2009, to replace one existing boiler with one 49.00 mmBtu/hr boiler firing No. 6 oil/natural gas or waste oil in the City of Philadelphia, **Philadelphia County**. The boiler will have the following combined potential annual emissions: 50 tons of CO, 22 tons of PM. The boiler will be limited to less than 25 tons of NO_x and 40 tons of SO₂ emissions per year.

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.

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

32-00040B: RRI Energy Wholesale Generation, LLC, 121 Champion Way, Suite 200, Canonsburg, PA 15317, on October 11, 2009, to allow for continued temporary operation of the sources covered under plan approval 32-00040B at their RRI Energy Seward Station, in East Wheatfield Township, **Indiana County**. It was formerly Reliant Energy Wholesale Generation, LLC. The plan approval extension is effective with an expiration date of April 11, 2010.

32-00040B: RRI Energy Wholesale Generation, LLC, 121 Champion Way, Suite 200, Canonsburg, PA 15317, on September 30, 2009, to change company name from Reliant Energy Wholesale Generation, LLC to RRI Energy Wholesale Generation, LLC at the RRI Energy Seward Station, in East Wheatfield Township, **Indiana County**.

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

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

09-00125: Naceville Materials—Plumsteadville, 5031 Point Pleasant Pike, Doylestown, PA 18901, on October 1, 2009, for a renewal of the State-only (Natural Minor) Operating Permit in Plumstead Township, **Bucks County**. Naceville Materials operates and maintains a stone crushing plant, from which the main pollutant emitted is PM. No changes have occurred to the stone crushing plant since the permit was originally issued on July 2, 2004. The renewed permit will include monitoring, recordkeeping and work practice requirements 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.

40-00079: Johns Manville, Intl., 600 Jaycee Drive, Hazleton, PA 18202, on October 1, 2009, to renew the State-only permit to operate a urethane and foam product manufacturing facility in the City of Hazleton, **Luzerne County**.

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

01-05006: RRI Energy Mid-Atlantic Power Holdings, LLC, 121 Champion Way, Suite 200, Canonsburg, PA 15217-5817, on September 29, 2009, for operation of peaking power generating facilities in Highland Township, **Adams County**. This is a renewal of the State-only operating permit.

07-03018: Central Pennsylvania Humane Society, 1837 East Pleasant Valley Boulevard, Altoona, PA 16602-7348, on September 28, 2009, for their animal crematory in Logan Township, **Blair County**. This is a renewal of the State-only operating permit.

67-03096: Souriau USA, Inc., 25 Grumbacher Road, York, PA 17406, on October 1, 2009, for operation of their electronics connectors manufacturing facility in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

67-03142: DCP Midstream, LP, 370 17th Street, Suite 2500, Denver, CO 80202-5604, on September 30, 2009, for their propane terminal in West Manchester Township, **York County**.

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

S09-008: Federal Detention Center—Philadelphia, 700 Arch Street, Philadelphia, PA 19105, on September 14, 2009, to operate a Federal prison facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 10 mmBtu/hr boilers and one 1,250 kW Emergency Generator.

S09-012: Philadelphia Condominiums, 2401 Pennsylvania Avenue, Philadelphia, PA 19130, on October 5, 2009, to operate a condominium in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two 600 hp boilers and two 200 hp boilers.

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.

36-03077: ICM of Pennsylvania, Inc., 638 Lancaster Avenue, Malvern, PA 19355-1898, on September 28, 2009, for their Wash Plant in Fulton Township, **Lancaster County**. This State-only operating permit has been administratively amended to incorporate Plan Approval No. 36-03077A. This is Revision No. 1.

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

43-00270: CCL Container—Advanced Monobloc Aerosol Division, One Llodio Drive, Hermitage, PA 16148, on September 29, 2009, to administratively amend the Synthetic Minor Operating Permit for this aluminum can making facility in the City of Hermitage, **Mercer County**. The amendment was issued to correct language errors contained in the August 14, 2009, version of this permit.

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

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

11991301 and NPDES Permit No. PA0215210, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit for the Twin Rocks Mine in Blacklick Township, **Cambria County** and related NPDES to add a new outfall and construct a ventilation shaft site. Surface Acres Proposed 12.5. Receiving stream: UNT No. 14 to Little Elk Creek, classified for the following use: CWF. Application received July 21, 2009. Application withdrawn September 28, 2009.

Coal Permits Actions

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

56940105 and NPDES No. PA0212890. Action Mining, Inc., 117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Elk Lick and Summit Townships, **Somerset County**, affecting 108 acres. Receiving streams: UNTs to/and Casselman River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 21, 2009. Permit issued September 28, 2009.

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

14050101 and NPDES No. PA0256242. R. H. Carmen, LLC, 94 Spruce Street, Indiana, PA 15701, permit renewal for the continued operation and restoration of a bituminous surface mine in Rush Township, **Centre County**, affecting 34 acres. Receiving streams: Wolf Run, UNT to Moshannon Creek and Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 24, 2009. Permit issued September 24, 2009.

17020102. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface mine in Penn Township, **Clearfield County**, affecting 34.6 acres. Permit issued September 25, 2009.

17930125 and NPDES No. PA0219665. EnerCorp, Inc., 1686 Allport Cutoff, Morrisdale, PA 16858, permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 130 acres. Receiving streams: UNT to Moshannon Creek to West Branch Susquehanna, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 31, 2009. Permit issued September 28, 2009.

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

54830101R5 and NPDES Permit No. PA0595624. K & K Coal Company, 133 Valley Furnace Avenue, Port Carbon, PA 17965, renewal of an existing anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Blythe Township, **Schuylkill County** affecting 176 acres, receiving streams: UNT to Schuylkill River. Application received February 4, 2009. Renewal issued September 30, 2009.

Noncoal Permits Actions

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

01080301 and NPDES No. PA0594407, Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201, commencement, operation and restoration of a bituminous surface mine in Cumberland Township, **Adams County**, affecting 9.4 acres. Receiving stream: Rock Creek, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 24, 2008. Permit issued September 29, 2009.

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

03070801. William L. Traister, 4393 St. Charles Road, New Bethlehem, PA 16242. Permit issued for commencement, operation and reclamation of a small noncoal (sandstone) surface mining site located in Madison Township, **Armstrong County**, affecting 5 acres. Receiving stream: Redbank Creek. Application received March 5, 2009. Permit issued September 29, 2009.

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

53090801. Laurence T. Coole, 567 Bryant Hollow Road, Coudersport, PA 16915. Commencement, operation and restoration of a small PA Flagstone operation in Hebron Township, **Potter County**, affecting 3 acres. Receiving streams: Bryant Hollow, tributary to Oswayo River. Application received February 20, 2009. Permit issued September 24, 2009.

08090805. Bill Johnson, R. R. 4, Box 4018, Wyalusing, PA 18853. Commencement, operation and restoration of a small bluestone operation in Stevens Township, **Bradford County**, affecting 5 acres. Receiving streams: UNT, tributary to Wyalusing Creek. Application received June 11, 2009. Permit issued September 24, 2009.

08090803. Carr Farm, R. D. 1, Box 188, New Albany, PA 18833. Commencement, operation and restoration of a small gravel operation in Wilmot Township, **Bradford County**, affecting 2 acres. Receiving streams: Foster Branch UNT to Sugar Run, tributary to Susquehanna River. Application received April 20, 2009. Permit issued September 1, 2009.

08092808. Brian M. Edsall, R. R. 2, Box 94A, Towanda, PA 18848. Commencement, operation and restoration of a small bluestone/flagstone operation in Asylum Township, **Bradford County**, affecting 5 acres. Receiving streams: Bennets Creek, tributary to Susquehanna River. Application received July 22, 2009. Permit issued September 16, 2009.

57090801. Jack L. McClintock, 15222 Highway 220, Muncy Valley, PA 17758. Commencement, operation and restoration of a small stone operation in Schrewsbury Township, **Sullivan County**, affecting 5 acres. Receiving streams: UNT to Muncy Creek, tributary to Muncy Creek. Application received January 20, 2009. Permit issued September 2, 2009.

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

48010301T2. Delaware Quarries, Inc., P. O. Box 778, New Hope, PA 18938, transfer of an existing quarry operation in Lower Mt. Bethel Township, **Northampton County** affecting 101.89 acres, receiving stream: none. Application received November 12, 2008. Transfer issued October 1, 2009.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

21094138. David H. Martin Excavating, 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Shippensburg Borough, **Cumberland County**. Blasting activity permit end date is September 16, 2010. Permit issued September 21, 2009.

21094141. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for demolition development in Hopewell Township, **Cumberland County**. Blasting activity permit end date is September 22, 2010. Permit issued September 24, 2009.

21094140. Warrens Excavating & Drilling, Inc., P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is September 22, 2010. Permit issued September 24, 2009.

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

26094008. Shallenberger Construction, Inc., 2611 Memorial Avenue, Connellsville, PA 15425. Blasting activity permit for gas well construction at the Fairbank Rod and Gun Club, located in Menallen Township, **Fayette County**. The duration of blasting is expected to be 180 days. Permit issued September 28, 2009

02094008. Kesco, Inc. P. O. Box 95, Adrian, PA 16210. Blasting activity permit for site development at the Moon Run Waste Water Treatment Plant, located in Robinson

Township, **Allegheny County**. The duration of blasting is expected to be 180 days. Permit issued September 28, 2009.

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

45094131. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for RGB Builders in Smithfield Township, **Monroe County** with an expiration date of September 23, 2010. Permit issued September 28, 2009.

22094001. Anrich, Inc., 1271 South Gulph Road, Wayne, PA 19087, and Bernard J. Hasara, 1125 East Mahanoy Avenue, Mahanoy City, PA 17948, construction blasting for the Williamstown Borough Sewer Job Contract No. 1 in Williams Township, **Dauphin County** with an expiration date of August 1, 2010. Permit issued October 1, 2009.

22094113. John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013, construction blasting for Crooked Hill Development in Susquehanna Township, **Dauphin County** with an expiration date of October 15, 2010. Permit issued October 2, 2009.

38094124. Warren's Excavating & Drilling, Inc., P. O. Box 214, Myerstown, PA 17067, construction blasting for Lebanon Valley Business Park in South Lebanon Township, **Lebanon County** with an expiration date of September 24, 2010. Permit issued October 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 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 Floodplain 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.

E23-345. Marple Associates, LP, 1604 Walnut Street, 4th Floor, Philadelphia, PA 19103, Marple Township, Delaware County, United States Army Corps of Engineers, Philadelphia District.

To extend and maintain the existing 340-foot long, 18-foot wide and 9-foot rise concrete box culvert across Langford Run (WWF, MF) approximately 30 feet on the upstream side associated with the construction of new Langford Run Road. This work also includes the construction and maintenance of the associated concrete head wall and wing walls.

This project connects West Chester Pike (SR 0003) and Langford Road located in Marple Township, Delaware County (Lansdowne, PA USGS Quadrangle N: 18.0 inches; W: 13.0 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)).

E09-885. Highglen-Pineville Quakertown Associates, LP, 8120 Old York Road, Elkins Park, PA 19027, Richland Township, Bucks County, United States Army Corps of Engineers, Philadelphia District.

To perform the following activities associated with the Trainers Corner Shopping Center:

1. To place and maintain fill in 0.11 acre of wetlands associated with the construction of the proposed SR 03909 multidirectional access drive. The construction of this access drive may also temporarily impact wetlands.

2. To extend an existing 48-inch stormwater outfall structure (EW 1) into wetlands associated with the construction of the proposed access drive.

3. To construct and maintain a 15-inch stormwater outfall structure (EW 2) into wetlands associated with the construction of the proposed access drive.

4. To modify an existing stream enclosure consisting of two pipes, a 48-inch RCP, and a 29-inch by 45-inch RCP. This enclosure which carries a UNT to Tohicken Creek (TSF) across SR 0309 was previously authorized by an encroachment Permit No. E09-738. The existing 29-inch by 45-inch RCP structure will be extended upstream by construction of 75 linear feet of twin 19-inch by 30-inch RCP and associated endwall. The existing 48-inch RCP structure will be modified by replacing the upstream 15

linear feet of pipe and endwall and placing a junction box and stormwater outfall associated with the proposed inlet 6.

E51-230. City of Philadelphia Water Department, 1101 Market Street, 2nd Floor, Aramark Tower, Philadelphia, PA 19107-2994.

To restore, stabilize, and maintain approximately 2,550 linear feet of the Red Rambler Run (TSF-MF) along four separate segments of the stream by utilizing natural stream design methodology. This work also includes the relocation of an existing swale and three manholes to accommodate the proposed restoration work.

The limit of this project is between Verree Road and Walley Street culverts in the City and County of Philadelphia (Frankford, PA-NJ USGS Quadrangle N: 17.50 inches; W: 6.41 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)).

E15-795. Dewson Construction Company, 7 South Lincoln Street, Wilmington, DE 19805, Pennsbury Township, Chester County, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 149-foot long, 16-foot wide and 7 feet high, pile supported timber bridge which spans Craig's Mill Run (WWF), impacting permanently 0.01 acre of wetland (PEM/PFO) associated with the access road to Dewson Residential Subdivision. This work includes 0.03 acre of indirect wetland impacts and 0.16 acre of temporary wetland impacts.

The site is located approximately 2,300 linear feet west of the intersection of Fairville Chadds and Stabler Roads (Wilmington North, E-PA USGS Quadrangle N: 19.6 inches; W: 16.4 inches).

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

E25-732. North East Borough. Waste Water Treatment Plant Expansion Site II, in North East Township, Erie County, United States Army Corps of Engineers, Pittsburgh District (North East, PA Quadrangle N: 42° 13' 54"; W: 79° 50' 11").

To expand the North East Borough Site II Wastewater Treatment Plant including to fill a 0.295 acre wetland to construct an aeration tank and garage and to construct and maintain a 0.3 acre mitigation wetland onsite.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D63-139. Minor Earthen Dam. Samuel Minor, 229 Linnwood Road, Eighty-Four, PA 15330. To construct, operate and maintain Minor Earthen Dam across a UNT of Little Chartiers Creek (HQ-WWF), impacting 0.32 acre of wetlands (Palustrine Emergent) and 125 feet of stream. The dam will provide a source of water to Samuel Minor for dairy operations. Mining activity has reduced the availability of groundwater for use on the farm. The permittee met wetland replacement requirements by contributing to the Pennsylvania Wetland Replacement Fund (Washington East, PA Quadrangle N: 13.1 inches; W: 4.4 inches) North Strabane Township, Washington County.

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 pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Southwest Region: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

09/22/09
 ESCGP-1 No.: ESX09-125-0040
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington
 Township: Amwell
 Receiving Streams and Classifications: UNT to Bane Creek, Other

09/22/09
 ESCGP-1 No.: ESX09-059-0041
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene
 Township: Cumberland
 Receiving Streams and Classifications: Goose Run/Ohio Basin Subbasin 19B, Other

09/22/09
 ESCGP-1 No.: ESX09-129-0023
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland
 Township: Rostraver
 Receiving Streams and Classifications: UNT to Youghiogheny River, OH

09/22/09
 ESCGP-1 No.: ESX09-051-0032
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette
 Township: Nicholson
 Receiving Streams and Classifications: Jacobs Creek, WWF, Other

09/22/09
 ESCGP-1 No.: ESX09-125-0038
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Washington
 Township: Deemston
 Receiving Streams and Classifications: UNT to Tenmile Creek, Other

09/22/09
 ESCGP-1 No.: ESX09-051-0031
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette
 Township: Upper Tyrone
 Receiving Streams and Classifications: UNT of the Youghiogheny River, WWF, Other

09/22/09
 ESCGP-1 No.: ESX09-051-0030
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette
 Township: Redstone
 Receiving Streams and Classifications: UNT to Dunlap Creek, Other

09/23/09
 ESCGP-1 No.: ESX09-059-0042
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 300 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene
 Township: Cumberland
 Receiving Streams and Classifications: Little Whiteley Creek, Other

09/23/09
 ESCGP-1 No.: ESX09-051-0033
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 300 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette
 Township: Nicholson
 Receiving Streams and Classifications: UNT to WWF, Other

09/23/09

ESCGP-1 No.: ESX09-051-0034
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 300 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette
 Township: Georges
 Receiving Streams and Classifications: UNT of York Run,
 WWF, Other

09/28/2009

ESCGP-1 No.: ESX09-125-0042
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington
 Township: Chartiers
 Receiving Streams and Classifications: UNT to Chartiers
 Run, Other

09/30/09

ESCGP-1 No.: ESX09-129-0024
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland
 Township: South Huntingdon
 Receiving Streams and Classifications: UNT to Sewickley
 Creek, Other

09/30/09

ESCGP-1 No.: ESX09-129-0025
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland
 Township: Rostraver
 Receiving Streams and Classifications: UNT to Cedar
 Creek/UNT to Speers Run, Other

09/30/09

ESCGP-1 No.: ESX09-111-0006
 Applicant Name: Chief Oil and Gas, LLC
 Contact Person: Michael Hritz
 Address: 6051 Wallace Road Extension, Suite 210
 City: Wexford State: PA Zip Code: 15090
 County: Somerset
 Township: Jefferson
 Receiving Streams and Classifications: UNT to Laurel
 Hill Creek, HQ

10/02/09

ESCGP-1 No.: ESX09-125-0043
 Applicant Name: Rice Drilling Be, LLC
 Contact Person: Toby Rice
 Address: 171 Hillpoint Drive, Suite 301
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington
 Township: Amwell
 Receiving Streams and Classifications: Shipe Run, Redd
 Run, Tributary 40837 to Redd Run, Other

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut Street, Meadville, PA 16335.*

ESCGP-1 No.: ESX09-065-0001
 Applicant Name: PC Exploration, Inc.
 Contact Person: Gary Clark
 Address 502 Keystone Drive
 City: Warrendale State: PA Zip Code: 15086
 County: Jefferson Township: Perry
 Receiving Streams and Classifications: Big Run, CWF

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-07-002	Sunoco Partners Marketing and Terminals, LP 525 Fritztown Road Sinking Spring, PA 19608 Attn: Jed A. Werner	Blair	Allegheny Township	2 ASTs storing biodiesel	67,680 gallons total

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of September 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>
Accredited Radon Mitigation	130 West Main Street No. 186 Collegetown, PA 19426	Mitigation
Dr. Joseph Baicker	403 Skillman Road Skillman, NJ 08558	Laboratory

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
George Basista	7501 East Parkside Drive Boardman, OH 44512	Testing
Terrance Best	65 Johnson Street Pittston, PA 18640	Testing
Bill Brodhead WPB Enterprises	2844 Slifer Valley Road Riegelsville, PA 18077	Mitigation
Gregory Frazier	1632 Aster Lane Crescent, PA 15046	Testing
David Gunselman	4 Theresa Drive Conestoga, PA 17516	Testing
Fred Hohman	26 Windihill Drive Greensburg, PA 15601	Testing
Rick Hynes	1037 Carnes School Road Seneca, PA 16346	Testing
Darryl Jamison	125 East 42nd Street Erie, PA 16504	Testing
Robert Johnson	340 Freed Road Harleysville, PA 19438	Testing
David Kapturowski AccuStar Labs	11 Awl Street Medway, MA 02053	Laboratory
Matthew Kennedy	3920 Market Street Camp Hill, PA 17011	Testing
Fred Klein	702 Manchester Drive Maple Glen, PA 19002	Testing
Thomas Murray	24 South Pearl Street North East, PA 16428	Testing
Wayne F. Murray	63 Bethesda Church Road East Holtwood, PA 17532	Testing
Timothy A. Musser	213 North 14th Street Allentown, PA 18106	Mitigation
Thomas O'Hara	104 Spring Street Wilkes-Barre, PA 18702	Testing
Prosser Laboratories, Inc.	P. O. Box 118 Effort, PA 18330	Laboratory
Radon Technology and Environmental	828 Oak Street Royersford, PA 19468	Mitigation
Jerry Reed	456 Avoy Road Lake Ariel, PA 18436	Testing
Brian Reuss Radon Control Services, LLC	9125 Marshall Road Suite B-12 Cranberry Township, PA 16066	Mitigation
Jook Ro	30 Sunset Drive Carlisle, PA 17013	Testing
David Scott	417 Pikeland Avenue Spring City, PA 19475	Testing and Mitigation
Jacob Troost	332 Church Drive Palmerton, PA 18071	Testing

[Pa.B. Doc. No. 09-1934. Filed for public inspection October 16, 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 <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). 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: 275-2101-009. Title: Waste Derived Liquid Fuels (WDLF). Description: The Department has finalized the revision to the technical guidance document for the use of Waste Derived Liquid Fuels (WDLF). The notice of availability of the proposed technical guidance document was published at 39 Pa.B. 4175 (July 18, 2009). A 45-day comment period was provided and no comments were received. The objective of this technical guidance is to establish air quality permit review procedures for sources that use WDLF and to establish a method to classify WDLF for ease in permit review using minimum contaminant and physical property specifications. Waste oil fuel that does not exceed the specifications is termed "on-specification waste oil fuel." Waste oil fuel that exceeds any specification level is termed "off-specification waste oil fuel." The classification will be used in conjunction with the permit review requirements to identify the level of permit review required. Contact: Questions regarding the final guidance document should be directed to Joseph White at (717) 787-2856 or jowhite@state.pa.us. Effective Date: October 17, 2009.

Draft Technical Guidance

DEP ID: 363-2134-008. Title: Erosion and Sediment Control Best Practices Management (BMP) Manual. Description: The Department of Environmental Protection (Department) by this notice is proposing to revise and update the Erosion and Sediment Pollution Control Program Manual (Document No. 363-2134-008, April 15, 2000), with the Erosion and Sediment Control BMP manual. The draft Erosion and Sediment Control BMP Manual includes specific guidance, performance requirements, and design criteria to support the implementation of the Department's water quality regulatory requirements.

A summary of the revisions for the Erosion and Sediment Control BMP Manual include: the addition of new BMPs that have been established for use since the publication of the April 2000 version of the manual; BMP sequencing requirements; site access and roadway BMPs; dewatering requirements; pumped water filter bag requirements; compost filter socks and berms; wood chip filter berms; expanded information for sediment basins and sediment traps; erosion control blankets; timber harvesting information; streambank stabilization requirements to include bioengineering; grading standards; areas of special concern such as sinkhole prone areas, contaminated sites and antidegradation requirements to include non-discharge alternatives and ABACT BMPs. Several new appendices have been added to include soil loss limitations; level spreaders, dust suppression; preserving trees; planting trees; and E & S requirements for water well drilling and aquifer testing. An expanded list of tables, figures, construction details and a glossary have also been added to the BMP Manual.

Generally, the manual has been designed to be more user-friendly and to compliment the Pennsylvania Stormwater BMP Manual (Document No. 363-0300-002, December 2006). The manual has been revised to follow an overall approach that supports the managing of stormwater for erosion and sediment control during earth disturbance activities that are compatible with, and can be integrated into, structural and non-structural post construction stormwater management practices. Written Comments: Interested persons may submit written comments on this guidance by December 15, 2009. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Dennis Stum, Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, P. O. Box 8775, 10th Floor, Harrisburg, PA 17105-8775, (717) 772-5963 or EP-ESManualComments@state.pa.us. Contact: Questions regarding the draft guidance document should be directed to Dennis Stum, (717) 772-5963 or dstum@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1935. Filed for public inspection October 16, 2009, 9:00 a.m.]

Clean Air Interstate Rule (CAIR); Proposed 2010-2013 Annual and Ozone Season CAIR Nitrogen Oxides (NOx) Allowance Allocations

In accordance with 25 Pa. Code §§ 145.211(d) and 145.221(d) (relating to timing requirements for CAIR NOx allowance allocations; and timing requirements for CAIR NOx ozone season allowance allocations), the Department of Environmental Protection (Department) is providing notice and an opportunity to comment on the proposed 2010-2013 annual and ozone season CAIR NOx allowance allocations during the required 15-day public comment period. Pennsylvania's NOx budget for the annual CAIR program contains 99,049 NOx allowances; 97,761 NOx allowances are proposed for allocation. The remaining 1,288 (1.3% of the annual CAIR program budget) NOx allowances are set-aside for future allocation in accord-

ance with 25 Pa. Code §§ 145.221(f)(2). Pennsylvania's NOx Budget for the ozone season CAIR program contains 42,171 NOx allowances, all of which are in the proposed allocations.

For each CAIR unit and qualifying resource receiving an NOx allocation, Tables 1—8 that follow, list the following: the facility name, ORIS code, the unit ID for each CAIR unit, either the gross loading or steam loading depending on type of unit, county, converted heat input from the base year and control period allowance allocation. The notice of the final annual and ozone season CAIR NOx allowance allocations will not be published in the *Pennsylvania Bulletin* until the Environmental Protection Agency adopts a final rule approving the Pennsylvania CAIR SIP revision.

Action at the Federal or State level could affect these allocations, once final. Annual and ozone season CAIR NOx allowances do not constitute property rights.

Written Comments

Written comments on the proposed annual and ozone season CAIR NOx allowance allocations for 2010-2013 should be sent to the attention of Randy Bordner, Environmental Group Manager, Air Resource Management Division, Bureau of Air Quality, DEP, P. O. Box 8468, Harrisburg, PA 17105-8468 or e-mail to ranbordner@state.pa.us no later than November 2, 2009. Any written comments (including e-mails) should include the name, affiliation (if any), mailing address and telephone number of the interested person and contain "Proposed 2010-2013 Annual and Ozone Season CAIR Nitrogen Oxides (NOx) Allowance Allocations" in the subject line.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how Department can best accommodate their needs.

JOHN HANGER,
Secretary

Table 1: Proposed Pennsylvania 2010 Annual CAIR NOx Allowance Allocations

<i>FACILITY_NAME</i>	<i>ORISPL_CODE</i>	<i>UNIT ID</i>	<i>GLOAD (Megawatt Hours)</i>	<i>SLOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input MMBtu</i>	<i>2010 CAIR NOx Allowance Allocation</i>
AES Beaver Valley LLC	10676	32	0	3,076,421	Beaver	3,711,894	335
AES Beaver Valley LLC	10676	33	0	3,178,213	Beaver	3,834,712	346
AES Beaver Valley LLC	10676	34	0	2,712,209	Beaver	3,272,449	295
AES Beaver Valley LLC	10676	35	0	1,497,451	Beaver	1,806,768	163
AES Ironwood	55337	1	347,651	0	Lebanon	2,320,570	209
AES Ironwood	55337	2	335,049	0	Lebanon	2,236,452	202
Allegheny Energy Hunlock Unit 4	56397	4	51,842	0	Luzerne	346,045	31
Allegheny Energy Unit 1 and Unit 2	55196	1	55,257	0	Allegheny	368,840	33
Allegheny Energy Unit 1 and Unit 2	55196	2	53,289	0	Allegheny	355,704	32
Allegheny Energy Unit 8 and Unit 9	55377	8	49,079	0	Fayette	327,602	30
Allegheny Energy Unit 8 and Unit 9	55377	9	48,927	0	Fayette	326,588	29
Allegheny Energy Units 3, 4 & 5	55710	3	174,002	0	Allegheny	1,161,463	105
Allegheny Energy Units 3, 4 & 5	55710	4	160,867	0	Allegheny	1,073,787	97
Armstrong Energy Ltd Part	55347	1	67,950	0	Armstrong	453,566	41
Armstrong Energy Ltd Part	55347	2	21,399	0	Armstrong	142,838	13
Armstrong Energy Ltd Part	55347	3	62,059	0	Armstrong	414,244	37
Armstrong Energy Ltd Part	55347	4	69,759	0	Armstrong	465,641	42
Armstrong Power Station	3178	1	1,106,651	0	Armstrong	8,742,543	788
Armstrong Power Station	3178	2	1,127,734	0	Armstrong	8,909,099	803
Bethlehem Power Plant	55690	1	114,737	0	Northampton	765,869	69
Bethlehem Power Plant	55690	2	111,358	0	Northampton	743,315	67
Bethlehem Power Plant	55690	3	115,634	0	Northampton	771,857	70
Bethlehem Power Plant	55690	5	116,028	0	Northampton	774,487	70
Bethlehem Power Plant	55690	6	107,231	0	Northampton	715,767	65
Bethlehem Power Plant	55690	7	109,537	0	Northampton	731,159	66
Bruce Mansfield	6094	1	6,558,687	0	Beaver	51,813,627	4,673
Bruce Mansfield	6094	2	6,590,764	0	Beaver	52,067,036	4,695
Bruce Mansfield	6094	3	6,850,611	0	Beaver	54,119,827	4,881
Brunner Island	3140	1	2,475,912	0	York	19,559,705	1,764
Brunner Island	3140	2	2,749,676	0	York	21,722,440	1,959
Brunner Island	3140	3	5,732,660	0	York	45,288,014	4,084
Brunot Island Power Station	3096	2A	740	0	Allegheny	4,940	0
Brunot Island Power	3096	2B	3,646	0	Allegheny	24,337	2

Station							
Brunot Island Power Station	3096	3	4,180	0	Allegheny	27,902	3
Cambria Cogen	10641	1	0	3,519,861	Cambria	4,246,932	383
Cambria Cogen	10641	2	0	3,409,276	Cambria	4,113,505	371
Chambersburg Units 12 and 13	55654	12	61,411	0	Franklin	409,918	37
Chambersburg Units 12 and 13	55654	13	59,128	0	Franklin	394,679	36
Cheswick	8226	1	3,331,994	0	Allegheny	26,322,753	2,374
Colver Power Project	10143	AAB01	936,140	0	Cambria	7,395,506	667
Conemaugh	3118	1	7,343,486	0	Indiana	58,013,539	5,232
Conemaugh	3118	2	6,439,070	0	Indiana	50,868,653	4,587
Cromby	3159	1	774,759	0	Chester	6,120,596	552
Cromby	3159	2	256,545	0	Chester	1,712,438	154
Croydon Generating Station	8012	11	375	0	Bucks	2,502	0
Croydon Generating Station	8012	12	375	0	Bucks	2,502	0
Croydon Generating Station	8012	21	434	0	Bucks	2,896	0
Croydon Generating Station	8012	22	407	0	Bucks	2,717	0
Croydon Generating Station	8012	31	380	0	Bucks	2,538	0
Croydon Generating Station	8012	32	1,050	0	Bucks	7,007	1
Croydon Generating Station	8012	41	370	0	Bucks	2,467	0
Croydon Generating Station	8012	42	964	0	Bucks	6,435	1
Delaware	3160	71	0	0	Philadelphia	0	0
Delaware	3160	81	26,695	0	Philadelphia	178,189	16
Ebensburg Power Company	10603	31	0	4,961,789	Cambria	5,986,709	540
Eddystone Generating Station	3161	1	1,398,159	0	Delaware	11,045,456	996
Eddystone Generating Station	3161	2	1,621,667	0	Delaware	12,811,169	1,155
Eddystone Generating Station	3161	3	377,607	0	Delaware	2,520,527	227
Eddystone Generating Station	3161	4	310,044	0	Delaware	2,069,544	187
Elrama	3098	1	341,728	0	Washington	2,699,651	243
Elrama	3098	2	522,852	0	Washington	4,130,531	372
Elrama	3098	3	433,429	0	Washington	3,424,089	309
Elrama	3098	4	796,643	0	Washington	6,293,480	568
FPL Energy MH50	50074	1	37,506	0	Delaware	250,353	23
FPL Energy Marcus Hook, LP	55801	1	69,185	0	Delaware	461,810	42
FPL Energy Marcus Hook, LP	55801	2	59,429	0	Delaware	396,689	36
FPL Energy Marcus Hook, LP	55801	3	55,183	0	Delaware	368,347	33
Fairless Energy, LLC	55298	1A	438,400	0	Bucks	2,926,320	264
Fairless Energy, LLC	55298	1B	430,895	0	Bucks	2,876,224	259

Fairless Energy, LLC	55298	2A	417,205	0	Bucks	2,784,843	251
Fairless Energy, LLC	55298	2B	445,338	0	Bucks	2,972,631	268
Fairless Hills Generating Station	7701	PHBLR 3	319	0	Bucks	2,517	0
Fairless Hills Generating Station	7701	PHBLR 4	108,772	0	Bucks	859,300	77
Fairless Hills Generating Station	7701	PHBLR 5	58,996	0	Bucks	466,071	42
Fayette Energy Facility	55516	CTG1	141,074	0	Fayette	941,669	85
Fayette Energy Facility	55516	CTG2	148,964	0	Fayette	994,335	90
G F Weaton	50130	34	296,073	0	Beaver	2,338,978	211
G F Weaton	50130	35	329,289	0	Beaver	2,601,382	235
Gilberton Power Company	10113	31	0	3,385,942	Schuylkill	4,085,351	368
Gilberton Power Company	10113	32	0	3,393,363	Schuylkill	4,094,305	369
Grays Ferry Cogen Partnership	54785	2	432,900	0	Philadelphia	2,889,608	261
Grays Ferry Cogen Partnership	54785	25	0	1,853,489	Philadelphia	2,236,350	202
Handsome Lake Energy	55233	EU-1A	2,024	0	Venango	13,510	1
Handsome Lake Energy	55233	EU-1B	2,040	0	Venango	13,617	1
Handsome Lake Energy	55233	EU-2A	2,375	0	Venango	15,853	1
Handsome Lake Energy	55233	EU-2B	2,344	0	Venango	15,646	1
Handsome Lake Energy	55233	EU-3A	1,647	0	Venango	10,994	1
Handsome Lake Energy	55233	EU-3B	1,825	0	Venango	12,182	1
Handsome Lake Energy	55233	EU-4A	1,489	0	Venango	9,939	1
Handsome Lake Energy	55233	EU-4B	1,498	0	Venango	9,999	1
Handsome Lake Energy	55233	EU-5A	1,518	0	Venango	10,133	1
Handsome Lake Energy	55233	EU-5B	1,534	0	Venango	10,239	1
Hatfields Ferry Power Station	3179	1	3,714,746	0	Greene	29,346,493	2,647
Hatfields Ferry Power Station	3179	2	1,910,504	0	Greene	15,092,982	1,361
Hatfields Ferry Power Station	3179	3	3,237,877	0	Greene	25,579,228	2,307
Homer City	3122	1	4,634,921	0	Indiana	36,615,876	3,302
Homer City	3122	2	5,002,972	0	Indiana	39,523,479	3,564
Homer City	3122	3	4,494,562	0	Indiana	35,507,040	3,202
Hunlock Power Station	3176	6	303,122	0	Luzerne	2,394,664	216
Hunterstown Combined Cycle	55976	CT101	67,810	0	Adams	452,632	41
Hunterstown Combined Cycle	55976	CT201	61,661	0	Adams	411,587	37
Hunterstown Combined Cycle	55976	CT301	73,565	0	Adams	491,046	44
Keystone	3136	1	6,801,613	0	Armstrong	53,732,743	4,846
Keystone	3136	2	6,205,368	0	Armstrong	49,022,407	4,421
Liberty Electric Power Plant	55231	1	447,482	0	Delaware	2,986,942	269
Liberty Electric Power Plant	55231	2	466,122	0	Delaware	3,111,364	281
Lower Mount Bethel Energy	55667	CT01	318,272	0	Northampton	2,124,466	192
Lower Mount Bethel Energy	55667	CT02	310,192	0	Northampton	2,070,532	187

Martins Creek	3148	1	558,409	0	Northampton	4,411,431	398
Martins Creek	3148	2	598,520	0	Northampton	4,728,308	426
Martins Creek	3148	3	1,236,982	0	Northampton	8,256,855	745
Martins Creek	3148	4	829,778	0	Northampton	5,538,768	499
Mitchell Power Station	3181	1	1,502	0	Washington	10,026	1
Mitchell Power Station	3181	2	959	0	Washington	6,401	1
Mitchell Power Station	3181	3	0	0	Washington	0	0
Mitchell Power Station	3181	33	1,551,398	0	Washington	12,256,044	1,105
Montour	3149	1	5,319,040	0	Montour	42,020,416	3,789
Montour	3149	2	5,008,737	0	Montour	39,569,022	3,568
Mountain	3111	31	2,242	0	Cumberland	14,965	1
Mountain	3111	32	842	0	Cumberland	5,620	1
Mt. Carmel Cogeneration	10343	SG-101	312,043	0	Northumberland	2,465,140	222
New Castle	3138	3	480,365	0	Lawrence	3,794,884	342
New Castle	3138	4	412,641	0	Lawrence	3,259,864	294
New Castle	3138	5	714,465	0	Lawrence	5,644,274	509
North East Cogeneration Plant	54571	1	10,358	0	Erie	69,140	6
North East Cogeneration Plant	54571	2	7,404	0	Erie	49,422	4
Northampton Generating Plant	50888	NGC01	906,115	0	Northampton	7,158,309	646
Northeastern Power Company	50039	31	487,727	0	Schuylkill	3,853,043	347
Ontelaunee Energy Center	55193	CT1	425,562	0	Berks	2,840,626	256
Ontelaunee Energy Center	55193	CT2	424,797	0	Berks	2,835,520	256
Panther Creek Energy Facility	50776	1	372,159	0	Carbon	2,940,056	265
Panther Creek Energy Facility	50776	2	369,193	0	Carbon	2,916,625	263
Piney Creek Power Plant	54144	31	293,253	0	Clarion	2,316,699	209
Portland	3113	1	865,712	0	Northampton	6,839,125	617
Portland	3113	2	1,298,216	0	Northampton	10,255,906	925
Portland	3113	5	39,931	0	Northampton	266,539	24
Richmond	3168	91	643	0	Philadelphia	4,292	0
Richmond	3168	92	603	0	Philadelphia	4,025	0
Schuylkill	3169	1	79,071	0	Philadelphia	527,799	48
Scrubgrass Generating Plant	50974	1	384,666	0	Venango	3,038,861	274
Scrubgrass Generating Plant	50974	2	385,614	0	Venango	3,046,351	275
Seward	3130	1	221,884	0	Indiana	1,752,884	158
Seward	3130	12	0	0	Indiana	0	0
Seward	3130	14	0	0	Indiana	0	0
Seward	3130	15	0	0	Indiana	0	0
Seward	3130	2	315,366	0	Indiana	2,491,391	225
Shawville	3131	1	716,183	0	Clearfield	5,657,846	510
Shawville	3131	2	751,080	0	Clearfield	5,933,532	535
Shawville	3131	3	1,088,211	0	Clearfield	8,596,867	775
Shawville	3131	4	824,786	0	Clearfield	6,515,809	588
St. Nicholas Cogeneration Project	54634	1	0	6,665,372	Schuylkill	8,042,188	725

Sunbury	3152	1A	274,065	0	Snyder	2,165,117	195
Sunbury	3152	1B	174,239	0	Snyder	1,376,485	124
Sunbury	3152	2A	178,115	0	Snyder	1,407,108	127
Sunbury	3152	2B	196,404	0	Snyder	1,551,592	140
Sunbury	3152	3	393,318	0	Snyder	3,107,212	280
Sunbury	3152	4	465,936	0	Snyder	3,680,894	332
Titus	3115	1	404,754	0	Berks	3,197,557	288
Titus	3115	2	384,879	0	Berks	3,040,544	274
Titus	3115	3	420,386	0	Berks	3,321,049	299
Tolna	3116	31	2,649	0	York	17,682	2
Tolna	3116	32	2,772	0	York	18,503	2
Trigen Energy - Schuylkill	50607	23	0	223,669	Philadelphia	269,871	24
Trigen Energy - Schuylkill	50607	24	0	507,819	Philadelphia	612,715	55
Trigen Energy - Schuylkill	50607	26	0	861,050	Philadelphia	1,038,911	94
Trigen Energy Corporation-Edison St	880006	1	0	4,574	Philadelphia	5,519	0
Trigen Energy Corporation-Edison St	880006	2	0	3,754	Philadelphia	4,529	0
Trigen Energy Corporation-Edison St	880006	3	0	4,493	Philadelphia	5,421	0
Trigen Energy Corporation-Edison St	880006	4	0	4,332	Philadelphia	5,227	0
WPS Westwood Generation, LLC	50611	31	236,528	0	Schuylkill	1,868,571	169
Warren	3132	5	1,633	0	Warren	10,900	1
Wayne	3134	31	770	0	Crawford	5,140	0
Wheelabrator - Frackville	50879	GEN1	0	3,393,096	Schuylkill	4,093,982	369
Williams Generation Co (Hazleton)	10870	TURB2	888	0	Luzerne	5,927	1
Williams Generation Co (Hazleton)	10870	TURB3	1,462	0	Luzerne	9,759	1
Williams Generation Co (Hazleton)	10870	TURB4	969	0	Luzerne	6,468	1
Williams Generation Co (Hazleton)	10870	TURB1 N	1,372	0	Luzerne	9,158	1
Total						1,084,091,404	97,761

Table 2: Proposed Pennsylvania 2010 CAIR NOx Ozone Season Allowance Allocations

<i>FACILITY_NAME</i>	<i>ORISPL_CODE</i>	<i>UNIT ID</i>	<i>GLOAD (Megawatt Hours)</i>	<i>SLOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input MMBtu</i>	<i>2010 CAIR NOx Ozone Season Allowance Allocation</i>
AES Beaver Valley LLC	10676	32	0	1,285,234	Beaver	1,550,716	141
AES Beaver Valley LLC	10676	33	0	1,351,203	Beaver	1,630,311	149
AES Beaver Valley LLC	10676	34	0	1,073,618	Beaver	1,295,387	118
AES Beaver Valley LLC	10676	35	0	619,812	Beaver	747,841	68
AES Ironwood	55337	1	265,364	0	Lebanon	1,771,305	161
AES Ironwood	55337	2	252,656	0	Lebanon	1,686,479	154
Allegheny Energy Hunlock Unit 4	56397	4	27,714	0	Luzerne	184,991	17
Allegheny Energy Unit 1 and Unit 2	55196	1	23,302	0	Allegheny	155,541	14
Allegheny Energy Unit 1 and Unit 2	55196	2	22,950	0	Allegheny	153,191	14
Allegheny Energy Unit 8 and Unit 9	55377	8	21,671	0	Fayette	144,654	13
Allegheny Energy Unit 8 and Unit 9	55377	9	21,983	0	Fayette	146,737	13
Allegheny Energy Units 3, 4 & 5	55710	3	78,472	0	Allegheny	523,801	48
Allegheny Energy Units 3, 4 & 5	55710	4	71,933	0	Allegheny	480,153	44
Armstrong Energy Ltd Part	55347	1	29,082	0	Armstrong	194,122	18
Armstrong Energy Ltd Part	55347	2	15,661	0	Armstrong	104,537	10
Armstrong Energy Ltd Part	55347	3	30,135	0	Armstrong	201,151	18
Armstrong Energy Ltd Part	55347	4	32,450	0	Armstrong	216,604	20
Armstrong Power Station	3178	1	414,248	0	Armstrong	3,272,559	298
Armstrong Power Station	3178	2	448,091	0	Armstrong	3,539,919	323
Bethlehem Power Plant	55690	1	50,811	0	Northampton	339,163	31
Bethlehem Power Plant	55690	2	46,534	0	Northampton	310,614	28
Bethlehem Power Plant	55690	3	47,179	0	Northampton	314,920	29
Bethlehem Power Plant	55690	5	58,420	0	Northampton	389,954	36
Bethlehem Power Plant	55690	6	55,771	0	Northampton	372,271	34
Bethlehem Power Plant	55690	7	53,719	0	Northampton	358,574	33
Bruce Mansfield	6094	1	2,798,472	0	Beaver	22,107,929	2,015
Bruce Mansfield	6094	2	2,780,946	0	Beaver	21,969,473	2,002
Bruce Mansfield	6094	3	2,949,353	0	Beaver	23,299,889	2,123
Brunner Island	3140	1	932,681	0	York	7,368,180	672
Brunner Island	3140	2	1,052,353	0	York	8,313,589	758
Brunner Island	3140	3	2,277,171	0	York	17,989,651	1,640
Brunot Island Power Station	3096	2A	567	0	Allegheny	3,785	0
Brunot Island Power Station	3096	2B	3,338	0	Allegheny	22,281	2
Brunot Island Power	3096	3	3,873	0	Allegheny	25,852	2

Station							
Cambria Cogen	10641	1	0	1,498,906	Cambria	1,808,524	165
Cambria Cogen	10641	2	0	1,458,418	Cambria	1,759,672	160
Chambersburg Units 12 and 13	55654	12	34,487	0	Franklin	230,201	21
Chambersburg Units 12 and 13	55654	13	33,558	0	Franklin	224,000	20
Cheswick	8226	1	917,589	0	Allegheny	7,248,953	661
Colver Power Project	10143	AAB0 1	413,586	0	Cambria	3,267,329	298
Conemaugh	3118	1	3,188,285	0	Indiana	25,187,452	2,295
Conemaugh	3118	2	2,571,838	0	Indiana	20,317,520	1,852
Cromby	3159	1	364,212	0	Chester	2,877,275	262
Cromby	3159	2	99,951	0	Chester	667,173	61
Croydon Generating Station	8012	11	70	0	Bucks	467	0
Croydon Generating Station	8012	12	70	0	Bucks	467	0
Croydon Generating Station	8012	21	81	0	Bucks	541	0
Croydon Generating Station	8012	22	76	0	Bucks	507	0
Croydon Generating Station	8012	31	71	0	Bucks	474	0
Croydon Generating Station	8012	32	196	0	Bucks	1,308	0
Croydon Generating Station	8012	41	69	0	Bucks	461	0
Croydon Generating Station	8012	42	180	0	Bucks	1,202	0
Delaware	3160	71	0	0	Philadelphia	0	0
Delaware	3160	81	0	0	Philadelphia	0	0
Ebensburg Power Company	10603	31	0	2,053,748	Cambria	2,477,975	226
Eddystone Generating Station	3161	1	705,198	0	Delaware	5,571,064	508
Eddystone Generating Station	3161	2	629,041	0	Delaware	4,969,424	453
Eddystone Generating Station	3161	3	141,525	0	Delaware	944,679	86
Eddystone Generating Station	3161	4	139,547	0	Delaware	931,476	85
Elrama	3098	1	34,663	0	Washington	273,838	25
Elrama	3098	2	155,672	0	Washington	1,229,809	112
Elrama	3098	3	177,724	0	Washington	1,404,020	128
Elrama	3098	4	339,665	0	Washington	2,683,354	245
Fairless Energy, LLC	55298	1A	312,181	0	Bucks	2,083,808	190
Fairless Energy, LLC	55298	1B	318,838	0	Bucks	2,128,244	194
Fairless Energy, LLC	55298	2A	292,994	0	Bucks	1,955,735	178
Fairless Energy, LLC	55298	2B	306,595	0	Bucks	2,046,522	187
Fairless Hills Generating Station	7701	PHBL R3	332	0	Bucks	2,215	0
Fairless Hills Generating Station	7701	PHBL R4	48,480	0	Bucks	323,603	29
Fairless Hills Generating Station	7701	PHBL R5	18,892	0	Bucks	126,106	11

Fayette Energy Facility	55516	CTG1	75,522	0	Fayette	504,109	46
Fayette Energy Facility	55516	CTG2	80,355	0	Fayette	536,370	49
FPL Energy Marcus Hook, LP	55801	1	15,513	0	Delaware	103,549	9
FPL Energy Marcus Hook, LP	55801	2	13,211	0	Delaware	88,183	8
FPL Energy Marcus Hook, LP	55801	3	11,549	0	Delaware	77,090	7
FPL Energy MH50	50074	1	37,506	0	Delaware	250,353	23
G F Weaton	50130	34	113,306	0	Beaver	895,117	82
G F Weaton	50130	35	129,377	0	Beaver	1,022,078	93
Gilberton Power Company	10113	31	0	1,437,690	Schuylkill	1,734,663	158
Gilberton Power Company	10113	32	0	1,441,947	Schuylkill	1,739,799	159
Grays Ferry Cogen Partnership	54785	2	252,594	0	Philadelphia	1,686,065	154
Grays Ferry Cogen Partnership	54785	25	0	261,913	Philadelphia	316,014	29
Handsome Lake Energy	55233	EU-1A	514	0	Venango	3,431	0
Handsome Lake Energy	55233	EU-1B	535	0	Venango	3,571	0
Handsome Lake Energy	55233	EU-2A	687	0	Venango	4,586	0
Handsome Lake Energy	55233	EU-2B	689	0	Venango	4,599	0
Handsome Lake Energy	55233	EU-3A	485	0	Venango	3,237	0
Handsome Lake Energy	55233	EU-3B	509	0	Venango	3,398	0
Handsome Lake Energy	55233	EU-4A	342	0	Venango	2,283	0
Handsome Lake Energy	55233	EU-4B	351	0	Venango	2,343	0
Handsome Lake Energy	55233	EU-5A	402	0	Venango	2,683	0
Handsome Lake Energy	55233	EU-5B	400	0	Venango	2,670	0
Hatfields Ferry Power Station	3179	1	1,644,057	0	Greene	12,988,050	1,184
Hatfields Ferry Power Station	3179	2	911,838	0	Greene	7,203,520	657
Hatfields Ferry Power Station	3179	3	966,442	0	Greene	7,634,892	696
Homer City	3122	1	2,083,100	0	Indiana	16,456,490	1,500
Homer City	3122	2	1,964,262	0	Indiana	15,517,670	1,414
Homer City	3122	3	2,336,160	0	Indiana	18,455,664	1,682
Hunlock Power Station	3176	6	105,342	0	Luzerne	832,202	76
Hunterstown Combined Cycle	55976	CT101	58,693	0	Adams	391,776	36
Hunterstown Combined Cycle	55976	CT201	54,899	0	Adams	366,451	33
Hunterstown Combined Cycle	55976	CT301	64,667	0	Adams	431,652	39
Keystone	3136	1	2,889,537	0	Armstrong	22,827,342	2,080
Keystone	3136	2	2,639,591	0	Armstrong	20,852,769	1,900
Liberty Electric Power Plant	55231	1	279,042	0	Delaware	1,862,605	170
Liberty Electric Power Plant	55231	2	290,382	0	Delaware	1,938,300	177
Lower Mount Bethel Energy	55667	CT01	189,960	0	Northampton	1,267,983	116
Lower Mount Bethel Energy	55667	CT02	202,980	0	Northampton	1,354,892	123
Martins Creek	3148	1	200,302	0	Northampton	1,582,386	144

Martins Creek	3148	2	227,038	0	Northampton	1,793,600	163
Martins Creek	3148	3	472,800	0	Northampton	3,155,940	288
Martins Creek	3148	4	257,176	0	Northampton	1,716,650	156
Mitchell Power Station	3181	1	1,256	0	Washington	8,384	1
Mitchell Power Station	3181	2	772	0	Washington	5,153	0
Mitchell Power Station	3181	3	0	0	Washington	0	0
Mitchell Power Station	3181	33	691,964	0	Washington	5,466,516	498
Montour	3149	1	2,281,125	0	Montour	18,020,888	1,642
Montour	3149	2	2,490,505	0	Montour	19,674,990	1,793
Mountain	3111	31	1,304	0	Cumberland	8,704	1
Mountain	3111	32	842	0	Cumberland	5,620	1
Mt. Carmel Cogeneration	10343	SG-101	127,597	0	Northumberland	1,008,016	92
New Castle	3138	3	182,386	0	Lawrence	1,440,849	131
New Castle	3138	4	209,801	0	Lawrence	1,657,428	151
New Castle	3138	5	277,137	0	Lawrence	2,189,382	200
North East Cogeneration Plant	54571	1	1,843	0	Erie	12,302	1
North East Cogeneration Plant	54571	2	1,926	0	Erie	12,856	1
Northampton Generating Plant	50888	NGC01	307,144	0	Northampton	2,426,438	221
Northeastern Power Company	50039	31	211,610	0	Schuylkill	1,671,719	152
Ontelaunee Energy Center	55193	CT1	257,263	0	Berks	1,717,231	157
Ontelaunee Energy Center	55193	CT2	252,778	0	Berks	1,687,293	154
Panther Creek Energy Facility	50776	1	149,576	0	Carbon	1,181,650	108
Panther Creek Energy Facility	50776	2	152,951	0	Carbon	1,208,313	110
Piney Creek Power Plant	54144	31	110,893	0	Clarion	876,055	80
Portland	3113	1	397,228	0	Northampton	3,138,101	286
Portland	3113	2	502,916	0	Northampton	3,973,036	362
Portland	3113	5	9,816	0	Northampton	65,522	6
Richmond	3168	91	643	0	Philadelphia	4,292	0
Richmond	3168	92	356	0	Philadelphia	2,376	0
Schuylkill	3169	1	38,380	0	Philadelphia	256,187	23
Scrubgrass Generating Plant	50974	1	149,576	0	Venango	1,181,650	108
Scrubgrass Generating Plant	50974	2	152,951	0	Venango	1,208,313	110
Seward	3130	1	219,279	0	Indiana	1,732,301	158
Seward	3130	2	299,973	0	Indiana	2,369,787	216
Shawville	3131	1	243,992	0	Clearfield	1,927,537	176
Shawville	3131	2	256,011	0	Clearfield	2,022,487	184
Shawville	3131	3	393,010	0	Clearfield	3,104,779	283
Shawville	3131	4	437,100	0	Clearfield	3,453,090	315
St. Nicholas Cogeneration Project	54634	1	0	2,733,631	Schuylkill	3,298,297	301
Sunbury	3152	1A	81,420	0	Snyder	643,217	59
Sunbury	3152	1B	160,426	0	Snyder	1,267,365	116
Sunbury	3152	2A	67,850	0	Snyder	536,017	49
Sunbury	3152	2B	79,006	0	Snyder	624,148	57

Sunbury	3152	3	179,861	0	Snyder	1,420,902	129
Sunbury	3152	4	202,322	0	Snyder	1,598,344	146
Titus	3115	1	186,134	0	Berks	1,470,459	134
Titus	3115	2	170,887	0	Berks	1,350,007	123
Titus	3115	3	185,481	0	Berks	1,465,300	134
Tolna	3116	31	2,649	0	York	17,682	2
Tolna	3116	32	1,614	0	York	10,773	1
Trigen Energy - Schuylkill	50607	23	0	1,569	Philadelphia	1,893	0
Trigen Energy - Schuylkill	50607	24	0	72,767	Philadelphia	87,798	8
Trigen Energy - Schuylkill	50607	26	0	125,035	Philadelphia	150,863	14
Trigen Energy Corporation-Edison St	880006	1	0	1,583	Philadelphia	1,910	0
Trigen Energy Corporation-Edison St	880006	2	0	1,147	Philadelphia	1,384	0
Trigen Energy Corporation-Edison St	880006	3	0	2,016	Philadelphia	2,432	0
Trigen Energy Corporation-Edison St	880006	4	0	2,089	Philadelphia	2,521	0
WPS Westwood Generation, LLC	50611	31	94,634	0	Schuylkill	747,609	68
Warren	3132	5	.99	0	Warren	661	0
Wayne	3134	31	0	0	Crawford	0	0
Wheelabrator - Frackville	50879	GEN1	0	1,450,098	Schuylkill	1,749,634	159
Williams Generation Co (Hazleton)	10870	TURB 2	638	0	Luzerne	4,259	0
Williams Generation Co (Hazleton)	10870	TURB 3	1,117	0	Luzerne	7,456	1
Williams Generation Co (Hazleton)	10870	TURB 4	517	0	Luzerne	3,451	0
Williams Generation Co (Hazleton)	10870	TURB N	332	0	Luzerne	2,216	0
Total						462,734,386	42,171

Table 3: Proposed Pennsylvania 2011 Annual CAIR NOx Allowance Allocations

FACILITY_NAME	ORISPL_CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2005 Converted Heat Input MMBtu	2011 CAIR NOx Allowance Allocation
AES Beaver Valley LLC	10676	32	0	2,907,655	Beaver	3,508,268	302
AES Beaver Valley LLC	10676	33	0	2,897,466	Beaver	3,495,974	301
AES Beaver Valley LLC	10676	34	0	2,834,538	Beaver	3,420,047	295
AES Beaver Valley LLC	10676	35	0	1,452,842	Beaver	1,752,944	151
AES Ironwood	55337	1	251,157	0	Lebanon	1,676,473	144
AES Ironwood	55337	2	246,448	0	Lebanon	1,645,040	142
Allegheny Energy Hunlock Unit 4	56397	4	67,120	0	Luzerne	448,026	39
Allegheny Energy Unit 1 and Unit 2	55196	1	56,603	0	Allegheny	377,825	33
Allegheny Energy Unit 1 and Unit 2	55196	2	56,501	0	Allegheny	377,144	32
Allegheny Energy Unit 8 and Unit 9	55377	8	37,358	0	Fayette	249,365	21
Allegheny Energy Unit 8 and Unit 9	55377	9	36,739	0	Fayette	245,233	21
Allegheny Energy Units 3, 4 & 5	55710	3	46,069	0	Allegheny	307,511	26
Allegheny Energy Units 3, 4 & 5	55710	4	52,642	0	Allegheny	351,385	30
Armstrong Energy Ltd Part	55347	1	41,900	0	Armstrong	279,683	24
Armstrong Energy Ltd Part	55347	2	56,281	0	Armstrong	375,676	32
Armstrong Energy Ltd Part	55347	3	37,643	0	Armstrong	251,267	22
Armstrong Energy Ltd Part	55347	4	56,092	0	Armstrong	374,414	32
Armstrong Power Station	3178	1	1,075,703	0	Armstrong	8,498,054	732
Armstrong Power Station	3178	2	1,104,531	0	Armstrong	8,725,795	752
Bethlehem Power Plant	55690	1	185,060	0	Northampton	1,235,276	106
Bethlehem Power Plant	55690	2	184,006	0	Northampton	1,228,240	106
Bethlehem Power Plant	55690	3	176,511	0	Northampton	1,178,211	101
Bethlehem Power Plant	55690	5	130,857	0	Northampton	873,470	75
Bethlehem Power Plant	55690	6	125,417	0	Northampton	837,158	72
Bethlehem Power Plant	55690	7	118,358	0	Northampton	790,040	68
Bruce Mansfield	6094	1	5,370,616	0	Beaver	42,427,866	3,654
Bruce Mansfield	6094	2	7,178,118	0	Beaver	56,707,132	4,884
Bruce Mansfield	6094	3	7,350,662	0	Beaver	58,070,230	5,001
Brunner Island	3140	1	2,470,149	0	York	19,514,177	1,681
Brunner Island	3140	2	2,531,342	0	York	19,997,602	1,722
Brunner Island	3140	3	5,717,559	0	York	45,168,716	3,890
Brunot Island Power Station	3096	2A	3,449	0	Allegheny	23,022	2
Brunot Island Power Station	3096	2B	4,227	0	Allegheny	28,215	2
Brunot Island Power Station	3096	3	4,601	0	Allegheny	30,712	3

Cambria Cogen	10641	1	0	3,292,811	Cambria	3,972,982	342
Cambria Cogen	10641	2	0	3,292,811	Cambria	3,972,982	342
Chambersburg Units 12 and 13	55654	12	86,333	0	Franklin	576,273	50
Chambersburg Units 12 and 13	55654	13	84,251	0	Franklin	562,375	48
Cheswick	8226	1	3,010,302	0	Allegheny	23,781,386	2,048
Colver Power Project	10143	AAB0 1	915,462	0	Cambria	7,232,150	623
Conemaugh	3118	1	6,455,910	0	Indiana	51,001,689	4,393
Conemaugh	3118	2	7,293,288	0	Indiana	57,616,975	4,962
Cromby	3159	1	780,057	0	Chester	6,162,450	531
Cromby	3159	2	333,558	0	Chester	2,226,500	192
Croydon Generating Station	8012	11	478	0	Bucks	3,191	0
Croydon Generating Station	8012	12	6,676	0	Bucks	44,562	4
Croydon Generating Station	8012	21	5,908	0	Bucks	39,436	3
Croydon Generating Station	8012	22	11,948	0	Bucks	79,753	7
Croydon Generating Station	8012	31	8,646	0	Bucks	57,712	5
Croydon Generating Station	8012	32	1,452	0	Bucks	9,692	1
Croydon Generating Station	8012	41	7,456	0	Bucks	49,769	4
Croydon Generating Station	8012	42	7,992	0	Bucks	53,347	5
Ebensburg Power Company	10603	31	0	4,713,863	Cambria	5,687,570	490
Eddystone Generating Station	3161	1	1,577,858	0	Delaware	12,465,078	1,074
Eddystone Generating Station	3161	2	1,756,769	0	Delaware	13,878,475	1,195
Eddystone Generating Station	3161	3	458,852	0	Delaware	3,062,837	264
Eddystone Generating Station	3161	4	484,549	0	Delaware	3,234,365	279
Elrama	3098	1	335,058	0	Washington	2,646,958	228
Elrama	3098	2	391,502	0	Washington	3,092,866	266
Elrama	3098	3	325,744	0	Washington	2,573,378	222
Elrama	3098	4	757,523	0	Washington	5,984,432	515
FPL Energy MH50	50074	1	85,323	0	Delaware	569,531	49
FPL Energy Marcus Hook, LP	55801	1	341,630	0	Delaware	2,280,380	196
FPL Energy Marcus Hook, LP	55801	2	363,356	0	Delaware	2,425,401	209
FPL Energy Marcus Hook, LP	55801	3	359,628	0	Delaware	2,400,517	207
Fairless Energy, LLC	55298	1A	584,849	0	Bucks	3,903,867	336
Fairless Energy, LLC	55298	1B	615,971	0	Bucks	4,111,606	354
Fairless Energy, LLC	55298	2A	566,577	0	Bucks	3,781,901	326
Fairless Energy, LLC	55298	2B	500,606	0	Bucks	3,341,545	288
Fairless Hills Generating Station	7701	PHBL R3	0		Bucks	0	0

Fairless Hills Generating Station	7701	PHBL R4	70,791	0	Bucks	472,528	41
Fairless Hills Generating Station	7701	PHBL R5	157,596	0	Bucks	1,051,956	91
Fayette Energy Facility	55516	CTG1	167,010	0	Fayette	1,114,792	96
Fayette Energy Facility	55516	CTG2	164,607	0	Fayette	1,098,752	95
G F Weaton	50130	34	309,799	0	Beaver	2,447,414	211
G F Weaton	50130	35	289,125	0	Beaver	2,284,086	197
Gilberton Power Company	10113	31	0	3,353,081	Schuylkill	4,045,702	348
Gilberton Power Company	10113	32	0	3,329,506	Schuylkill	4,017,257	346
Grays Ferry Cogen Partnership	54785	2	394,233	0	Philadelphia	2,631,505	227
Grays Ferry Cogen Partnership	54785	25	0	1,992,882	Philadelphia	2,404,537	207
Handsome Lake Energy	55233	EU-1A	8,779	0	Venango	58,600	5
Handsome Lake Energy	55233	EU-1B	8,672	0	Venango	57,886	5
Handsome Lake Energy	55233	EU-2A	10,243	0	Venango	68,372	6
Handsome Lake Energy	55233	EU-2B	10,117	0	Venango	67,531	6
Handsome Lake Energy	55233	EU-3A	7,446	0	Venango	49,702	4
Handsome Lake Energy	55233	EU-3B	8,252	0	Venango	55,082	5
Handsome Lake Energy	55233	EU-4A	9,530	0	Venango	63,613	5
Handsome Lake Energy	55233	EU-4B	9,676	0	Venango	64,587	6
Handsome Lake Energy	55233	EU-5A	7,852	0	Venango	52,412	5
Handsome Lake Energy	55233	EU-5B	7,865	0	Venango	52,499	5
Hatfields Ferry Power Station	3179	1	2,225,125	0	Greene	17,578,488	1,514
Hatfields Ferry Power Station	3179	2	3,495,762	0	Greene	27,616,520	2,379
Hatfields Ferry Power Station	3179	3	3,413,812	0	Greene	26,969,115	2,323
Homer City	3122	1	4,529,326	0	Indiana	35,781,675	3,082
Homer City	3122	2	5,124,622	0	Indiana	40,484,514	3,487
Homer City	3122	3	4,858,383	0	Indiana	38,381,226	3,306
Hunlock Power Station	3176	6	265,596	0	Luzerne	2,098,208	181
Hunterstown Combined Cycle	55976	CT101	177,345	0	Adams	1,183,778	102
Hunterstown Combined Cycle	55976	CT201	134,704	0	Adams	899,149	77
Hunterstown Combined Cycle	55976	CT301	183,060	0	Adams	1,221,926	105
Keystone	3136	1	7,215,057	0	Armstrong	56,998,950	4,909
Keystone	3136	2	7,053,118	0	Armstrong	55,719,632	4,799
Liberty Electric Power Plant	55231	1	140,437	0	Delaware	937,417	81
Liberty Electric Power Plant	55231	2	144,570	0	Delaware	965,005	83
Lower Mount Bethel Energy	55667	CT01	384,721	0	Northampton	2,568,013	221
Lower Mount Bethel Energy	55667	CT02	419,195	0	Northampton	2,798,127	241
Martins Creek	3148	1	460,976	0	Northampton	3,641,710	314
Martins Creek	3148	2	334,940	0	Northampton	2,646,026	228
Martins Creek	3148	3	1,505,598	0	Northampton	10,049,867	866
Martins Creek	3148	4	1,216,616	0	Northampton	8,120,912	699

Martins Creek	3148	AUX4 B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	1,406	0	Washington	9,385	1
Mitchell Power Station	3181	2	1,952	0	Washington	13,030	1
Mitchell Power Station	3181	3	0	0	Washington	0	0
Mitchell Power Station	3181	33	1,844,036	0	Washington	14,567,884	1,255
Montour	3149	1	5,234,055	0	Montour	41,349,035	3,561
Montour	3149	2	5,688,402	0	Montour	44,938,376	3,870
Mountain	3111	31	4,107	0	Cumberland	27,414	2
Mountain	3111	32	4,107	0	Cumberland	27,414	2
Mt. Carmel Cogeneration	10343	SG- 101	320,160	0	Northumberland	2,529,264	218
New Castle	3138	3	406,662	0	Lawrence	3,212,630	277
New Castle	3138	4	431,607	0	Lawrence	3,409,695	294
New Castle	3138	5	583,661	0	Lawrence	4,610,922	397
North East Cogeneration Plant	54571	1	19,814	0	Erie	132,258	11
North East Cogeneration Plant	54571	2	10,336	0	Erie	68,993	6
Northampton Generating Plant	50888	NGC0 1	901,669	0	Northampton	7,123,185	613
Northeastern Power Company	50039	31	346,772	0	Schuylkill	2,739,499	236
Ontelaunee Energy Center	55193	CT1	405,935	0	Berks	2,709,616	233
Ontelaunee Energy Center	55193	CT2	445,446	0	Berks	2,973,352	256
Panther Creek Energy Facility	50776	1	361,168	0	Carbon	2,853,223	246
Panther Creek Energy Facility	50776	2	361,168	0	Carbon	2,853,223	246
Piney Creek Power Plant	54144	31	297,896	0	Clarion	2,353,378	203
Portland	3113	1	863,327	0	Northampton	6,820,283	587
Portland	3113	2	1,436,497	0	Northampton	11,348,326	977
Portland	3113	5	57,401	0	Northampton	383,152	33
Richmond	3168	91	3,373	0	Philadelphia	22,515	2
Richmond	3168	92	3,625	0	Philadelphia	24,197	2
Schuylkill	3169	1	140,699	0	Philadelphia	939,166	81
Scrubgrass Generating Plant	50974	1	373,532	0	Venango	2,950,903	254
Scrubgrass Generating Plant	50974	2	378,398	0	Venango	2,989,344	257
Seward	3130	1	1,639,644	0	Indiana	12,953,185	1,116
Seward	3130	2	1,611,123	0	Indiana	12,727,869	1,096
Shawville	3131	1	781,269	0	Clearfield	6,172,025	532
Shawville	3131	2	664,559	0	Clearfield	5,250,016	452
Shawville	3131	3	1,033,673	0	Clearfield	8,166,017	703
Shawville	3131	4	1,001,653	0	Clearfield	7,913,059	682
St. Nicholas Cogeneration Project	54634	1	0	6,576,411	Schuylkill	7,934,851	683
Sunbury	3152	1A	237,304	0	Snyder	1,874,705	161
Sunbury	3152	1B	247,928	0	Snyder	1,958,628	169
Sunbury	3152	2A	251,251	0	Snyder	1,984,882	171
Sunbury	3152	2B	266,323	0	Snyder	2,103,952	181
Sunbury	3152	3	413,185	0	Snyder	3,264,163	281

Sunbury	3152	4	397,593	0	Snyder	3,140,988	271
Titus	3115	1	464,758	0	Berks	3,671,588	316
Titus	3115	2	449,768	0	Berks	3,553,167	306
Titus	3115	3	454,196	0	Berks	3,588,148	309
Tolna	3116	31	5,123	0	York	34,196	3
Tolna	3116	32	5,213	0	York	34,797	3
Trigen Energy - Schuylkill	50607	23	0	616,761	Philadelphia	744,161	64
Trigen Energy - Schuylkill	50607	24	0	488,251	Philadelphia	589,105	51
Trigen Energy - Schuylkill	50607	26	0	655,489	Philadelphia	790,888	68
Trigen Energy Corporation-Edison St	880006	1	0	3,131	Philadelphia	3,778	0
Trigen Energy Corporation-Edison St	880006	2	0	2,294	Philadelphia	2,768	0
Trigen Energy Corporation-Edison St	880006	3	0	5,386	Philadelphia	6,499	1
Trigen Energy Corporation-Edison St	880006	4	0	4,127	Philadelphia	4,979	0
WPS Westwood Generation, LLC	50611	31	261,427	0	Schuylkill	2,065,273	178
Warren	3132	5	411	0	Warren	2,743	0
Wheelabrator - Frackville	50879	GEN1	0	3,508,844	Schuylkill	4,233,640	365
Williams Generation Co (Hazleton)	10870	TURB 2	6,116	0	Luzerne	40,824	4
Williams Generation Co (Hazleton)	10870	TURB 3	6,549	0	Luzerne	43,715	4
Williams Generation Co (Hazleton)	10870	TURB 4	7,296	0	Luzerne	48,701	4
Williams Generation Co (Hazleton)	10870	TURB I N	3,077	0	Luzerne	20,539	2
Total						1,135,076,701	97,761

Table 4: Proposed Pennsylvania 2011 CAIR NOx Ozone Season Allowance Allocations

FACILITY_NAME	ORISPL_CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2005 OS Converted Heat Input MMBtu	2011 CAIR NOx Ozone Season Allowance Allocation
AES Beaver Valley LLC	10676	32	0	1,199,724	Beaver	1,447,542	121
AES Beaver Valley LLC	10676	33	0	1,075,890	Beaver	1,298,129	108
AES Beaver Valley LLC	10676	34	0	1,139,104	Beaver	1,374,401	115
AES Beaver Valley LLC	10676	35	0	590,019	Beaver	711,894	59
AES Ironwood	55337	1	223,712	0	Lebanon	1,493,278	124
AES Ironwood	55337	2	219,779	0	Lebanon	1,467,025	122
Allegheny Energy Hunlock Unit 4	56397	4	34,581	0	Luzerne	230,828	19
Allegheny Energy Unit 1 and Unit 2	55196	1	27,543	0	Allegheny	183,850	15
Allegheny Energy Unit 1 and Unit 2	55196	2	28,037	0	Allegheny	187,147	16
Allegheny Energy Unit 8 and Unit 9	55377	8	18,550	0	Fayette	123,821	10
Allegheny Energy Unit 8 and Unit 9	55377	9	18,311	0	Fayette	122,226	10
Allegheny Energy Units 3, 4 & 5	55710	3	33,841	0	Allegheny	225,889	19
Allegheny Energy Units 3, 4 & 5	55710	4	46,308	0	Allegheny	309,106	26
Armstrong Energy Ltd Part	55347	1	40,314	0	Armstrong	269,096	22
Armstrong Energy Ltd Part	55347	2	23,845	0	Armstrong	159,165	13
Armstrong Energy Ltd Part	55347	3	21,482	0	Armstrong	143,392	12
Armstrong Energy Ltd Part	55347	4	28,789	0	Armstrong	192,167	16
Armstrong Power Station	3178	1	443,655	0	Armstrong	3,504,875	292
Armstrong Power Station	3178	2	439,379	0	Armstrong	3,471,094	289
Bethlehem Power Plant	55690	1	110,310	0	Northampton	736,319	61
Bethlehem Power Plant	55690	2	107,677	0	Northampton	718,744	60
Bethlehem Power Plant	55690	3	101,444	0	Northampton	677,139	56
Bethlehem Power Plant	55690	5	86,742	0	Northampton	579,003	48
Bethlehem Power Plant	55690	6	84,843	0	Northampton	566,327	47
Bethlehem Power Plant	55690	7	80,244	0	Northampton	535,629	45
Bruce Mansfield	6094	1	2,805,817	0	Beaver	22,165,954	1,847
Bruce Mansfield	6094	2	3,020,334	0	Beaver	23,860,639	1,988
Bruce Mansfield	6094	3	3,092,076	0	Beaver	24,427,400	2,035
Brunner Island	3140	1	988,609	0	York	7,810,011	651
Brunner Island	3140	2	993,391	0	York	7,847,789	654
Brunner Island	3140	3	2,410,262	0	York	19,041,070	1,587
Brunot Island Power Station	3096	2A	2,191	0	Allegheny	14,625	1
Brunot Island Power Station	3096	2B	2,906	0	Allegheny	19,398	2
Brunot Island Power	3096	3	3,353	0	Allegheny	22,381	2

Station							
Cambria Cogen	10641	1	0	1,479,522	Cambria	1,785,136	149
Cambria Cogen	10641	2	0	1,465,989	Cambria	1,768,807	147
Chambersburg Units 12 and 13	55654	12	55,083	0	Franklin	367,679	31
Chambersburg Units 12 and 13	55654	13	55,145	0	Franklin	368,093	31
Cheswick	8226	1	1,310,781	0	Allegheny	10,355,170	863
Colver Power Project	10143	AAB01	380,147	0	Cambria	3,003,161	250
Conemaugh	3118	1	2,750,460	0	Indiana	21,728,634	1,811
Conemaugh	3118	2	2,952,424	0	Indiana	23,324,150	1,943
Cromby	3159	1	324,360	0	Chester	2,562,444	214
Cromby	3159	2	185,058	0	Chester	1,235,262	103
Croydon Generating Station	8012	11	239	0	Bucks	1,595	0
Croydon Generating Station	8012	12	3,338	0	Bucks	22,281	2
Croydon Generating Station	8012	21	2,954	0	Bucks	19,718	2
Croydon Generating Station	8012	22	5,974	0	Bucks	39,876	3
Croydon Generating Station	8012	31	4,323	0	Bucks	28,856	2
Croydon Generating Station	8012	32	726	0	Bucks	4,846	0
Croydon Generating Station	8012	41	3,728	0	Bucks	24,884	2
Croydon Generating Station	8012	42	3,996	0	Bucks	26,673	2
Ebensburg Power Company	10603	31	0	1,910,681	Cambria	2,305,356	192
Eddystone Generating Station	3161	1	764,656	0	Delaware	6,040,782	503
Eddystone Generating Station	3161	2	837,688	0	Delaware	6,617,735	551
Eddystone Generating Station	3161	3	306,552	0	Delaware	2,046,235	171
Eddystone Generating Station	3161	4	326,141	0	Delaware	2,176,991	181
Elrama	3098	1	186,273	0	Washington	1,471,557	123
Elrama	3098	2	185,890	0	Washington	1,468,531	122
Elrama	3098	3	160,240	0	Washington	1,265,896	105
Elrama	3098	4	413,826	0	Washington	3,269,225	272
Fairless Energy, LLC	55298	1A	360,169	0	Bucks	2,404,128	200
Fairless Energy, LLC	55298	1B	371,043	0	Bucks	2,476,712	206
Fairless Energy, LLC	55298	2A	329,051	0	Bucks	2,196,415	183
Fairless Energy, LLC	55298	2B	305,893	0	Bucks	2,041,836	170
Fairless Hills Generating Station	7701	PHBL R3	0	0	Bucks	0	0
Fairless Hills Generating Station	7701	PHBL R4	34,633	0	Bucks	231,175	19
Fairless Hills Generating Station	7701	PHBL R5	63,191	0	Bucks	421,800	35
Fayette Energy Facility	55516	CTG1	116,426	0	Fayette	777,144	65
Fayette Energy Facility	55516	CTG2	117,462	0	Fayette	784,059	65

FPL Energy Marcus Hook, LP	55801	1	228,261	0	Delaware	1,523,642	127
FPL Energy Marcus Hook, LP	55801	2	257,839	0	Delaware	1,721,075	143
FPL Energy Marcus Hook, LP	55801	3	246,872	0	Delaware	1,647,871	137
FPL Energy MH50	50074	1	85,107	0	Delaware	568,089	47
G F Weaton	50130	34	135,072	0	Beaver	1,067,069	89
G F Weaton	50130	35	126,058	0	Beaver	995,858	83
Gilberton Power Company	10113	31		1,452,631	Schuylkill	1,752,690	146
Gilberton Power Company	10113	32		1,417,206	Schuylkill	1,709,948	142
Grays Ferry Cogen Partnership	54785	2	217,733	0	Philadelphia	1,453,368	121
Grays Ferry Cogen Partnership	54785	25		298,905	Philadelphia	360,648	30
Handsome Lake Energy	55233	EU-1A	5,953	0	Venango	39,736	3
Handsome Lake Energy	55233	EU-1B	5,860	0	Venango	39,116	3
Handsome Lake Energy	55233	EU-2A	7,339	0	Venango	48,988	4
Handsome Lake Energy	55233	EU-2B	7,286	0	Venango	48,634	4
Handsome Lake Energy	55233	EU-3A	3,869	0	Venango	25,826	2
Handsome Lake Energy	55233	EU-3B	4,675	0	Venango	31,206	3
Handsome Lake Energy	55233	EU-4A	6,108	0	Venango	40,771	3
Handsome Lake Energy	55233	EU-4B	6,083	0	Venango	40,604	3
Handsome Lake Energy	55233	EU-5A	4,322	0	Venango	28,849	2
Handsome Lake Energy	55233	EU-5B	4,316	0	Venango	28,809	2
Hatfields Ferry Power Station	3179	1	970,357	0	Greene	7,665,820	639
Hatfields Ferry Power Station	3179	2	1,450,889	0	Greene	11,462,023	955
Hatfields Ferry Power Station	3179	3	1,376,135	0	Greene	10,871,467	906
Homer City	3122	1	2,279,229	0	Indiana	18,005,909	1,500
Homer City	3122	2	2,336,526	0	Indiana	18,458,555	1,538
Homer City	3122	3	1,843,551	0	Indiana	14,564,053	1,214
Hunlock Power Station	3176	6	108,314	0	Luzerne	855,681	71
Hunterstown Combined Cycle	55976	CT101	134,962	0	Adams	900,871	75
Hunterstown Combined Cycle	55976	CT201	104,462	0	Adams	697,284	58
Hunterstown Combined Cycle	55976	CT301	138,781	0	Adams	926,363	77
Keystone	3136	1	3,073,601	0	Armstrong	24,281,448	2,023
Keystone	3136	2	2,933,857	0	Armstrong	23,177,470	1,931
Liberty Electric Power Plant	55231	1	26,023	0	Delaware	173,704	14
Liberty Electric Power Plant	55231	2	27,224	0	Delaware	181,720	15
Lower Mount Bethel Energy	55667	CT01	297,532	0	Northampton	1,986,026	165
Lower Mount Bethel Energy	55667	CT02	332,565	0	Northampton	2,219,871	185
Martins Creek	3148	1	233,811	0	Northampton	1,847,107	154
Martins Creek	3148	2	125,347	0	Northampton	990,241	83
Martins Creek	3148	3	755,828	0	Northampton	5,045,152	420

Martins Creek	3148	4	544,792	0	Northampton	3,636,487	303
Martins Creek	3148	AUX4 B		0	Northampton	0	0
Mitchell Power Station	3181	1	1,060	0	Washington	7,076	1
Mitchell Power Station	3181	2	1,635	0	Washington	10,914	1
Mitchell Power Station	3181	3		0	Washington	0	0
Mitchell Power Station	3181	33	720,551	0	Washington	5,692,353	474
Montour	3149	1	2,397,830	0	Montour	18,942,857	1,578
Montour	3149	2	2,347,440	0	Montour	18,544,776	1,545
Mountain	3111	31	2,882	0	Cumberland	19,237	2
Mountain	3111	32	2,731	0	Cumberland	18,229	2
Mt. Carmel Cogeneration	10343	SG- 101	136,738	0	Northumberland	1,080,230	90
New Castle	3138	3	180,063	0	Lawrence	1,422,498	119
New Castle	3138	4	185,035	0	Lawrence	1,461,777	122
New Castle	3138	5	247,294	0	Lawrence	1,953,623	163
North East Cogeneration Plant	54571	1	16,530	0	Erie	110,338	9
North East Cogeneration Plant	54571	2	6,972	0	Erie	46,538	4
Northampton Generating Plant	50888	NGC0 1	401,539	0	Northampton	3,172,158	264
Northeastern Power Company	50039	31	118,251	0	Schuylkill	934,183	78
Ontelaunee Energy Center	55193	CT1	328,938	0	Berks	2,195,661	183
Ontelaunee Energy Center	55193	CT2	349,114	0	Berks	2,330,336	194
Panther Creek Energy Facility	50776	1	136,536	0	Carbon	1,078,635	90
Panther Creek Energy Facility	50776	2	138,880	0	Carbon	1,097,152	91
Piney Creek Power Plant	54144	31	122,929	0	Clarion	971,139	81
Portland	3113	1	408,521	0	Northampton	3,227,316	269
Portland	3113	2	645,764	0	Northampton	5,101,536	425
Portland	3113	5	26,638	0	Northampton	177,809	15
Richmond	3168	91	3,373	0	Philadelphia	22,515	2
Richmond	3168	92	3,625	0	Philadelphia	24,197	2
Schuylkill	3169	1	83,280	0	Philadelphia	555,894	46
Scrubgrass Generating Plant	50974	1	171,857	0	Venango	1,357,670	113
Scrubgrass Generating Plant	50974	2	176,298	0	Venango	1,392,754	116
Seward	3130	1	901,571	0	Indiana	7,122,412	593
Seward	3130	2	797,486	0	Indiana	6,300,142	525
Shawville	3131	1	321,277	0	Clearfield	2,538,088	211
Shawville	3131	2	209,720	0	Clearfield	1,656,788	138
Shawville	3131	3	437,178	0	Clearfield	3,453,706	288
Shawville	3131	4	423,151	0	Clearfield	3,342,893	279
St. Nicholas Cogeneration Project	54634	1	0	3,051,060	Schuylkill	3,681,295	307
Sunbury	3152	1A	100,336	183,742	Snyder	792,654	66
Sunbury	3152	1B	83,406	0	Snyder	658,908	55
Sunbury	3152	2A	92,603	196,900	Snyder	731,565	61
Sunbury	3152	2B	104,297	0	Snyder	823,945	69

Sunbury	3152	3	167,671	0	Snyder	1,324,601	110
Sunbury	3152	4	191,921	0	Snyder	1,516,176	126
Titus	3115	1	199,431	0	Berks	1,575,505	131
Titus	3115	2	183,157	0	Berks	1,446,940	121
Titus	3115	3	199,902	0	Berks	1,579,226	132
Tolna	3116	31	5,123	0	York	34,196	3
Tolna	3116	32	5,213	0	York	34,797	3
Trigen Energy - Schuylkill	50607	23	0	169,181	Philadelphia	204,127	17
Trigen Energy - Schuylkill	50607	24	0	2,848	Philadelphia	3,436	0
Trigen Energy - Schuylkill	50607	26	0	0	Philadelphia	0	0
Trigen Energy Corporation-Edison St	880006	1	0	1,203	Philadelphia	1,451	0
Trigen Energy Corporation-Edison St	880006	2	0	307	Philadelphia	370	0
Trigen Energy Corporation-Edison St	880006	3	0	2,681	Philadelphia	3,235	0
Trigen Energy Corporation-Edison St	880006	4	0	2,399	Philadelphia	2,895	0
WPS Westwood Generation, LLC	50611	31	102,804	0	Schuylkill	812,152	68
Warren	3132	5		0	Warren	0	0
Wheelabrator - Frackville	50879	GEN1	0	1,458,612	Schuylkill	1,759,907	147
Williams Generation Co (Hazleton)	10870	TURB 2	5,987	0	Luzerne	39,963	3
Williams Generation Co (Hazleton)	10870	TURB 3	6,263	0	Luzerne	41,806	3
Williams Generation Co (Hazleton)	10870	TURB 4	7,046	0	Luzerne	47,032	4
Williams Generation Co (Hazleton)	10870	TURB N	3,077	0	Luzerne	20,539	2
Totals						506,220,391	42,171

Table 5: Proposed Pennsylvania 2012 Annual CAIR NOx Allowance Allocations

FACILITY_NAME	ORISPL_CODE	UNIT ID	GLOAD (Megawatt Hours)	SLOAD (Thousand Lbs. of Steam)	COUNTY	2006 Converted Heat Input MMBtu	2012 CAIR NOx Allowance Allocation
AES Beaver Valley LLC	10676	32	0	2,840,756	Beaver	3,427,550	296
AES Beaver Valley LLC	10676	33	0	3,051,835	Beaver	3,682,230	318
AES Beaver Valley LLC	10676	34	0	2,801,885	Beaver	3,380,649	292
AES Beaver Valley LLC	10676	35	0	1,469,717	Beaver	1,773,305	153
AES Ironwood	55337	1	488,847	0	Lebanon	3,263,054	282
AES Ironwood	55337	2	444,645	0	Lebanon	2,968,005	257
Allegheny Energy Hunlock Unit 4	56397	4	22,177	0	Luzerne	148,031	13
Allegheny Energy Unit 1 and Unit 2	55196	1	23,626	0	Allegheny	157,704	14
Allegheny Energy Unit 1 and Unit 2	55196	2	23,165	0	Allegheny	154,626	13
Allegheny Energy Unit 8 and Unit 9	55377	8	16,590	0	Fayette	110,738	10
Allegheny Energy Unit 8 and Unit 9	55377	9	16,525	0	Fayette	110,304	10
Allegheny Energy Units 3, 4 & 5	55710	3	64,459	0	Allegheny	430,264	37
Allegheny Energy Units 3, 4 & 5	55710	4	71,295	0	Allegheny	475,894	41
Armstrong Energy Ltd Part	55347	1	15,978	0	Armstrong	106,653	9
Armstrong Energy Ltd Part	55347	2	19,199	0	Armstrong	128,153	11
Armstrong Energy Ltd Part	55347	3	20,394	0	Armstrong	136,130	12
Armstrong Energy Ltd Part	55347	4	7,237	0	Armstrong	48,307	4
Armstrong Power Station	3178	1	947,578	0	Armstrong	7,485,866	647
Armstrong Power Station	3178	2	1,005,265	0	Armstrong	7,941,594	686
Bethlehem Power Plant	55690	1	116,198	0	Northampton	775,622	67
Bethlehem Power Plant	55690	2	114,721	0	Northampton	765,763	66
Bethlehem Power Plant	55690	3	109,814	0	Northampton	733,008	63
Bethlehem Power Plant	55690	5	126,402	0	Northampton	843,733	73
Bethlehem Power Plant	55690	6	126,303	0	Northampton	843,073	73
Bethlehem Power Plant	55690	7	119,611	0	Northampton	798,403	69
Bruce Mansfield	6094	1	7,426,706	0	Beaver	58,670,977	5,071
Bruce Mansfield	6094	2	5,539,700	0	Beaver	43,763,630	3,783
Bruce Mansfield	6094	3	7,288,493	0	Beaver	57,579,095	4,977
Brunner Island	3140	1	2,332,333	0	York	18,425,431	1,593
Brunner Island	3140	2	2,910,813	0	York	22,995,423	1,988
Brunner Island	3140	3	4,391,756	0	York	34,694,872	2,999
Brunot Island Power Station	3096	2A	3,189	0	Allegheny	21,287	2
Brunot Island Power Station	3096	2B	3,290	0	Allegheny	21,961	2
Brunot Island Power Station	3096	3	2,873	0	Allegheny	19,177	2

Cambria Cogen	10641	1	0	3,519,874	Cambria	4,246,948	367
Cambria Cogen	10641	2	0	3,435,930	Cambria	4,145,664	358
Chambersburg Units 12 and 13	55654	12	57,712	0	Franklin	385,228	33
Chambersburg Units 12 and 13	55654	13	56,317	0	Franklin	375,916	32
Cheswick	8226	1	2,965,783	0	Allegheny	23,429,686	2,025
Colver Power Project	10143	AAB0 1	852,301	0	Cambria	6,733,178	582
Conemaugh	3118	1	7,703,744	0	Indiana	60,859,578	5,260
Conemaugh	3118	2	7,452,360	0	Indiana	58,873,644	5,089
Cromby	3159	1	742,546	0	Chester	5,866,113	507
Cromby	3159	2	74,778	0	Chester	499,143	43
Croydon Generating Station	8012	11	191	0	Bucks	1,273	0
Croydon Generating Station	8012	12	2,656	0	Bucks	17,731	2
Croydon Generating Station	8012	21	74	0	Bucks	492	0
Croydon Generating Station	8012	22	2,528	0	Bucks	16,874	1
Croydon Generating Station	8012	31	2,355	0	Bucks	15,720	1
Croydon Generating Station	8012	32	1,528	0	Bucks	10,202	1
Croydon Generating Station	8012	41	2,698	0	Bucks	18,011	2
Croydon Generating Station	8012	42	2,099	0	Bucks	14,014	1
Ebensburg Power Company	10603	31	0	4,895,604	Cambria	5,906,852	511
Eddystone Generating Station	3161	1	1,551,562	0	Delaware	12,257,340	1,059
Eddystone Generating Station	3161	2	1,712,142	0	Delaware	13,525,922	1,169
Eddystone Generating Station	3161	3	81,778	0	Delaware	545,868	47
Eddystone Generating Station	3161	4	73,228	0	Delaware	488,797	42
Elrama	3098	1	448,926	0	Washington	3,546,515	307
Elrama	3098	2	441,594	0	Washington	3,488,593	302
Elrama	3098	3	460,867	0	Washington	3,640,849	315
Elrama	3098	4	1,047,681	0	Washington	8,276,680	715
FPL Energy MH50	50074	1	89,714	0	Delaware	598,841	52
FPL Energy Marcus Hook, LP	55801	1	499,381	0	Delaware	3,333,368	288
FPL Energy Marcus Hook, LP	55801	2	505,013	0	Delaware	3,370,962	291
FPL Energy Marcus Hook, LP	55801	3	501,430	0	Delaware	3,347,045	289
Fairless Energy, LLC	55298	1A	651,694	0	Bucks	4,350,057	376
Fairless Energy, LLC	55298	1B	661,937	0	Bucks	4,418,429	382
Fairless Energy, LLC	55298	2A	746,088	0	Bucks	4,980,137	430
Fairless Energy, LLC	55298	2B	705,575	0	Bucks	4,709,713	407
Fairless Hills Generating Station	7701	PHBL R3	0	0	Bucks	0	0

Fairless Hills Generating Station	7701	PHBL R4	43,718	0	Bucks	291,818	25
Fairless Hills Generating Station	7701	PHBL R5	183,661	0	Bucks	1,225,937	106
Fayette Energy Facility	55516	CTG1	164,217	0	Fayette	1,096,148	95
Fayette Energy Facility	55516	CTG2	161,230	0	Fayette	1,076,210	93
G F Weaton	50130	34	296,957	0	Beaver	2,345,960	203
G F Weaton	50130	35	307,843	0	Beaver	2,431,960	210
Gilberton Power Company	10113	31	0	3,372,391	Schuylkill	4,069,001	352
Gilberton Power Company	10113	32	0	3,335,265	Schuylkill	4,024,206	348
Grays Ferry Cogen Partnership	54785	2	125,763	0	Philadelphia	839,468	73
Grays Ferry Cogen Partnership	54785	25	0	2,804,497	Philadelphia	3,383,801	292
Handsome Lake Energy	55233	EU-1A	10,110	0	Venango	67,484	6
Handsome Lake Energy	55233	EU-1B	9,804	0	Venango	65,442	6
Handsome Lake Energy	55233	EU-2A	9,185	0	Venango	61,310	5
Handsome Lake Energy	55233	EU-2B	9,231	0	Venango	61,617	5
Handsome Lake Energy	55233	EU-3A	9,807	0	Venango	65,462	6
Handsome Lake Energy	55233	EU-3B	10,032	0	Venango	66,964	6
Handsome Lake Energy	55233	EU-4A	9,142	0	Venango	61,023	5
Handsome Lake Energy	55233	EU-4B	9,183	0	Venango	61,297	5
Handsome Lake Energy	55233	EU-5A	8,699	0	Venango	58,066	5
Handsome Lake Energy	55233	EU-5B	8,657	0	Venango	57,785	5
Hatfields Ferry Power Station	3179	1	4,090,208	0	Greene	32,312,643	2,793
Hatfields Ferry Power Station	3179	2	3,260,637	0	Greene	25,759,032	2,226
Hatfields Ferry Power Station	3179	3	2,442,649	0	Greene	19,296,927	1,668
Homer City	3122	1	4,753,575	0	Indiana	37,553,243	3,246
Homer City	3122	2	4,452,800	0	Indiana	35,177,120	3,041
Homer City	3122	3	3,882,966	0	Indiana	30,675,431	2,651
Hunlock Power Station	3176	6	264,492	0	Luzerne	2,089,487	181
Hunterstown Combined Cycle	55976	CT101	187,367	0	Adams	1,250,675	108
Hunterstown Combined Cycle	55976	CT201	126,337	0	Adams	843,299	73
Hunterstown Combined Cycle	55976	CT301	184,646	0	Adams	1,232,512	107
Keystone	3136	1	6,204,925	0	Armstrong	49,018,908	4,237
Keystone	3136	2	7,265,385	0	Armstrong	57,396,542	4,961
Liberty Electric Power Plant	55231	1	320,547	0	Delaware	2,139,651	185
Liberty Electric Power Plant	55231	2	335,099	0	Delaware	2,236,786	193
Lower Mount Bethel Energy	55667	CT01	484,829	0	Northampton	3,236,234	280
Lower Mount Bethel Energy	55667	CT02	490,749	0	Northampton	3,275,750	283
Martins Creek	3148	1	685,016	0	Northampton	5,411,626	468
Martins Creek	3148	2	475,037	0	Northampton	3,752,792	324
Martins Creek	3148	3	272,019	0	Northampton	1,815,727	157
Martins Creek	3148	4	148,022	0	Northampton	988,047	85

Martins Creek	3148	AUX4 B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	3,261	0	Washington	21,767	2
Mitchell Power Station	3181	2	1,023	0	Washington	6,829	1
Mitchell Power Station	3181	3	4,296	0	Washington	28,676	2
Mitchell Power Station	3181	33	1,768,469	0	Washington	13,970,905	1,208
Montour	3149	1	5,603,506	0	Montour	44,267,697	3,826
Montour	3149	2	5,849,762	0	Montour	46,213,120	3,994
Mountain	3111	31	7,595	0	Cumberland	50,697	4
Mountain	3111	32	3,396	0	Cumberland	22,668	2
Mt. Carmel Cogeneration	10343	SG- 101	294,776	0	Northumberland	2,328,730	201
New Castle	3138	3	332,018	0	Lawrence	2,622,942	227
New Castle	3138	4	367,752	0	Lawrence	2,905,241	251
New Castle	3138	5	519,691	0	Lawrence	4,105,559	355
North East Cogeneration Plant	54571	1	15,040	0	Erie	100,392	9
North East Cogeneration Plant	54571	2	13,597	0	Erie	90,760	8
Northampton Generating Plant	50888	NGC0 1	1,005,963	0	Northampton	7,947,108	687
Northeastern Power Company	50039	31	487,197	0	Schuylkill	3,848,856	333
Ontelaunee Energy Center	55193	CT1	690,068	0	Berks	4,606,204	398
Ontelaunee Energy Center	55193	CT2	705,854	0	Berks	4,711,575	407
Panther Creek Energy Facility	50776	1	397,677	0	Carbon	3,141,652	272
Panther Creek Energy Facility	50776	2	383,317	0	Carbon	3,028,201	262
Piney Creek Power Plant	54144	31	306,172	0	Clarion	2,418,759	209
Portland	3113	1	950,858	0	Northampton	7,511,778	649
Portland	3113	2	1,342,128	0	Northampton	10,602,811	916
Portland	3113	5	7,693	0	Northampton	51,351	4
Richmond	3168	91	3,183	0	Philadelphia	21,247	2
Richmond	3168	92	4,969	0	Philadelphia	33,168	3
Schuylkill	3169	1	30,520	0	Philadelphia	203,721	18
Scrubgrass Generating Plant	50974	1	408,225	0	Venango	3,224,978	279
Scrubgrass Generating Plant	50974	2	400,437	0	Venango	3,163,452	273
Seward	3130	1	1,846,024	0	Indiana	14,583,593	1,261
Seward	3130	2	1,887,210	0	Indiana	14,908,962	1,289
Shawville	3131	1	719,232	0	Clearfield	5,681,933	491
Shawville	3131	2	804,439	0	Clearfield	6,355,068	549
Shawville	3131	3	1,110,791	0	Clearfield	8,775,249	758
Shawville	3131	4	1,135,751	0	Clearfield	8,972,433	776
St. Nicholas Cogeneration Project	54634	1	0	7,082,554	Schuylkill	8,545,544	739
Sunbury	3152	1A	218,809	0	Snyder	1,728,593	149
Sunbury	3152	1B	214,275	0	Snyder	1,692,772	146
Sunbury	3152	2A	199,238	0	Snyder	1,573,978	136
Sunbury	3152	2B	227,164	0	Snyder	1,794,597	155
Sunbury	3152	3	420,936	0	Snyder	3,325,395	287

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Sunbury	3152	4	462,277	0	Snyder	3,651,991	316
Titus	3115	1	436,785	0	Berks	3,450,602	298
Titus	3115	2	375,399	0	Berks	2,965,652	256
Titus	3115	3	447,452	0	Berks	3,534,871	306
Tolna	3116	31	1,799	0	York	12,008	1
Tolna	3116	32	1,313	0	York	8,764	1
Trigen Energy - Schuylkill	50607	23	0	450,996	Philadelphia	544,155	47
Trigen Energy - Schuylkill	50607	24	0	573,163	Philadelphia	691,557	60
Trigen Energy - Schuylkill	50607	26	0	531,983	Philadelphia	641,871	55
Trigen Energy Corporation-Edison St	880006	1	0	1,362	Philadelphia	1,643	0
Trigen Energy Corporation-Edison St	880006	2	0	1,977	Philadelphia	2,385	0
Trigen Energy Corporation-Edison St	880006	3	0	1,754	Philadelphia	2,116	0
Trigen Energy Corporation-Edison St	880006	4	0	2,002	Philadelphia	2,416	0
WPS Westwood Generation, LLC	50611	31	237,041	0	Schuylkill	1,872,624	162
Warren	3132	5	0	0	Warren	0	0
Wheelabrator - Frackville	50879	GEN1	0	3,390,244	Schuylkill	4,090,541	354
Williams Generation Co (Hazleton)	10870	TURB 2	6,088	0	Luzerne	40,637	4
Williams Generation Co (Hazleton)	10870	TURB 3	6,325	0	Luzerne	42,219	4
Williams Generation Co (Hazleton)	10870	TURB 4	7,046	0	Luzerne	47,032	4
Williams Generation Co (Hazleton)	10870	TURB I N	4,531	0	Luzerne	30,244	3
Bear Creek Windfarm & Locust Ridge Windfarm		RE	51,855	0		176,981	15
Total						1,131,048,559	97,761

Table 6: Proposed Pennsylvania 2012 CAIR NOx Ozone Season Allowance Allocations

<i>FACILITY_NAME</i>	<i>ORISPL_CODE</i>	<i>UNIT ID</i>	<i>GLOAD (Megawatt Hours)</i>	<i>SLOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input MMBtu</i>	<i>2012 CAIR NOx Ozone Season Allowance Allocation</i>
AES Beaver Valley LLC	10676	32	0	1,077,359	Beaver	1,299,901	110
AES Beaver Valley LLC	10676	33	0	1,133,956	Beaver	1,368,189	116
AES Beaver Valley LLC	10676	34	0	1,160,243	Beaver	1,399,905	118
AES Beaver Valley LLC	10676	35	0	627,296	Beaver	756,872	64
AES Ironwood	55337	1	423,593	0	Lebanon	2,827,483	239
AES Ironwood	55337	2	350,078	0	Lebanon	2,336,771	197
Allegheny Energy Hunlock Unit 4	56397	4	8,023	0	Luzerne	53,554	5
Allegheny Energy Unit 1 and Unit 2	55196	1	11,184	0	Allegheny	74,653	6
Allegheny Energy Unit 1 and Unit 2	55196	2	10,672	0	Allegheny	71,236	6
Allegheny Energy Unit 8 and Unit 9	55377	8	8,407	0	Fayette	56,117	5
Allegheny Energy Unit 8 and Unit 9	55377	9	8,755	0	Fayette	58,440	5
Allegheny Energy Units 3, 4 & 5	55710	3	46,747	0	Allegheny	312,036	26
Allegheny Energy Units 3, 4 & 5	55710	4	53,650	0	Allegheny	358,114	30
Armstrong Energy Ltd Part	55347	1	15,595	0	Armstrong	104,097	9
Armstrong Energy Ltd Part	55347	2	11,842	0	Armstrong	79,045	7
Armstrong Energy Ltd Part	55347	3	14,937	0	Armstrong	99,704	8
Armstrong Energy Ltd Part	55347	4	5,268	0	Armstrong	35,164	3
Armstrong Power Station	3178	1	390,639	0	Armstrong	3,086,048	261
Armstrong Power Station	3178	2	448,072	0	Armstrong	3,539,769	299
Bethlehem Power Plant	55690	1	91,232	0	Northampton	608,974	51
Bethlehem Power Plant	55690	2	89,696	0	Northampton	598,721	51
Bethlehem Power Plant	55690	3	87,195	0	Northampton	582,027	49
Bethlehem Power Plant	55690	5	88,120	0	Northampton	588,201	50
Bethlehem Power Plant	55690	6	87,222	0	Northampton	582,207	49
Bethlehem Power Plant	55690	7	83,524	0	Northampton	557,523	47
Bruce Mansfield	6094	1	3,201,702	0	Beaver	25,293,446	2,135
Bruce Mansfield	6094	2	2,242,058	0	Beaver	17,712,258	1,495
Bruce Mansfield	6094	3	3,077,340	0	Beaver	24,310,986	2,052
Brunner Island	3140	1	979,056	0	York	7,734,542	653
Brunner Island	3140	2	1,159,711	0	York	9,161,717	773
Brunner Island	3140	3	1,890,020	0	York	14,931,158	1,261
Brunot Island Power Station	3096	2A	3,189	0	Allegheny	21,287	2
Brunot Island Power Station	3096	2B	3,290	0	Allegheny	21,961	2
Brunot Island Power	3096	3	2,748	0	Allegheny	18,343	2

Station							
Cambria Cogen	10641	1	0	1,454,465	Cambria	1,754,903	148
Cambria Cogen	10641	2	0	1,421,720	Cambria	1,715,394	145
Chambersburg Units 12 and 13	55654	12	34,740	0	Franklin	231,890	20
Chambersburg Units 12 and 13	55654	13	33,435	0	Franklin	223,179	19
Cheswick	8226	1	999,349	0	Allegheny	7,894,857	667
Colver Power Project	10143	AAB0 1	402,360	0	Cambria	3,178,644	268
Conemaugh	3118	1	3,251,182	0	Indiana	25,684,338	2,168
Conemaugh	3118	2	3,126,880	0	Indiana	24,702,352	2,085
Cromby	3159	1	341,947	0	Chester	2,701,381	228
Cromby	3159	2	45,274	0	Chester	302,204	26
Croydon Generating Station	8012	11	150	0	Bucks	1,001	0
Croydon Generating Station	8012	12	2,089	0	Bucks	13,944	1
Croydon Generating Station	8012	21	58	0	Bucks	387	0
Croydon Generating Station	8012	22	1,988	0	Bucks	13,270	1
Croydon Generating Station	8012	31	1,852	0	Bucks	12,362	1
Croydon Generating Station	8012	32	1,202	0	Bucks	8,023	1
Croydon Generating Station	8012	41	2,122	0	Bucks	14,164	1
Croydon Generating Station	8012	42	1,651	0	Bucks	11,020	1
Ebensburg Power Company	10603	31	0	2,091,899	Cambria	2,524,007	213
Eddystone Generating Station	3161	1	669,697	0	Delaware	5,290,606	447
Eddystone Generating Station	3161	2	700,248	0	Delaware	5,531,959	467
Eddystone Generating Station	3161	3	68,714	0	Delaware	458,666	39
Eddystone Generating Station	3161	4	73,184	0	Delaware	488,503	41
Elrama	3098	1	155,121	0	Washington	1,225,456	103
Elrama	3098	2	190,259	0	Washington	1,503,046	127
Elrama	3098	3	181,166	0	Washington	1,431,211	121
Elrama	3098	4	440,283	0	Washington	3,478,236	294
Fairless Energy, LLC	55298	1A	348,169	0	Bucks	2,324,028	196
Fairless Energy, LLC	55298	1B	356,686	0	Bucks	2,380,879	201
Fairless Energy, LLC	55298	2A	414,522	0	Bucks	2,766,934	234
Fairless Energy, LLC	55298	2B	386,500	0	Bucks	2,579,888	218
Fairless Hills Generating Station	7701	PHBL R3	0	0	Bucks	0	0
Fairless Hills Generating Station	7701	PHBL R4	11,659	0	Bucks	77,824	7
Fairless Hills Generating Station	7701	PHBL R5	81,124	0	Bucks	541,503	46
Fayette Energy Facility	55516	CTG1	100,150	0	Fayette	668,501	56
Fayette Energy Facility	55516	CTG2	101,726	0	Fayette	679,021	57

FPL Energy Marcus Hook, LP	55801	1	286,245	0	Delaware	1,910,685	161
FPL Energy Marcus Hook, LP	55801	2	287,263	0	Delaware	1,917,481	162
FPL Energy Marcus Hook, LP	55801	3	287,307	0	Delaware	1,917,774	162
FPL Energy MH50	50074	1	89,714	0	Delaware	598,841	51
G F Weaton	50130	34	326,526	0	Beaver	1,092,728	92
G F Weaton	50130	35	317,543	0	Beaver	958,823	81
Gilberton Power Company	10113	31	0	1,447,700	Schuylkill	1,746,741	147
Gilberton Power Company	10113	32	0	1,424,491	Schuylkill	1,718,737	145
Grays Ferry Cogen Partnership	54785	2	58,774	0	Philadelphia	392,316	33
Grays Ferry Cogen Partnership	54785	25	0	768,594	Philadelphia	927,357	78
Handsome Lake Energy	55233	EU-1A	8,473	0	Venango	56,557	5
Handsome Lake Energy	55233	EU-1B	8,223	0	Venango	54,889	5
Handsome Lake Energy	55233	EU-2A	8,075	0	Venango	53,901	5
Handsome Lake Energy	55233	EU-2B	8,099	0	Venango	54,061	5
Handsome Lake Energy	55233	EU-3A	8,540	0	Venango	57,005	5
Handsome Lake Energy	55233	EU-3B	8,566	0	Venango	57,178	5
Handsome Lake Energy	55233	EU-4A	7,810	0	Venango	52,132	4
Handsome Lake Energy	55233	EU-4B	7,832	0	Venango	52,279	4
Handsome Lake Energy	55233	EU-5A	7,501	0	Venango	50,069	4
Handsome Lake Energy	55233	EU-5B	7,468	0	Venango	58,997	5
Hatfields Ferry Power Station	3179	1	1,657,883	0	Greene	13,097,276	1,106
Hatfields Ferry Power Station	3179	2	1,387,325	0	Greene	10,959,868	925
Hatfields Ferry Power Station	3179	3	1,060,150	0	Greene	8,375,185	707
Homer City	3122	1	2,218,858	0	Indiana	17,528,978	1,480
Homer City	3122	2	1,888,732	0	Indiana	14,920,983	1,260
Homer City	3122	3	2,127,191	0	Indiana	16,804,809	1,419
Hunlock Power Station	3176	6	113,369	0	Luzerne	895,615	76
Hunterstown Combined Cycle	55976	CT101	166,275	0	Adams	1,109,886	94
Hunterstown Combined Cycle	55976	CT201	123,725	0	Adams	825,864	70
Hunterstown Combined Cycle	55976	CT301	162,480	0	Adams	1,084,554	92
Keystone	3136	1	3,087,430	0	Armstrong	24,390,697	2,059
Keystone	3136	2	3,154,669	0	Armstrong	24,921,885	2,104
Liberty Electric Power Plant	55231	1	228,942	0	Delaware	1,528,188	129
Liberty Electric Power Plant	55231	2	237,147	0	Delaware	1,582,956	134
Lower Mount Bethel Energy	55667	CT01	384,106	0	Northampton	2,563,908	216
Lower Mount Bethel Energy	55667	CT02	384,139	0	Northampton	2,564,128	216
Martins Creek	3148	1	263,536	0	Northampton	2,081,934	176
Martins Creek	3148	2	194,674	0	Northampton	1,537,925	130
Martins Creek	3148	3	267,392	0	Northampton	1,784,842	151

Martins Creek	3148	4	122,595	0	Northampton	818,322	69
Martins Creek	3148	AUX4 B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	2,549	0	Washington	17,015	1
Mitchell Power Station	3181	2	0	0	Washington	0	0
Mitchell Power Station	3181	3	3,211	0	Washington	21,433	2
Mitchell Power Station	3181	33	721,262	0	Washington	5,697,970	481
Montour	3149	1	2,393,420	0	Montour	18,908,018	1,596
Montour	3149	2	2,429,026	0	Montour	19,189,305	1,620
Mountain	3111	31	5,444	0	Cumberland	36,339	3
Mountain	3111	32	3,396	0	Cumberland	22,668	2
Mt. Carmel Cogeneration	10343	SG- 101	139,020	0	Northumberland	1,098,258	93
New Castle	3138	3	111,338	0	Lawrence	879,570	74
New Castle	3138	4	145,812	0	Lawrence	1,151,915	97
New Castle	3138	5	217,181	0	Lawrence	1,715,730	145
North East Cogeneration Plant	54571	1	13,120	0	Erie	87,576	7
North East Cogeneration Plant	54571	2	11,187	0	Erie	74,673	6
Northampton Generating Plant	50888	NGC0 1	422,396	0	Northampton	3,336,928	282
Northeastern Power Company	50039	31	212,068	0	Schuylkill	1,675,337	141
Ontelaunee Energy Center	55193	CT1	438,571	0	Berks	2,927,461	247
Ontelaunee Energy Center	55193	CT2	455,550	0	Berks	3,040,796	257
Panther Creek Energy Facility	50776	1	144,283	0	Carbon	1,139,834	96
Panther Creek Energy Facility	50776	2	148,793	0	Carbon	1,175,467	99
Piney Creek Power Plant	54144	31	124,304	0	Clarion	982,002	83
Portland	3113	1	393,001	0	Northampton	3,104,708	262
Portland	3113	2	504,934	0	Northampton	3,988,979	337
Portland	3113	5	6,751	0	Northampton	45,063	4
Richmond	3168	91	3,183	0	Philadelphia	21,247	2
Richmond	3168	92	3,984	0	Philadelphia	26,593	2
Schuylkill	3169	1	27,626	0	Philadelphia	184,404	16
Scrubgrass Generating Plant	50974	1	168,659	0	Venango	1,332,406	112
Scrubgrass Generating Plant	50974	2	162,287	0	Venango	1,282,067	108
Seward	3130	1	683,534	0	Indiana	5,399,917	456
Seward	3130	2	682,072	0	Indiana	5,388,369	455
Shawville	3131	1	311,959	0	Clearfield	2,464,476	208
Shawville	3131	2	323,601	0	Clearfield	2,556,448	216
Shawville	3131	3	449,984	0	Clearfield	3,554,874	300
Shawville	3131	4	489,726	0	Clearfield	3,868,835	327
St. Nicholas Cogeneration Project	54634	1	0	2,872,507	Schuylkill	3,465,859	293
Sunbury	3152	1A	82,458	0	Snyder	651,421	55
Sunbury	3152	1B	93,948	0	Snyder	742,186	63
Sunbury	3152	2A	65,381	0	Snyder	516,508	44
Sunbury	3152	2B	129,845	0	Snyder	1,025,778	87

Sunbury	3152	3	182,717	0	Snyder	1,443,464	122
Sunbury	3152	4	211,736	0	Snyder	1,672,714	141
Titus	3115	1	187,374	0	Berks	1,480,255	125
Titus	3115	2	169,039	0	Berks	1,335,408	113
Titus	3115	3	194,251	0	Berks	1,534,583	130
Tolna	3116	31	1,608	0	York	10,733	1
Tolna	3116	32	1,313	0	York	8,764	1
Trigen Energy - Schuylkill	50607	23	0	151,001	Philadelphia	182,192	15
Trigen Energy - Schuylkill	50607	24	0	233,837	Philadelphia	282,139	24
Trigen Energy - Schuylkill	50607	26	0	80,754	Philadelphia	97,435	8
Trigen Energy Corporation-Edison St	880006	1	0	253	Philadelphia	305	0
Trigen Energy Corporation-Edison St	880006	2	0	581	Philadelphia	701	0
Trigen Energy Corporation-Edison St	880006	3	0	535	Philadelphia	646	0
Trigen Energy Corporation-Edison St	880006	4	0	218	Philadelphia	263	0
WPS Westwood Generation, LLC	50611	31	92,022	0	Schuylkill	726,974	61
Warren	3132	5	0	0	Warren	0	0
Wheelabrator - Frackville	50879	GEN1	0	1,324,621	Schuylkill	1,598,238	135
Williams Generation Co (Hazleton)	10870	TURB 2	4,829	0	Luzerne	32,234	3
Williams Generation Co (Hazleton)	10870	TURB 3	4,822	0	Luzerne	32,187	3
Williams Generation Co (Hazleton)	10870	TURB 4	5,887	0	Luzerne	39,296	3
Williams Generation Co (Hazleton)	10870	TURB I N	3,815	0	Luzerne	25,465	2
Bear Creek	9999000 08831	RE	14,569	0		49,724	4
Totals						499,512,532	42,171

Table 7: Proposed Pennsylvania 2013 Annual CAIR NOx Allowance Allocations

<i>FACILITY_NAME</i>	<i>ORISPL CODE</i>	<i>UNIT ID</i>	<i>GLOAD (Megawatt Hours)</i>	<i>SLOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007Converted Heat Input MMBtu</i>	<i>2013 CAIR NOx Allowance Allocation</i>
AES Beaver Valley LLC	10676	32	0	3,039,526	Beaver	3,667,378	306
AES Beaver Valley LLC	10676	33	0	2,846,987	Beaver	3,435,068	287
AES Beaver Valley LLC	10676	34	0	2,844,663	Beaver	3,432,264	287
AES Beaver Valley LLC	10676	35	0	1,500,570	Beaver	1,810,531	151
AES Ironwood	55337	1	786,084	0	Lebanon	5,247,111	438
AES Ironwood	55337	2	766,758	0	Lebanon	5,118,110	427
Allegheny Energy Hunlock Unit 4	56397	4	38,052	0	Luzerne	253,997	21
Allegheny Energy Unit 1 and Unit 2	55196	1	43,914	0	Allegheny	293,126	24
Allegheny Energy Unit 1 and Unit 2	55196	2	39,424	0	Allegheny	263,155	22
Allegheny Energy Unit 8 and Unit 9	55377	8	9,982	0	Fayette	66,630	6
Allegheny Energy Unit 8 and Unit 9	55377	9	35,034	0	Fayette	233,852	20
Allegheny Energy Units 3, 4 & 5	55710	3	194,133	0	Allegheny	1,295,838	108
Allegheny Energy Units 3, 4 & 5	55710	4	216,707	0	Allegheny	1,446,519	121
Armstrong Energy Ltd Part	55347	1	10,411	0	Armstrong	69,493	6
Armstrong Energy Ltd Part	55347	2	23,863	0	Armstrong	159,286	13
Armstrong Energy Ltd Part	55347	3	24,653	0	Armstrong	164,559	14
Armstrong Energy Ltd Part	55347	4	10,298	0	Armstrong	68,739	6
Armstrong Power Station	3178	1	1,153,711	0	Armstrong	9,114,317	761
Armstrong Power Station	3178	2	1,119,506	0	Armstrong	8,844,097	739
Bethlehem Power Plant	55690	1	223,273	0	Northampton	1,490,347	124
Bethlehem Power Plant	55690	2	221,833	0	Northampton	1,480,735	124
Bethlehem Power Plant	55690	3	212,556	0	Northampton	1,418,811	119
Bethlehem Power Plant	55690	5	191,574	0	Northampton	1,278,756	107
Bethlehem Power Plant	55690	6	188,682	0	Northampton	1,259,452	105
Bethlehem Power Plant	55690	7	186,879	0	Northampton	1,247,417	104
Bruce Mansfield	6094	1	6,448,972	0	Beaver	50,946,879	4,255
Bruce Mansfield	6094	2	6,900,505	0	Beaver	54,513,990	4,553
Bruce Mansfield	6094	3	6,021,153	0	Beaver	47,567,109	3,973
Brunner Island	3140	1	2,185,416	0	York	17,264,786	1,442
Brunner Island	3140	2	2,944,138	0	York	23,258,690	1,943
Brunner Island	3140	3	5,858,829	0	York	46,284,749	3,866
Brunot Island Power Station	3096	2A	2,730	0	Allegheny	18,223	2
Brunot Island Power Station	3096	2B	2,837	0	Allegheny	18,937	2
Brunot Island Power Station	3096	3	3,551	0	Allegheny	23,703	2

Cambria Cogen	10641	1	0	3,497,926	Cambria	4,220,466	353
Cambria Cogen	10641	2	0	3,376,621	Cambria	4,074,104	340
Chambersburg Units 12 and 13	55654	12	53,130	0	Franklin	354,643	30
Chambersburg Units 12 and 13	55654	13	74,373	0	Franklin	496,440	41
Cheswick	8226	1	3,085,749	0	Allegheny	24,377,417	2,036
Colver Power Project	10143	AAB0 1	964,607	0	Cambria	7,620,395	637
Conemaugh	3118	1	7,159,816	0	Indiana	56,562,546	4,724
Conemaugh	3118	2	6,585,098	0	Indiana	52,022,274	4,345
Cromby	3159	1	790,447	0	Chester	6,244,531	522
Cromby	3159	2	134,793	0	Chester	899,743	75
Croydon Generating Station	8012	11	498	0	Bucks	3,324	0
Croydon Generating Station	8012	12	473	0	Bucks	3,157	0
Croydon Generating Station	8012	21	960	0	Bucks	6,408	1
Croydon Generating Station	8012	22	852	0	Bucks	5,687	0
Croydon Generating Station	8012	31	479	0	Bucks	3,197	0
Croydon Generating Station	8012	32	540	0	Bucks	3,605	0
Croydon Generating Station	8012	41	378	0	Bucks	2,523	0
Croydon Generating Station	8012	42	578	0	Bucks	3,858	0
Ebensburg Power Company	10603	31	0	4,967,966	Cambria	5,994,161	501
Eddystone Generating Station	3161	1	1,506,313	0	Delaware	11,899,873	994
Eddystone Generating Station	3161	2	1,553,452	0	Delaware	12,272,271	1,025
Eddystone Generating Station	3161	3	186,174	0	Delaware	1,242,711	104
Eddystone Generating Station	3161	4	170,717	0	Delaware	1,139,536	95
Elrama	3098	1	405,764	0	Washington	3,205,536	268
Elrama	3098	2	388,419	0	Washington	3,068,510	256
Elrama	3098	3	500,963	0	Washington	3,957,608	331
Elrama	3098	4	936,502	0	Washington	7,398,366	618
FPL Energy MH50	50074	1	179,815	0	Delaware	1,200,265	100
FPL Energy Marcus Hook, LP	55801	1	518,114	0	Delaware	3,458,411	289
FPL Energy Marcus Hook, LP	55801	2	562,187	0	Delaware	3,752,598	313
FPL Energy Marcus Hook, LP	55801	3	555,946	0	Delaware	3,710,940	310
Fairless Energy, LLC	55298	1A	858,590	0	Bucks	5,731,088	479
Fairless Energy, LLC	55298	1B	887,396	0	Bucks	5,923,368	495
Fairless Energy, LLC	55298	2A	1,023,479	0	Bucks	6,831,722	571
Fairless Energy, LLC	55298	2B	1,020,955	0	Bucks	6,814,875	569
Fairless Hills Generating Station	7701	PHBL R3	0	0	Bucks	0	0

Fairless Hills Generating Station	7701	PHBL R4	120,495	0	Bucks	804,304	67
Fairless Hills Generating Station	7701	PHBL R5	118,281	0	Bucks	789,526	66
Fayette Energy Facility	55516	CTG1	331,502	0	Fayette	2,212,776	185
Fayette Energy Facility	55516	CTG2	323,893	0	Fayette	2,161,986	181
G F Weaton	50130	34	267,180	0	Beaver	2,110,722	176
G F Weaton	50130	35	290,247	0	Beaver	2,292,951	192
Gilberton Power Company	10113	31	0	3,282,915	Schuylkill	3,961,042	331
Gilberton Power Company	10113	32	0	3,226,253	Schuylkill	3,892,676	325
Grays Ferry Cogen Partnership	54785	2	289,048	0	Philadelphia	1,929,395	161
Grays Ferry Cogen Partnership	54785	25	0	2,775,820	Philadelphia	3,349,200	280
Handsome Lake Energy	55233	EU-1A	14,494	0	Venango	96,747	8
Handsome Lake Energy	55233	EU-1B	14,240	0	Venango	95,052	8
Handsome Lake Energy	55233	EU-2A	16,550	0	Venango	110,471	9
Handsome Lake Energy	55233	EU-2B	16,561	0	Venango	110,545	9
Handsome Lake Energy	55233	EU-3A	15,077	0	Venango	100,639	8
Handsome Lake Energy	55233	EU-3B	15,011	0	Venango	100,198	8
Handsome Lake Energy	55233	EU-4A	9,012	0	Venango	60,155	5
Handsome Lake Energy	55233	EU-4B	13,855	0	Venango	92,482	8
Handsome Lake Energy	55233	EU-5A	13,333	0	Venango	88,998	7
Handsome Lake Energy	55233	EU-5B	12,678	0	Venango	84,626	7
Hatfields Ferry Power Station	3179	1	3,998,351	0	Greene	31,586,973	2,638
Hatfields Ferry Power Station	3179	2	3,083,323	0	Greene	24,358,252	2,035
Hatfields Ferry Power Station	3179	3	3,949,473	0	Greene	31,200,837	2,606
Homer City	3122	1	4,836,563	0	Indiana	38,208,848	3,191
Homer City	3122	2	4,340,020	0	Indiana	34,286,158	2,864
Homer City	3122	3	5,346,270	0	Indiana	42,235,533	3,528
Hunlock Power Station	3176	6	293,312	0	Luzerne	2,317,165	194
Hunterstown Combined Cycle	55976	CT101	307,103	0	Adams	2,049,913	171
Hunterstown Combined Cycle	55976	CT201	183,468	0	Adams	1,224,649	102
Hunterstown Combined Cycle	55976	CT301	322,787	0	Adams	2,154,603	180
Keystone	3136	1	7,380,040	0	Armstrong	58,302,316	4,870
Keystone	3136	2	5,627,837	0	Armstrong	44,459,912	3,714
Liberty Electric Power Plant	55231	1	585,819	0	Delaware	3,910,342	327
Liberty Electric Power Plant	55231	2	586,106	0	Delaware	3,912,258	327
Lower Mount Bethel Energy	55667	CT01	655,656	0	Northampton	4,376,504	366
Lower Mount Bethel Energy	55667	CT02	635,394	0	Northampton	4,241,255	354
Martins Creek	3148	1	509,240	0	Northampton	4,022,996	336
Martins Creek	3148	2	461,647	0	Northampton	3,647,011	305
Martins Creek	3148	3	500,390	0	Northampton	3,340,103	279

Martins Creek	3148	4	259,162	0	Northampton	1,729,906	144
Martins Creek	3148	AUX4 B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	1,928	0	Washington	12,869	1
Mitchell Power Station	3181	2	446	0	Washington	2,977	0
Mitchell Power Station	3181	3	1,480	0	Washington	9,879	1
Mitchell Power Station	3181	33	948,641	0	Washington	7,494,264	626
Montour	3149	1	5,496,212	0	Montour	43,420,075	3,627
Montour	3149	2	5,103,141	0	Montour	40,314,814	3,367
Mountain	3111	31	5,988	0	Cumberland	39,970	3
Mountain	3111	32	5,329	0	Cumberland	35,571	3
Mt. Carmel Cogeneration	10343	SG- 101	312,481	0	Northumberland	2,468,600	206
New Castle	3138	3	461,477	0	Lawrence	3,645,668	305
New Castle	3138	4	508,309	0	Lawrence	4,015,641	335
New Castle	3138	5	574,923	0	Lawrence	4,541,892	379
North East Cogeneration Plant	54571	1	9,251	0	Erie	61,750	5
North East Cogeneration Plant	54571	2	14,497	0	Erie	96,767	8
Northampton Generating Plant	50888	NGC0 1	924,061	0	Northampton	7,300,082	610
Northeastern Power Company	50039	31	491,900	0	Schuylkill	3,886,010	325
Ontelaunee Energy Center	55193	CT1	534,851	0	Berks	3,570,130	298
Ontelaunee Energy Center	55193	CT2	683,174	0	Berks	4,560,186	381
Panther Creek Energy Facility	50776	1	361,089	0	Carbon	2,852,603	238
Panther Creek Energy Facility	50776	2	376,100	0	Carbon	2,971,190	248
Piney Creek Power Plant	54144	31	299,239	0	Clarion	2,363,988	197
Portland	3113	1	975,476	0	Northampton	7,706,260	644
Portland	3113	2	1,410,853	0	Northampton	11,145,739	931
Portland	3113	5	14,633	0	Northampton	97,675	8
Richmond	3168	91	1,076	0	Philadelphia	7,182	1
Richmond	3168	92	637	0	Philadelphia	4,252	0
Schuylkill	3169	1	86,025	0	Philadelphia	574,217	48
Scrubgrass Generating Plant	50974	1	383,055	0	Venango	3,026,135	253
Scrubgrass Generating Plant	50974	2	397,413	0	Venango	3,139,563	262
Seward	3130	1	2,119,538	0	Indiana	16,744,350	1,399
Seward	3130	2	1,942,918	0	Indiana	15,349,052	1,282
Shawville	3131	1	806,968	0	Clearfield	6,375,047	532
Shawville	3131	2	773,653	0	Clearfield	6,111,859	510
Shawville	3131	3	967,690	0	Clearfield	7,644,751	639
Shawville	3131	4	1,169,799	0	Clearfield	9,241,412	772
St. Nicholas Cogeneration Project	54634	1	0	6,508,961	Schuylkill	7,853,468	656
Sunbury	3152	1A	316,733	0	Snyder	2,502,187	209
Sunbury	3152	1B	296,492	0	Snyder	2,342,285	196
Sunbury	3152	2A	303,437	0	Snyder	2,397,156	200
Sunbury	3152	2B	315,462	0	Snyder	2,492,147	208

Sunbury	3152	3	657,605	0	Snyder	5,195,080	434
Sunbury	3152	4	457,241	0	Snyder	3,612,206	302
Titus	3115	1	529,713	0	Berks	4,184,733	350
Titus	3115	2	510,685	0	Berks	4,034,412	337
Titus	3115	3	440,584	0	Berks	3,480,614	291
Tolna	3116	31	2,957	0	York	19,738	2
Tolna	3116	32	2,548	0	York	17,008	1
Trigen Energy - Schuylkill	50607	23	0	332,928	Philadelphia	401,698	34
Trigen Energy - Schuylkill	50607	24	0	403,764	Philadelphia	487,167	41
Trigen Energy - Schuylkill	50607	26	0	262,419	Philadelphia	316,625	26
Trigen Energy Corporation-Edison St	880006	1	0	101,570	Philadelphia	122,551	10
Trigen Energy Corporation-Edison St	880006	2	0	94,030	Philadelphia	113,453	9
Trigen Energy Corporation-Edison St	880006	3	0	176,519	Philadelphia	212,981	18
Trigen Energy Corporation-Edison St	880006	4	0	130,309	Philadelphia	157,226	13
WPS Westwood Generation, LLC	50611	31	175,787	0	Schuylkill	1,388,717	116
Warren	3132	5	3	0	Warren	20	0
Wheelabrator - Frackville	50879	GEN1	0	3,472,041	Schuylkill	4,189,234	350
Williams Generation Co (Hazleton)	10870	TURB 2	3,580	0	Luzerne	23,897	2
Williams Generation Co (Hazleton)	10870	TURB 3	3,147	0	Luzerne	21,006	2
Williams Generation Co (Hazleton)	10870	TURB 4	4,054	0	Luzerne	27,060	2
Williams Generation Co (Hazleton)	10870	TURBI N	1,395	0	Luzerne	9,312	1
Bear Creek Windfarm & Locust Ridge Windfarm (PPL Energy Plus)	999900 008831	RE	124,456	0	0	424,768	35
Total						1,170,432,010	97,761

Table 8: Proposed Pennsylvania 2013 CAIR NOx Ozone Season Allowance Allocations

<i>FACILITY_NAME</i>	<i>ORISPL CODE</i>	<i>UNIT ID</i>	<i>GLOAD (Megawatt Hours)</i>	<i>SLOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input MMBtu</i>	<i>2013 CAIR NOx Ozone Season Allowance Allocation</i>
AES Beaver Valley LLC	10676	32	0	1,325,711	Beaver	1,599,553	132
AES Beaver Valley LLC	10676	33	0	1,226,733	Beaver	1,480,130	122
AES Beaver Valley LLC	10676	34	0	1,164,797	Beaver	1,405,400	116
AES Beaver Valley LLC	10676	35	0	610,352	Beaver	736,428	61
AES Ironwood	55337	1	469,186	0	Lebanon	3,131,817	258
AES Ironwood	55337	2	445,244	0	Lebanon	2,972,004	245
Allegheny Energy Hunlock Unit 4	56397	4	19,819	0	Luzerne	132,292	11
Allegheny Energy Unit 1 and Unit 2	55196	1	26,839	0	Allegheny	179,150	15
Allegheny Energy Unit 1 and Unit 2	55196	2	21,131	0	Allegheny	141,049	12
Allegheny Energy Unit 8 and Unit 9	55377	8	3,223	0	Fayette	21,514	2
Allegheny Energy Unit 8 and Unit 9	55377	9	19,701	0	Fayette	131,504	11
Allegheny Energy Units 3, 4 & 5	55710	3	176,340	0	Allegheny	1,177,070	97
Allegheny Energy Units 3, 4 & 5	55710	4	195,458	0	Allegheny	1,304,682	108
Armstrong Energy Ltd Part	55347	1	10,134	0	Armstrong	67,644	6
Armstrong Energy Ltd Part	55347	2	13,874	0	Armstrong	92,609	8
Armstrong Energy Ltd Part	55347	3	19,336	0	Armstrong	129,068	11
Armstrong Energy Ltd Part	55347	4	6,740	0	Armstrong	44,990	4
Armstrong Power Station	3178	1	493,558	0	Armstrong	3,899,108	321
Armstrong Power Station	3178	2	516,052	0	Armstrong	4,076,811	336
Bethlehem Power Plant	55690	1	127,204	0	Northampton	849,087	70
Bethlehem Power Plant	55690	2	125,364	0	Northampton	836,805	69
Bethlehem Power Plant	55690	3	120,828	0	Northampton	806,527	66
Bethlehem Power Plant	55690	5	112,917	0	Northampton	753,721	62
Bethlehem Power Plant	55690	6	110,302	0	Northampton	736,266	61
Bethlehem Power Plant	55690	7	109,170	0	Northampton	728,710	60
Bruce Mansfield	6094	1	2,923,872	0	Beaver	23,098,589	1,904
Bruce Mansfield	6094	2	3,050,433	0	Beaver	24,098,421	1,987
Bruce Mansfield	6094	3	2,505,710	0	Beaver	19,795,109	1,632
Brunner Island	3140	1	852,334	0	York	6,733,439	555
Brunner Island	3140	2	1,176,855	0	York	9,297,155	766
Brunner Island	3140	3	2,303,966	0	York	18,201,331	1,500
Brunot Island Power Station	3096	2A	1,874	0	Allegheny	12,509	1
Brunot Island Power Station	3096	2B	1,970	0	Allegheny	13,150	1
Brunot Island Power	3096	3	2,728	0	Allegheny	18,209	2

Station							
Cambria Cogen	10641	1	0	1,405,695	Cambria	1,696,059	140
Cambria Cogen	10641	2	0	1,365,620	Cambria	1,647,706	136
Chambersburg Units 12 and 13	55654	12	33,573	0	Franklin	224,100	18
Chambersburg Units 12 and 13	55654	13	41,664	0	Franklin	278,107	23
Cheswick	8226	1	1,187,411	0	Allegheny	9,380,547	773
Colver Power Project	10143	AAB0 1	390,336	0	Cambria	3,083,654	254
Conemaugh	3118	1	3,003,487	0	Indiana	23,727,547	1,956
Conemaugh	3118	2	2,430,708	0	Indiana	19,202,593	1,583
Cromby	3159	1	349,647	0	Chester	2,762,211	228
Cromby	3159	2	80,812	0	Chester	539,420	44
Croydon Generating Station	8012	11	489	0	Bucks	3,264	0
Croydon Generating Station	8012	12	473	0	Bucks	3,157	0
Croydon Generating Station	8012	21	960	0	Bucks	6,408	1
Croydon Generating Station	8012	22	852	0	Bucks	5,687	0
Croydon Generating Station	8012	31	479	0	Bucks	3,197	0
Croydon Generating Station	8012	32	540	0	Bucks	3,605	0
Croydon Generating Station	8012	41	378	0	Bucks	2,523	0
Croydon Generating Station	8012	42	578	0	Bucks	3,858	0
Ebensburg Power Company	10603	31	0	2,192,298	Cambria	2,645,145	218
Eddystone Generating Station	3161	1	771,505	0	Delaware	6,094,890	502
Eddystone Generating Station	3161	2	768,220	0	Delaware	6,068,938	500
Eddystone Generating Station	3161	3	101,740	0	Delaware	679,115	56
Eddystone Generating Station	3161	4	81,079	0	Delaware	541,202	45
Elrama	3098	1	149,934	0	Washington	1,184,479	98
Elrama	3098	2	205,726	0	Washington	1,625,235	134
Elrama	3098	3	177,042	0	Washington	1,398,632	115
Elrama	3098	4	339,003	0	Washington	2,678,124	221
Fairless Energy, LLC	55298	1A	454,326	0	Bucks	3,032,626	250
Fairless Energy, LLC	55298	1B	486,878	0	Bucks	3,249,911	268
Fairless Energy, LLC	55298	2A	503,423	0	Bucks	3,360,349	277
Fairless Energy, LLC	55298	2B	498,147	0	Bucks	3,325,131	274
Fairless Hills Generating Station	7701	PHBL R3	0	0	Bucks	0	0
Fairless Hills Generating Station	7701	PHBL R4	87,284	0	Bucks	582,621	48
Fairless Hills Generating Station	7701	PHBL R5	12,952	0	Bucks	86,455	7
Fayette Energy Facility	55516	CTG1	225,818	0	Fayette	1,507,335	124
Fayette Energy Facility	55516	CTG2	228,346	0	Fayette	1,524,210	126

FPL Energy Marcus Hook, LP	55801	1	256,769	0	Delaware	1,713,933	141
FPL Energy Marcus Hook, LP	55801	2	276,792	0	Delaware	1,847,587	152
FPL Energy Marcus Hook, LP	55801	3	285,890	0	Delaware	1,908,316	157
FPL Energy MH50	50074	1	105,936	0	Delaware	707,123	58
G F Weaton	50130	34	121,370	0	Beaver	958,823	79
G F Weaton	50130	35	133,497	0	Beaver	1,054,626	87
Gilberton Power Company	10113	31	0	1,423,189	Schuylkill	1,717,166	142
Gilberton Power Company	10113	32	0	1,376,237	Schuylkill	1,660,516	137
Grays Ferry Cogen Partnership	54785	2	90,859	0	Philadelphia	606,484	50
Grays Ferry Cogen Partnership	54785	25	0	845,443	Philadelphia	1,020,080	84
Handsome Lake Energy	55233	EU-1A	8,118	0	Venango	54,188	4
Handsome Lake Energy	55233	EU-1B	8,001	0	Venango	53,407	4
Handsome Lake Energy	55233	EU-2A	8,025	0	Venango	53,567	4
Handsome Lake Energy	55233	EU-2B	7,986	0	Venango	53,307	4
Handsome Lake Energy	55233	EU-3A	7,187	0	Venango	47,973	4
Handsome Lake Energy	55233	EU-3B	7,185	0	Venango	47,960	4
Handsome Lake Energy	55233	EU-4A	3,978	0	Venango	26,553	2
Handsome Lake Energy	55233	EU-4B	7,199	0	Venango	48,053	4
Handsome Lake Energy	55233	EU-5A	7,926	0	Venango	52,906	4
Handsome Lake Energy	55233	EU-5B	7,918	0	Venango	62,552	5
Hatfields Ferry Power Station	3179	1	1,594,586	0	Greene	12,597,229	1,038
Hatfields Ferry Power Station	3179	2	1,371,964	0	Greene	10,838,516	894
Hatfields Ferry Power Station	3179	3	1,513,452	0	Greene	11,956,271	986
Homer City	3122	1	2,153,022	0	Indiana	17,008,874	1,402
Homer City	3122	2	2,088,524	0	Indiana	16,499,340	1,360
Homer City	3122	3	2,213,823	0	Indiana	17,489,202	1,442
Hunlock Power Station	3176	6	121,422	0	Luzerne	959,234	79
Hunterstown Combined Cycle	55976	CT101	195,113	0	Adams	1,302,379	107
Hunterstown Combined Cycle	55976	CT201	155,493	0	Adams	1,037,916	86
Hunterstown Combined Cycle	55976	CT301	206,668	0	Adams	1,379,509	114
Keystone	3136	1	3,119,412	0	Armstrong	24,643,355	2,032
Keystone	3136	2	2,951,609	0	Armstrong	23,317,711	1,922
Liberty Electric Power Plant	55231	1	348,679	0	Delaware	2,327,432	192
Liberty Electric Power Plant	55231	2	348,154	0	Delaware	2,323,928	192
Lower Mount Bethel Energy	55667	CT01	390,877	0	Northampton	2,609,104	215
Lower Mount Bethel Energy	55667	CT02	380,792	0	Northampton	2,541,787	210
Martins Creek	3148	1	279,880	0	Northampton	2,211,052	182
Martins Creek	3148	2	267,460	0	Northampton	2,112,934	174
Martins Creek	3148	3	263,161	0	Northampton	1,756,600	145

Martins Creek	3148	4	138,442	0	Northampton	924,100	76
Martins Creek	3148	AUX4 B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	1,130	0	Washington	7,543	1
Mitchell Power Station	3181	2	0	0	Washington	0	0
Mitchell Power Station	3181	3	1,480	0	Washington	9,879	1
Mitchell Power Station	3181	33	139,747	0	Washington	1,104,001	91
Montour	3149	1	2,403,224	0	Montour	18,985,470	1,565
Montour	3149	2	1,892,161	0	Montour	14,948,072	1,232
Mountain	3111	31	5,988	0	Cumberland	39,970	3
Mountain	3111	32	5,329	0	Cumberland	35,571	3
Mt. Carmel Cogeneration	10343	SG- 101	131,805	0	Northumberland	1,041,260	86
New Castle	3138	3	207,529	0	Lawrence	1,639,479	135
New Castle	3138	4	200,159	0	Lawrence	1,581,256	130
New Castle	3138	5	249,489	0	Lawrence	1,970,963	162
North East Cogeneration Plant	54571	1	4,432	0	Erie	29,584	2
North East Cogeneration Plant	54571	2	6,404	0	Erie	42,747	4
Northampton Generating Plant	50888	NGC0 1	389,975	0	Northampton	3,080,803	254
Northeastern Power Company	50039	31	209,715	0	Schuylkill	1,656,749	137
Ontelaunee Energy Center	55193	CT1	333,783	0	Berks	2,228,002	184
Ontelaunee Energy Center	55193	CT2	408,268	0	Berks	2,725,189	225
Panther Creek Energy Facility	50776	1	156,418	0	Carbon	1,235,702	102
Panther Creek Energy Facility	50776	2	170,453	0	Carbon	1,346,579	111
Piney Creek Power Plant	54144	31	119,372	0	Clarion	943,039	78
Portland	3113	1	416,705	0	Northampton	3,291,970	271
Portland	3113	2	668,924	0	Northampton	5,284,500	436
Portland	3113	5	6,199	0	Northampton	41,378	3
Richmond	3168	91	1,076	0	Philadelphia	7,182	1
Richmond	3168	92	637	0	Philadelphia	4,252	0
Schuylkill	3169	1	41,693	0	Philadelphia	278,301	23
Scrubgrass Generating Plant	50974	1	142,962	0	Venango	1,129,400	93
Scrubgrass Generating Plant	50974	2	151,893	0	Venango	1,199,955	99
Seward	3130	1	985,694	0	Indiana	7,786,983	642
Seward	3130	2	839,623	0	Indiana	6,633,022	547
Shawville	3131	1	336,099	0	Clearfield	2,655,182	219
Shawville	3131	2	305,166	0	Clearfield	2,410,811	199
Shawville	3131	3	454,664	0	Clearfield	3,591,846	296
Shawville	3131	4	469,074	0	Clearfield	3,705,685	305
St. Nicholas Cogeneration Project	54634	1	0	2,677,521	Schuylkill	3,230,596	266
Sunbury	3152	1A	122,773	0	Snyder	969,908	80
Sunbury	3152	1B	114,765	0	Snyder	906,643	75
Sunbury	3152	2A	118,313	0	Snyder	934,671	77
Sunbury	3152	2B	120,263	0	Snyder	950,077	78

Sunbury	3152	3	237,868	0	Snyder	1,879,160	155
Sunbury	3152	4	201,192	0	Snyder	1,589,415	131
Titus	3115	1	228,094	0	Berks	1,801,943	149
Titus	3115	2	210,390	0	Berks	1,662,081	137
Titus	3115	3	202,408	0	Berks	1,599,023	132
Tolna	3116	31	2,957	0	York	19,738	2
Tolna	3116	32	2,548	0	York	17,008	1
Trigen Energy - Schuylkill	50607	23	0	45,828	Philadelphia	55,294	5
Trigen Energy - Schuylkill	50607	24	0	60,364	Philadelphia	72,833	6
Trigen Energy - Schuylkill	50607	26	0	29,977	Philadelphia	36,169	3
Trigen Energy Corporation-Edison St	880006	1	0	48,392	Philadelphia	58,388	5
Trigen Energy Corporation-Edison St	880006	2	0	50,470	Philadelphia	60,895	5
Trigen Energy Corporation-Edison St	880006	3	0	108,925	Philadelphia	131,425	11
Trigen Energy Corporation-Edison St	880006	4	0	22,262	Philadelphia	26,860	2
WPS Westwood Generation, LLC	50611	31	90,206	0	Schuylkill	712,627	59
Warren	3132	5	3	0	Warren	20	0
Wheelabrator - Frackville	50879	GEN1	0	1,403,886	Schuylkill	1,693,876	140
Williams Generation Co (Hazleton)	10870	TURB 2	2,925	0	Luzerne	19,524	2
Williams Generation Co (Hazleton)	10870	TURB 3	2,752	0	Luzerne	18,370	2
Williams Generation Co (Hazleton)	10870	TURB 4	2,984	0	Luzerne	19,918	2
Williams Generation Co (Hazleton)	10870	TURB N	1,061	0	Luzerne	7,082	1
Bear Creek Windfarm & Locust Ridge Windfarm (PPL Energy Plus)	9999000 08831	RE	33,204	0	0	113,325	9
Total						511,650,670	42,171

[Pa.B. Doc. No. 09-1936. Filed for public inspection October 16, 2009, 9:00 a.m.]

Proposed Revisions to General NPDES Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10)

The Department of Environmental Protection (Department) by this notice is proposing to revise and renew its National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10) for reissuance for another 5 years. This General Permit is issued under the authority of The Pennsylvania 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 current General Permit was scheduled to expire on August 20, 2009, and was extended until December 20, 2009, by a notice at 39 Pa.B. 4908 (August 15, 2009), and will continue to be in force until the final renewed version of PAG-10 is completed and made available by notice in the

Pennsylvania Bulletin. This General Permit will continue to be not applicable for discharges to “high quality” and “exceptional value” waters, designated under 25 Pa. Code Chapter 93 (relating to water quality standards). An individual permit is required for such discharges.

In this revised General Permit, the entire section III. Results Less Than Detection Limits, under Part C. Special Conditions was revised to be consistent with methods for reporting below detection limit samples found in the Water Quality Toxics Management Strategy (Document No. 361-0100-003, June 20, 2009).

The Department by this notice invites public comments on the proposed revisions to PAG-10. Comments must be submitted by November 16, 2009. If there is significant public interest or if requested, the comment period may be extended at the Department’s discretion for an additional 15-day period. Only comments received during the specified comment period will be considered in the final General Permit. If more significant issues of public

interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to Dharmendra Kumar at the address listed. The Department will also accept comments submitted by e-mail to dkumar@state.pa.us.

The proposed General Permit package is available by contacting Dharmendra Kumar, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Water Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 783-2288.

The proposed General Permit package is also available on the Department's web site at www.depweb.state.pa.us (choose "Public Participation"; then scroll down to "Proposals currently open for Comment"). The document number is: 3800-PM-WSFR0173.

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specific comment period, the Department will review all submitted comments, 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. 09-1937. Filed for public inspection October 16, 2009, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Northampton County

The Department of General Services (Department) will accept bids for the purchase of 0.48-acre ± of land and building formerly known as the Easton Job Center located at 220 Ferry Street, City of Easton, Northampton County. Bids are due Monday, January 11, 2010. Interested parties wishing to receive a copy of Solicitation No. 94299 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 09-1938. Filed for public inspection October 16, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Associates in Kidney Disease and Hypertension, P. C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Associates in Kidney Disease and Hypertension, P. C. has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1939. Filed for public inspection October 16, 2009, 9:00 a.m.]

Application of Hazleton General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hazleton General Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1940. Filed for public inspection October 16, 2009, 9:00 a.m.]

Application of LifeCare Hospitals of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that LifeCare Hospitals of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1941. Filed for public inspection October 16, 2009, 9:00 a.m.]

Application of Renal Endocrine Associates, P. C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Renal Endocrine Associates, P. C. has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1942. Filed for public inspection October 16, 2009, 9:00 a.m.]

Application of The Surgery Center at Brinton Lake for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center at Brinton Lake has requested an exception to the requirements of 28 Pa. Code § 555.32(9) (relating to administration of anesthesia).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 09-1943. Filed for public inspection October 16, 2009, 9:00 a.m.]

Application of Wayne Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wayne Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing Impaired Persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1944. Filed for public inspection October 16, 2009, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facility has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

Hazleton General Hospital
Apple Hill Surgical Center
Nephrology Hypertension Associates of the Lehigh Valley
Eastern Pennsylvania Nephrology Associates

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1945. Filed for public inspection October 16, 2009, 9:00 a.m.]

Bureau of Emergency Medical Services; Quick Response Service Program Recognition Requirements

Under 28 Pa. Code § 1015.1(a) (relating to quick response service), the following equipment and supplies shall be maintained and readily available in working order for use by a quick response service (QRS) recognized by the Department of Health under 28 Pa. Code § 1015.1 and by an applicant for QRS recognition.

A. Vehicle Requirements

Although a QRS is not required to have a vehicle to respond to emergencies, if it does, the vehicle being used on the highways of this Commonwealth must conform to all applicable requirements of 75 Pa.C.S. (relating to the Vehicle Code). If the QRS will not be using a vehicle, it must provide information on how it will transport its personnel and its equipment and supplies to the scene of an emergency.

B. Required Equipment and Supplies

The following equipment and supplies must be carried and readily available and in working order for use by a QRS:

1. Portable suction unit with wide-bore tubing with a lumen of at least 7 mm. The suction unit must be able to achieve a vacuum of 300 mm/Hg or 11.8" of water in 4 seconds.
2. Suction Catheters, pharyngeal:
 - a. Rigid (1)
 - b. Flexible, sizes
6 and 8 (1 ea.)
10 or 12 (2)
14 or 16 (2)
3. Airways:
 - a. Oropharyngeal (6 different sizes including at least one pediatric)
 - b. Nasopharyngeal (5 different sizes)
4. Sphygmomanometer:
Small, medium and large (1 each). Interchangeable cuffs are permitted.
5. Stethoscope (1 Adult and 1 Pediatric)
6. Penlight (1)
7. Portable Oxygen Unit (1):
 - a. Cylinder with a capacity of at least 300-liters/D size/500 psi
 - b. Non-sparking wrench/tank opening device
 - c. Gauge/flow meter not gravity dependent and capable of delivering 0-25 liters per minute
 - d. Full spare cylinder with a 300 liter capacity
8. Oxygen Delivery Devices:
 - a. Nasal cannula, adult and pediatric (1 each)
 - b. High concentration masks capable of providing 80% or greater concentration pediatric, infant and adult (1 each)
 - c. Pocket mask with one-way valve and oxygen port (1)
 - d. Bag-valve-mask devices, hand operated adult (1) and hand operated infant/pediatric (450-700cc) (1), must be capable of high concentration oxygen delivery with adult and pediatric masks
9. Dressings:
 - a. Multi trauma (10" × 30") (4)
 - b. Occlusive (3" × 4") (4)
 - c. Sterile gauze pads (3" × 3") (25)
 - d. Soft self-adhering (6 rolls)
10. Adhesive tape:
4 rolls, one of which must be hypoallergenic
11. Immobilization Devices:
Rigid/Semi rigid neck immobilizer: S, M, L and pediatric (1 each)
12. Sterile burn sheet (4' × 4') (2)
13. Cold packs, chemical (4)
14. Sterile Water/Normal Saline (2 liters)
15. Triangular bandages (8)
16. Sterile OB kit (1)—The kit must be sealed as a sterile unit, with contents listed on kit
17. Separate bulb syringe (1)
18. Bandage shears (1)
19. Regional Approved Triage tags (20)

20. Blankets (2)
21. Instant glucose (45 grams)
22. Emergency jump kit (1), capable of holding all supplies
23. Splinting devices:
Upper and lower extremity splints (2 each) or padded board splints, sized 15", 3' and 4.5' (2 each)
24. Personal Protective Equipment (PPE)-helmet, eye protection, work gloves and high-visibility safety apparel (1 per provider)
25. Emergency Response Guidebook published by the U.S. Department of Transportation, current edition
26. Radio Communication Equipment:
Equipment, per regional requirements and capable of communicating with a public safety answering point (PSAP) and ambulance services within the response areas of the QRS. A cellular phone may only be used as a backup means of communication
27. Automated External Defibrillator (AED). (Effective January 01, 2011)
28. Personal Infection Control Kit (1) set for each crew member, consisting of:
 - a. Eye protection
 - b. Face mask
 - c. Gown
 - d. Surgical cap
 - e. Foot coverings
 - f. Double barrier gloves
 - g. Fit-tested disposable N95 respirator (1 per crew member)
29. Biological waste container per Infection Control Plan
30. Infection Control Plan
31. Hand disinfectant—nonwater hand cleaner/disinfectant

C. Recommendation Regarding Latex

Some patients and QRS personnel may have an allergy to latex. It is recommended, but not required, that where possible, latex free supplies and equipment should be carried.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact George Aupperlee, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Persons with a speech or hearing impairment may telephone V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1946. Filed for public inspection October 16, 2009, 9:00 a.m.]

Governor's Council on Physical Fitness and Sports Committee; Public Meeting

The Governor's Council on Physical Fitness and Sports will hold a meeting on Thursday, October 22, 2009, from 10 a.m. to 3 p.m. The meeting will be held at the Clothes Tree Building, 25 Beech Drive, Harrisburg, PA 17110.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodations to do so, contact Jessica Zilka, Bureau of Health Promotion & Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1947. Filed for public inspection October 16, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.18(e) and 211.12(b) (relating to management; and nursing services).

Schuylkill Medical Center-South Jackson Street
Transitional Care Unit
420 South Jackson Street
Pottsville, PA 17901

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1948. Filed for public inspection October 16, 2009, 9:00 a.m.]

Required Ground and Air Ambulance Equipment and Supplies

Under 28 Pa. Code §§ 1005.10(c) and 1007.7(c) (relating to licensure and general operating standards; and licensure and general operating requirements), the following equipment and supplies shall be carried and readily available in working order for use on basic life support (BLS) and advanced life support (ALS) ambulances, which also includes air (rotorcraft) ambulances.

A. Ground Ambulance Requirements

Ground Ambulances: Basic Life Support/ALS Mobile Care Unit /ALS Squad Unit

1. The ambulance must meet the requirements of Federal Specifications KKK 1822 and AMD Standards in effect at the time of the vehicles manufacture. (Does not apply to an ALS squad unit.)

2. The ambulance must meet the Pennsylvania Vehicle Code requirements for vehicle registration and liability insurance, and the requirements of all Pennsylvania Department of Transportation regulations relating to flashing and revolving lights, including intersection lights.

3. Emblems and markings must be affixed to the ambulance exterior as follows:

a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen.

b. "Star of Life" shall appear on the ambulance in the following sizes and numbers:

- Two 3" size "Stars of Life" on each side of the word "AMBULANCE" on the hood of the vehicle or on a bug screen.
- Two 16" size "Stars of Life" on the right and left side panels.
- Two 12" size "Stars of Life" on the rear of the vehicle.
- One 32" size "Star of Life" on the vehicle rooftop.

Note: An ALS squad unit must have at least 3" size "Stars of Life," one on each side, and two in front and two on the rear of the vehicle.

c. The Department issued licensure decal must be applied to right and left exterior sides of the vehicle in a conspicuous place.

d. A reflective chevron is not required. If used, a reflective chevron may be placed on the rear vertical surface of the exterior of the vehicle. The chevron pattern shall slant downward on both sides of the vehicle at an angle of 45°, pointing in the direction of the bottom rear corner of the tailboard. The pattern shall resemble an inverted V with the point at the top center of the vehicle. The Chevron shall use an alternating color pattern. The vertical panels shall be: 8" to 12" wide and at least 24" in height, and consist of alternating color retro-reflective stripes at least 4" in width. If the panel height is greater than 36" the stripes shall be 6" wide, shall slope down at 45°, and have a minimum of 270 square inches of retro-reflective area facing traffic.

4. The name of the ambulance service or its registered fictitious name in letters at least 3" in size must appear on both the right and left exterior sides of the ambulance. The name must be the dominant lettering. The word "Ambulance" or words such as Emergency Medical Services, EMS, and Rescue must also appear on both exterior sides and rear of the vehicle.

5. The ambulance must be equipped with an electronically operated audible warning device with a 100-watt or higher watt speaker.

6. The ambulance must have overhead interior lighting that illuminates the entire top surface of the patient litter, stair-well lighting and courtesy lights that must illuminate the ambulance's controls. (Does not apply to an ALS squad unit.)

7. The ambulance must have a dual battery system. (Does not apply to an ALS squad unit.)

8. Effective January 1, 2011, the ambulance must have two minimum 5 lb. unit fire extinguishers (ABC dry chemical or carbon dioxide) in a quick-release bracket, one in the driver/cab compartment or in the body of the ambulance reachable from outside the vehicle and one in the patient compartment. When located in either the driver or patient compartment the mounting bracket shall be of a stable design. Each fire extinguisher must be intact with a safety seal, have been inspected within the previous 12 calendar months and have the appropriate completed inspection tag attached.

9. The ambulance must have a power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. All exterior and interior lighting and onboard equipment shall be able to run for at least 5 minutes without placing a demand on the engine.

10. The ambulance must have a nonskid floor that is flat, reasonably unencumbered, free of equipment in the walk-through areas, and well maintained. (Does not apply to an ALS squad unit.)

11. The ambulance must have minimum interior dimensions of 60" from floor to ceiling. (Does not apply to an ALS squad unit.)

12. The ambulance must have a patient partition to separate the patient area from the driver area. (Does not apply to an ALS squad unit.)

13. The ambulance must have storage cabinets with sliding doors or with latches, or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to an ALS squad unit.)

14. Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on an ALS squad unit must be in cabinets or otherwise secured at all times.

15. The ambulance must have two IV hangers mounted flush with the ceiling. (Does not apply to an ALS squad unit.)

16. The ambulance must have a litter for transporting a patient and at least three patient restraint straps in good operating condition that are secured to the litter. (Does not apply to an ALS squad unit.)

17. The ambulance must have doors that function properly with door seals that are not cracked, broken or missing pieces, and are otherwise in good condition.

18. The ambulance must have both "No Smoking Oxygen Equipped" and "Fasten Seat Belts" signs (in English) in both the driver and the patient compartment. (GSA KKK-1822F) (3/15.2). An ALS squad unit is required to have these signs in the driver compartment.

19. The ambulance must have operational heating, cooling and ventilation equipment meeting GSA KKK-1822 Standard 3.13.

20. The ambulance must have current vehicle inspection validation issued by the state where the vehicle is registered.

21. The ambulance must have communication equipment that is in compliance with the regional communication plan. This equipment shall allow for direct communication with a public safety answering point (PSAP) and hospitals in the ambulance response/service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

22. The ambulance must have an installed, onboard oxygen system with the following (Does not apply to an ALS squad unit.):

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The oxygen cylinders shall be mounted with restraining devices, as required for the crashworthiness tests of AMD Standard 003, Oxygen Tank Retention System. A liquid oxygen system that provides the same volume of oxygen and meets AMD Standard 003 is also acceptable.

b. The cylinder must have more than 500 liters of oxygen at all times and be secured with at least three metal or nylon brackets while in the compartment.

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0-25 lpm delivery.

23. The ambulance must have an installed onboard suctioning system with the following components and/or capabilities (Does not apply to an ALS squad unit.):

a. It is fitted with a large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum needed to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

e. The tubing must be able to reach airways of patients regardless of the patient's position in the ambulance and must be able to reach the head and foot of the litter.

24. The ambulance must have onboard proof of current motor vehicle insurance.

B. Air (Rotorcraft) Ambulance Requirements

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft.

2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.

3. An "Air Worthiness Certificate" from the Federal Aviation Administration (FAA).

4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.

5. An FAA Form 337 with items 1 (which identifies the aircraft), 2 (which identifies the aircraft owner) and 7 (which shows that the aircraft is approved to "Return to Service") completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 60-85° during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A pilot partition to prevent patient interference with flight controls.

9. A barrier or an FAA approved mechanism for securing a patient's chest, pelvis, legs, wrists and ankles.

10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least three headsets to allow for voice communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B:C, securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal, have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed onboard suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. An onboard oxygen system with the following:

a. Cylinders with a capacity of 1,200 liters.

b. The cylinders must have at least 1,650 psi at the time of inspection.

c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.

d. A flow meter with a range of 0-25 lpm delivery.

Required Equipment and Supplies

Approved equipment and supplies shall be carried and readily available in working order for use on both ground and air ambulances. Some patients and crewmembers of an ambulance service may have allergies to latex. Latex free supplies are recommended, where possible. The following equipment and supplies must be carried on each ground and air ambulance, as indicated.

EQUIPMENT/ SUPPLIES

	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
1. Portable Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec.	X	X	X	X
2. Suction catheters, pharyngeal: Rigid (2) Flexible: 6 and 8 (1 ea) 10 or 12 (2) 14 or 16 (2) Total of 6 (Must be sterile) Size is FR for each	X	X	X	X
3. Airways: Nasopharyngeal (5 different sizes) Oropharyngeal (6 different sizes)	X	X	X	X
4. Sphygmomanometer: Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X
5. Stethoscope (1) Adult and (1) Pediatric	X	X	X	X
6. Stethoscope Doppler (1)				X
7. Penlight (1)	X	X	X	X
8. Portable Oxygen Unit (1): Cylinder capacity of at least 300 Liters, (D Size), with 500 psi Yoke Cylinder with a minimum total pressure of 500 psi. Nonsparking wrench/tank opening device. Gauge/flow meter not gravity dependent and can deliver 0-25 liter per minute Full spare cylinder with at least 300 liter capacity	X	X	X	X
Cylinders must be secured in the vehicle at all times.				
9. Folding Litter/Collapsible Device (1)	X	X		
10. Oxygen Delivery Devices: Nasal Cannulae—adult/pediatric 1 ea. High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant—1 each. Pocket mask with one way valve and oxygen port	X	X	X	X
11. Humidifier bottle (1)	X	X		
12. Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic.	X	X	X	X
13. Dressings: Multi Trauma (10" by 30") (4) Occlusive (3" by 4") (4) Sterile Gauze Pads (3" by 3") (25) Soft self-adhering (6 rolls)	X	X	X	X
14. Bandage Shears (1)	X	X	X	X
15. Immobilization Devices: Lateral cervical spine device (1) Long spine board (1) Short spine board (1) Rigid/Semirigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M, L (3)	X	X	X	X (Short board not required)
16. Bag-Valve-Mask Devices: Hand operated adult (1) Hand operated infant/pediatric (450-700cc) (1) Must be capable of high concentration oxygen delivery with adult and pediatric masks	X	X	X	X

EQUIPMENT/ SUPPLIES

	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
17. Pediatric length-based Drug Dosing/Equipment Sizing Tape	X (Equipment Sizing Tape/Chart)	X	X	X
18. Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)	X	X	X	X
19. Splinting Devices: Lower extremity mechanical traction splint adult and pediatric (1 each or combination) Upper and Lower extremity splints (2 ea)	X	X		
20. Sterile Water/Normal Saline (2 liters)	X	X	X	X
21. Sterile Burn Sheet (4' by 4') (2)	X	X	X	
22. Cold Packs, Chemical (4)	X	X	X	X
23. Heat Packs, Chemical (4)	X	X	X	X
24. Triangular Bandages (8)	X	X	X	
25. Sterile OB Kits (2)	X	X	X	X (Only 1 required)
26. Separate Bulb Syringe (1) Sterile	X	X	X	X
27. Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns	X	X	X	X
28. Blankets (2)	X	X	X	X
29. Sheets (4)	X	X		X
30. Pillowcases (2)	X	X		
31. Pillow (1)	X	X		
32. Towels (4)	X	X		
33. Disposable Tissues (1 box)	X	X		
34. Emesis Container (1)	X	X		
35. Urinal (1)	X	X		
36. Bed Pan (1)	X	X		
37. Disposable Paper Drinking Cups (3 oz) (4)	X	X		
38. Regional Approved Triage Tags (20)	X	X	X	
39. Hand-lights (6 volts) (2)	X	X	X	X
40. Hazard Warning Device (3)	X	X	X	
41. Emergency Jump Kit (1)	X	X	X	X
42. Survival Bag (1)				X
43. Emergency Response Guidebook (1) (current edition)	X	X	X	
44. Thermometer—electronic, digital, non-tympanic	X	X	X	X
45. Sharps Receptacle—Secured	X	X	X	X
46. Instant Glucose (40% dextrose-d-glucose gel) 45 grams	X	X	X	
47. Personal Protective Equipment (PPE) Helmet, eye protection, gloves and high-visibility safety apparel (1 per provider)	X	X	X	
48. Flight Helmet (1 per crewmember)				X

EQUIPMENT/ SUPPLIES

	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
49. Personal Infection Control Kit, which includes the following: Eye protection, clear, disposable (1 per crew member) Face Mask, disposable (1 per crew member) Gown/coat (1 per crew member) Surgical Cap/Foot Coverings, disposable (1 set per crew member) Double Barrier Gloves (1 set per crew member) Sharps Containers and Red Bags per Infectious Control Plan Fit-tested disposable N95 respirator (1 per crew members) Hand Disinfectant—Nonwater hand cleaner/disinfectant (1 container)	X	X	X	X
50. Sponges, Alcohol, Prep (10)		X	X	X
51. Endotracheal Tubes Sizes/Quantities: 2.5 mm or 3.0 mm (2 uncuffed) 3.5 mm or 4.0 mm (2 uncuffed) 4.5 mm or 5.0 mm (2) 5.5 mm or 6.0 mm (2) 6.5 mm or 7.0 mm (2) 7.5 mm or 8.0 mm (2) 8.5 mm or 9.0 mm (2) Must be sterile and individually wrapped		X	X	X
52. Nonsurgical Alternative/Rescue Airways. Either 2 Combitubes, TM small and adult, or 3 King, ^{LT} 3, 4 and 5.		X	X	X
53. Electronic Wave-Form Capnography		X	X	X
54. Laryngoscope handle with batteries and spare batteries and bulbs and the following blades: Straight Curved #1 (S) #3 #2 (M) #4 #3 (L) (1 each of the blades)		X	X	X
55. Meconium Aspirator (1)		X	X	X
56. Lubrication (2cc or larger tubes) sterile water soluble (2)	X	X	X	X
57. Forceps, Magill (adult/pediatric 1 ea)		X	X	X
58. Medication and Supplies: Emergency Drugs—(per regional protocols and within state rules and regulations and within exp. date) Nebulizer System (1) Hypodermic needles: 16-18 gauge (4), 20-22 gauge (4), 23-25 gauge, (4) Total of 12 and each Must be individually wrapped and sterile.		X	X	X
59. Defibrillator/Monitor: (FDA approved) (battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout), ECG cables with 3 lead capability and pediatric and adult paddles with pacing capabilities or separate stand-alone pacer.		X	X	X

EQUIPMENT/ SUPPLIES

	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
60. Defibrillator/Monitor Supplies: Paddle pads (4) or electric gel (2 tubes), electrodes, (ECG, adult and pediatric sizes 6 each)		X	X	X
61. Automated External Defibrillator (required for all BLS service as of January 1, 2011)	X			
62. CPAP Ventilation-portable equipment	X	X	X	
63. Stylette, Malleable—pediatric (2)/adult (1). must be sterile.		X	X	X
64. Cricothyrotomy Set (Surgical or Needle) must be sterile.	X			
65. Phlebotomy Equipment (per regional protocols)		X	X	
66. Flutter valve (1) Must be sterile.				X
67. Pulse Oximetry (for authorized BLS services) (Not required for licensure)		X	X	X
68. Electronic Glucose Meter		X	X	X
69. "IV" fluid Therapy Supplies Catheters over the Needle sized (per regional requirements): 14, 16, 18, 20, 22 (4 ea) and 24 (2) Micro drip 50-60 drops/ml(2) Macro drip 10-20 drops/ml (2) I.V. solutions (2,250) ml total Tourniquets (2) Intraosseus Needle 14-18 gauge (2)		X	X	X

Equipment that may be used in direct contact with patients must be reasonably clean and easily cleaned of blood and body fluids. No drug and/or medication may be carried beyond an expiration date assigned to it.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact George J. Aupperlee, Department of Health, Bureau of Emergency Medical Services, Room 606 Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Persons with a speech or hearing impairment may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1949. Filed for public inspection October 16, 2009, 9:00 a.m.]

them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Richard F. Bondurant, LLC and Richard F. Bondurant, Individually	228 Brooke Street Media, PA 19063-3621 3621	9/28/2009
G.F. Insulations, Inc. and Gregory C. Fernberg, Individually	1520 Columbiana Lisbon Road Columbiana, OH 44408	9/23/2009

SANDI VITO,
Secretary

[Pa.B. Doc. No. 09-1950. Filed for public inspection October 16, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public entities subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of

Schedule of Meeting for Uniform Construction Code (UCC) Review and Advisory Council

The Department of Labor and Industry (Department) will have a meeting on Thursday, November 12, 2009, 10 a.m.—5 p.m., at 651 Boas Street, Room E-100, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department's web site at www.dli.state.pa.us/codes. Scroll down and click on the link for UCC Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 09-1951. Filed for public inspection October 16, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of the Fiscal Year 2010 Low-Income Home Energy Assistance Program State Plan

Purpose of Notice

The Department of Public Welfare (Department) is making available to the public the 2010 Low-Income Home Energy Assistance Program State Plan (State Plan). The State Plan describes how the Department plans to use block grant funds provided under the Low-Income Home Energy Assistance Act of 1981, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35) (42 U.S.C.A. §§ 8621—8629) during the 2009-2010 program year.

An online version of the State Plan can be found on the Department's LIHEAP web site at: <http://www.dpw.state.pa.us/ServicesPrograms/LIHEAP/>. In addition, copies of the State Plan are available upon written request to the Director, Division of Federal Programs and Program Management, Department of Public Welfare, DGS Annex, Room 224 Willow Oak Building, 1006 Hemlock Drive, Harrisburg, PA 17110.

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 09-1952. Filed for public inspection October 16, 2009, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$1 Million Jolly Jackpot 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 \$1 Million Jolly Jackpot.

2. *Price:* The price of a Pennsylvania \$1 Million Jolly Jackpot instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1 Million Jolly Jackpot instant lottery game ticket will contain one play area featuring a "CANDY CANE NUMBERS" area, a "SANTA'S NUMBERS" area and a "DOUBLE BONUS PLAY" area. The play symbols and their captions located in the "CANDY CANE 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), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "SANTA'S 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), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY). Toy Sack symbol (TOYSACK), Reindeer symbol (REINDEER) and a Sleigh symbol (SLEIGH). The play symbols and their captions located in the "DOUBLE BONUS PLAY" 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), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY).

4. *Prize Symbols:* The prize symbols and their captions located in the "SANTA'S NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$2,500, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway second-chance drawings for which non-winning Pennsylvania \$1 Million Jolly Jackpot instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 1,920,000 tickets will be printed for the Pennsylvania \$1 Million Jolly Jackpot instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$500 (FIV HUN) appears in twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(f) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which the "DOUBLE BONUS PLAY" symbol matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$20⁰⁰ (TWENTY) appears in fifteen of the "prize" areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$400 (FOR HUN) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which the "DOUBLE BONUS PLAY" symbol matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Sleigh symbol (SLEIGH), and a prize symbol of \$20⁰⁰ (TWENTY) appears in twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$100 (ONE HUN) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Reindeer symbol (REINDEER), shall be entitled to a prize of \$100.

(r) Holders of tickets upon which the "DOUBLE BONUS PLAY" symbol matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$50⁰⁰ (FIFTY) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$40⁰⁰ (FORTY) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which the "DOUBLE BONUS PLAY" symbol matches any of the "SANTA'S NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols matches any of the "CANDY CANE NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "SANTA'S NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the "SANTA'S NUMBERS" play symbols is a Toy Sack symbol (TOYSACK), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the Toy Sack symbol (TOYSACK), on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which the “DOUBLE BONUS PLAY” symbol matches any of the “SANTA’S NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears under the matching “SANTA’S NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the “SANTA’S NUMBERS” play symbols matches any of the

“CANDY CANE NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears under the matching “SANTA’S NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

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 Santa’s Numbers Match Any Of The Candy Cane Numbers, Win With Prize(s) Of:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,920,000 Tickets</i>
\$10 × 2	\$20	20	96,000
\$10 w/DOUBLE BONUS PLAY	\$20	20	96,000
\$20 w/TOY SACK	\$20	30	64,000
\$20	\$20	20	96,000
\$10 × 4	\$40	120	16,000
\$20 × 2	\$40	120	16,000
\$20 w/DOUBLE BONUS PLAY	\$40	60	32,000
\$40 w/TOY SACK	\$40	60	32,000
\$40	\$40	60	32,000
\$10 × 5	\$50	120	16,000
(\$20 w/DOUBLE BONUS PLAY) + \$10	\$50	120	16,000
\$50 w/TOY SACK	\$50	120	16,000
\$50	\$50	120	16,000
\$10 × 10	\$100	150	12,800
\$50 w/DOUBLE BONUS PLAY	\$100	150	12,800
\$100 w/REINDEER	\$100	150	12,800
\$100 w/TOY SACK	\$100	150	12,800
\$100	\$100	150	12,800
\$20 × 20	\$400	6,000	320
SLEIGH w/\$20 × 20	\$400	2,609	736
\$40 × 10	\$400	6,000	320
\$50 × 8	\$400	6,000	320
(\$100 w/REINDEER) + (\$100 × 3)	\$400	6,000	320
\$200 w/DOUBLE BONUS PLAY	\$400	6,000	320
\$400 w/TOY SACK	\$400	12,000	160
\$400	\$400	6,000	320
SLEIGH w/(\$20 × 15) + (\$40 × 5)	\$500	5,455	352
(\$40 × 10) + (\$50 × 2)	\$500	6,000	320
\$100 × 5	\$500	6,000	320
(\$100 w/REINDEER) + (\$100 × 4)	\$500	6,000	320
(\$200 w/DOUBLE BONUS PLAY) + \$100	\$500	6,000	320
\$500	\$500	6,000	320
SLEIGH w/(\$20 × 5) + (\$40 × 10) + (\$100 × 5)	\$1,000	20,000	96
\$50 × 20	\$1,000	20,000	96
\$100 × 10	\$1,000	20,000	96
(\$100 w/REINDEER) + (\$100 × 9)	\$1,000	20,000	96
\$500 w/DOUBLE BONUS PLAY	\$1,000	20,000	96
\$1,000	\$1,000	20,000	96
\$500 × 5	\$2,500	120,000	16
\$2,500	\$2,500	120,000	16
SLEIGH w/\$500 × 20	\$10,000	960,000	2
\$1,000 × 10	\$10,000	960,000	2
\$2,500 × 4	\$10,000	960,000	2
\$10,000	\$10,000	960,000	2
\$100,000	\$100,000	960,000	2
\$1,000,000	\$1,000,000	480,000	4

“TOY SACK” (TOYSACK) symbol = Win prize shown under that symbol.
 “DOUBLE BONUS PLAY” = When the DOUBLE BONUS PLAY number matches any of SANTA’S NUMBERS, win double the prize shown under the matching number.
 “REINDEER” (REINDEER) symbol = Win \$100 instantly.
 “SLEIGH” (SLEIGH) symbol = Win all 20 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway, players must mail non-winning qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of exactly \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway, P. O. Box 4000, Middletown, PA 17057-4000. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: Pennsylvania \$1 Million Jolly Jackpot '09 (\$20); Pennsylvania Frosty's Fortune '09 (\$10); Pennsylvania Candy Cane Cash '09 (\$5); Pennsylvania Holiday Lucky Times 10 (\$3); Pennsylvania Freezin' Greetings (\$2); and Pennsylvania Holiday Bucks '09 (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of less than or more than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets will be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway must be completed by the same player in a legible manner, including the player's name, 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. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. Ten finalists will be selected in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. December 11, 2009, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. November 13, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 17, 2009.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 13, 2009, through and including 4:00 p.m. November 20, 2009, will be eligible to participate in

the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 24, 2009.

(3) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 20, 2009, through and including 4:00 p.m. November 30, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 1, 2009.

(4) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 30, 2009, through and including 4:00 p.m. December 4, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Giveaway drawing which will be held at Lottery Headquarters on or about December 8, 2009.

(5) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. December 4, 2009, through and including 4:00 p.m. December 11, 2009, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 15, 2009.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings will be conducted in the following manner:

(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 will be used to select the numbered containers from which the ten Pennsylvania Lottery Grand-A-Day Holiday Giveaway finalists will be selected. 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 participate in the grand prize drawing from among the ten finalists selected.

(4) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday drawing depends upon the number of entries received for that drawing.

(5) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, a player must have complied with the requirements of section 10.

(6) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings.

(7) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway entry is eligible for only one Grand-A-Day Holiday Giveaway drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain

eligible for a subsequent Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing.

(8) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing entry is rejected during a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(9) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

12. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 17, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 21, 2009, at a location designated by the Secretary.

(2) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 24, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 28, 2009, at a location designated by the Secretary.

(3) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 1, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 5, 2009, at a location designated by the Secretary.

(4) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 8, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 12, 2009, at a location designated by the Secretary.

(5) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 15, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 19, 2009, at a location designated by the Secretary.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings will utilize a computer-generated randomizer to select the grand prize winner from among the ten finalists for each grand prize drawing.

13. *Description of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway prizes:*

(a) There will be one grand prize winner in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. There will be nine consolation prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. The consolation prizes will be awarded to the nine finalists not selected as the grand prize winner in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 21, 2009, will be entitled to a prize in the amount of \$31,000.

(2) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 28, 2009, will be entitled to a prize in the amount of \$31,000.

(3) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 5, 2009, will be entitled to a prize in the amount of \$31,000.

(4) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 12, 2009, will be entitled to a prize in the amount of \$31,000.

(5) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 19, 2009, will be entitled to a prize in the amount of \$365,000.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

(c) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$1 Million Jolly Jackpot instant lottery 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 \$1 Million Jolly Jackpot, prize money from winning Pennsylvania \$1 Million Jolly Jackpot 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 \$1 Million Jolly Jackpot 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.

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 \$1 Million Jolly Jackpot or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1953. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania 2nd Edition Goldbar Cro\$\$word '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 2nd Edition Goldbar Cro\$\$word '09.

2. *Price:* The price of a Pennsylvania 2nd Edition Goldbar Cro\$\$word '09 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania 2nd Edition Goldbar Cro\$\$word '09 instant lottery game ticket will feature a "YOUR LETTERS" area, a crossword puzzle play grid for the "Goldbar Cro\$\$word" game and a "BONUS" play area. The "BONUS" area is played separately. The play symbols and their captions located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in the "Goldbar Cro\$\$word" puzzle play grid are: the letters A through and including Z. The play symbols and their captions located in the "BONUS" play area are: Cash symbol (CASH), Chest symbol (CHEST), Gift symbol (GIFT), Moneybag symbol (MNYBAG), Money symbol (MONEY), Gold Nugget symbol (GLDNGT) and a Gold Bar symbol (GLDBAR).

4. *Prizes:* The prizes that can be won in the "Goldbar Cro\$\$word" game are: \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$1,000 and \$60,000. The prizes that can be won in the "BONUS" game are: \$10 and \$100. A player can win up to 2 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania 2nd Edition Goldbar Cro\$\$word '09 instant lottery game.

6. *Determination of Prize Winners:*

(a) The determination of the prize winners for the "Goldbar Cro\$\$word" game are:

(1) Holders of tickets where the player completely uncovers 10 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$60,000.

(2) Holders of tickets where the player completely uncovers 9 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets where the player completely uncovers 8 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets where the player completely uncovers 7 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets where the player completely uncovers 6 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets where the player completely uncovers 5 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets where the player completely uncovers 4 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets where the player completely uncovers 3 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets where the player completely uncovers 2 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$3.

(b) The determination of the prize winners for the "BONUS" area are:

(1) Holders of tickets with a Gold Bar (GLDBAR) play symbol in any "BONUS" spot, on a single ticket, shall be entitled to a prize of \$10.

(2) Holders of tickets with a Gold Bar (GLDBAR) play symbol in each of the five "BONUS" spots, on a single ticket, shall be entitled to a prize of \$100.

7. *Game Play Instructions for the "Goldbar Cro\$\$word" game are:*

(a) The player shall scratch the "YOUR LETTERS" area to reveal 18 letters. For each of the 18 letters revealed in the "YOUR LETTERS" area, the player shall rub the same letter each time it is found in the "Goldbar Cro\$\$word" puzzle play area.

(b) When a player reveals two or more entire words in the "Goldbar Cro\$\$word" puzzle play area, the player is entitled to win a prize as described in Section 6(a).

(c) Only the highest prize won in the "Goldbar Cro\$\$word" instant lottery game and the highest prize won in the "BONUS" game will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the "Goldbar Cro\$\$word" puzzle play area. An unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces.

(f) Every single letter in the unbroken string must be revealed in the "YOUR LETTERS" area and be included to form a word.

(g) The possible complete words for each ticket in the game are shown on the "Goldbar Cro\$\$word" puzzle play grid of the ticket. The player must match all of the letters in a possible complete word in order to complete the word.

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:

Win Prize(s) With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 14,400,000 Tickets:
2 WORDS	\$3	7.69	1,872,000
3 WORDS	\$5	12.50	1,152,000
4 WORDS	\$10	125	115,200
\$10 (GOLD BAR)	\$10	55.56	259,200
5 WORDS	\$20	200	72,000
4 WORDS + \$10 (GOLD BAR)	\$20	100	144,000
6 WORDS	\$30	1,200	12,000
5 WORDS + \$10 (GOLD BAR)	\$30	1,200	12,000
7 WORDS	\$50	800	18,000
8 WORDS	\$100	1,200	12,000
\$100 (GOLD BAR)	\$100	385.85	37,320
9 WORDS	\$1,000	10,909	1,320
10 WORDS	\$60,000	720,000	20

BONUS = Get a GOLD BAR (GLDBAR) symbol in any spot, win \$10. Get five GOLD BAR (GLDBAR) symbols, win \$100.

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 2nd Edition Goldbar Cro\$\$word '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 2nd Edition Goldbar Cro\$\$word '09, prize money from winning Pennsylvania 2nd Edition Goldbar Cro\$\$word '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 2nd Edition Goldbar Cro\$\$word '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 2nd Edition Goldbar Cro\$\$word '09 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1954. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania Candy Cane Cash '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 Candy Cane Cash '09.

2. *Price:* The price of a Pennsylvania Candy Cane Cash '09 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Candy Cane Cash '09 instant lottery game ticket will contain one play area featuring a "CASH NUMBERS" area and a "CANDY CANE NUMBERS" area and a separate "PEPPERMINT TWIST" play area. The play symbols and their captions located in the "CASH 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 "CANDY CANE 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) and a Stocking symbol (STKNG). The prize play and play symbols and their captions located in the "PEPPERMINT TWIST" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The "PEPPERMINT TWIST" area is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "CANDY CANE NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the "PEPPERMINT TWIST" area are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, and \$1,000. The player can win up to 12 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway second-

chance drawings for which non-winning Pennsylvania Candy Cane Cash '09 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 5,760,000 tickets will be printed for the Pennsylvania Candy Cane Cash '09 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a prize play symbol of \$1,000 (ONE THO) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$100 (ONE HUN) appears under the Stocking symbol (STKNG), on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets with a prize play symbol of \$400 (FOR HUN) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the Stocking symbol (STKNG), on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a prize play symbol of \$50⁰⁰ (FIFTY) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Stocking symbol (STKNG), on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets with a prize play symbol of \$40⁰⁰ (FORTY) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets with a prize play symbol of \$25⁰⁰ (TWY FIV) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols is a Stocking symbol (STKNG), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Stocking symbol (STKNG), on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets with a prize play symbol of \$20⁰⁰ (TWENTY) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with a prize play symbol of \$10⁰⁰ (TEN DOL) in the "PEPPERMINT TWIST" area, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "CANDY CANE NUMBERS" play symbols matches any of the "CASH NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "CANDY CANE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets with a prize play symbol of \$5⁰⁰ (FIV DOL) in the "PEPPERMINT TWIST" area, 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:

<i>When Any Of The Candy Cane Numbers Match Any Of The Cash Numbers, Win Prize Shown With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,760,000 Tickets</i>
\$5	\$5	8.57	672,000
(\$5 w/PEPPERMINT TWIST) + \$5	\$10	40	144,000
\$5 × 2	\$10	60	96,000
\$10	\$10	40	144,000
\$5 × 4	\$20	300	19,200
\$10 × 2	\$20	300	19,200
(\$10 w/PEPPERMINT TWIST) + \$10	\$20	300	19,200
\$20 w/PEPPERMINT TWIST	\$20	300	19,200
\$20	\$20	300	19,200
\$5 w/STOCKING	\$25	300	19,200
(\$5 w/PEPPERMINT TWIST) + (\$5 × 4)	\$25	300	19,200
(\$10 w/PEPPERMINT TWIST) + (\$5 × 3)	\$25	300	19,200
\$25 w/PEPPERMINT TWIST	\$25	300	19,200
\$25	\$25	300	19,200
\$5 × 8	\$40	600	9,600
\$10 × 4	\$40	600	9,600
(\$20 w/PEPPERMINT TWIST) + \$20	\$40	600	9,600
\$40 w/PEPPERMINT TWIST	\$40	600	9,600
\$40	\$40	600	9,600
\$5 × 10	\$50	600	9,600
\$10 w/STOCKING	\$50	600	9,600
(\$25 w/PEPPERMINT TWIST) + \$25	\$50	600	9,600
\$50 w/PEPPERMINT TWIST	\$50	600	9,600
\$50	\$50	600	9,600
\$10 × 10	\$100	1,600	3,600
\$20 w/STOCKING	\$100	1,600	3,600
\$25 × 4	\$100	1,600	3,600
(\$50 w/PEPPERMINT TWIST) + \$50	\$100	1,600	3,600
\$100 w/PEPPERMINT TWIST	\$100	1,600	3,600
\$100	\$100	1,600	3,600
(\$20 w/STOCKING) + (\$25 × 10) + \$50	\$400	40,000	144
\$40 × 10	\$400	40,000	144
(\$50 w/PEPPERMINT TWIST) + (\$50 × 7)	\$400	40,000	144
\$100 × 4	\$400	40,000	144
\$400 w/PEPPERMINT TWIST	\$400	40,000	144
\$400	\$400	40,000	144
\$50 × 10	\$500	40,000	144
\$100 w/STOCKING	\$500	40,000	144
(\$100 w/PEPPERMINT TWIST) + (\$100 × 4)	\$500	40,000	144
\$500	\$500	40,000	144
\$100 × 10	\$1,000	60,000	96
(\$100 w/STOCKING) + (\$100 × 5)	\$1,000	60,000	96
\$1,000 w/PEPPERMINT TWIST	\$1,000	60,000	96
\$1,000	\$1,000	40,000	144
\$10,000	\$10,000	960,000	6
\$100,000	\$100,000	480,000	12

PEPPERMINT TWIST = Reveal a prize amount from \$5 to \$1,000 and win that prize.
STOCKING (STKNG) = Win 5 times the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery Grand-A-Day Holiday Giveaway Requirements:

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway, players must mail non-winning qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of exactly \$20 in an envelope no larger than 4 1/8 inches by

9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway, P. O. Box 4000, Middletown, PA 17057-4000. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: Pennsylvania \$1 Million Jolly Jackpot '09 (\$20); Pennsylvania Frosty's Fortune '09 (\$10); Pennsylvania Candy Cane Cash '09 (\$5); Pennsylvania Holiday Lucky Times 10 (\$3); Pennsylvania Freezin' Greetings (\$2); and Pennsylvania Holiday Bucks '09 (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of less than or more than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets will be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway must be completed by the same player in a legible manner, including the player's name, 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. Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing procedures:

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. Ten finalists will be selected in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. December 11, 2009, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. November 13, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 17, 2009.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 13, 2009, through and including 4:00 p.m. November 20, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 24, 2009.

(3) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 20, 2009, through and including 4:00 p.m. November 30, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 1, 2009.

(4) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 30, 2009, through and including 4:00 p.m. December 4, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Giveaway drawing which will be held at Lottery Headquarters on or about December 8, 2009.

(5) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after

4:00 p.m. December 4, 2009, through and including 4:00 p.m. December 11, 2009, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 15, 2009.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings will be conducted in the following manner:

(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 will be used to select the numbered containers from which the ten Pennsylvania Lottery Grand-A-Day Holiday Giveaway finalists will be selected. 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 participate in the grand prize drawing from among the ten finalists selected.

(4) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday drawing depends upon the number of entries received for that drawing.

(5) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, a player must have complied with the requirements of section 10.

(6) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings.

(7) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway entry is eligible for only one Grand-A-Day Holiday Giveaway drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing.

(8) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing entry is rejected during a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(9) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

12. Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing procedures:

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 17, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 21, 2009, at a location designated by the Secretary.

(2) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 24, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 28, 2009, at a location designated by the Secretary.

(3) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 1, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 5, 2009, at a location designated by the Secretary.

(4) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 8, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 12, 2009, at a location designated by the Secretary.

(5) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 15, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 19, 2009, at a location designated by the Secretary.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings will utilize a computer-generated randomizer to select the grand prize winner from among the ten finalists for each grand prize drawing.

13. *Description of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway prizes:*

(a) There will be one grand prize winner in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. There will be nine consolation prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. The consolation prizes will be awarded to the nine finalists not selected as the grand prize winner in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 21, 2009, will be entitled to a prize in the amount of \$31,000.

(2) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 28, 2009, will be entitled to a prize in the amount of \$31,000.

(3) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 5, 2009, will be entitled to a prize in the amount of \$31,000.

(4) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 12, 2009, will be entitled to a prize in the amount of \$31,000.

(5) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 19, 2009, will be entitled to a prize in the amount of \$365,000.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

(c) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Candy Cane Cash '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).

15. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Candy Cane Cash '09, prize money from winning Pennsylvania Candy Cane Cash '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 Candy Cane Cash '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.

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 Candy Cane Cash '09 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1955. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania Cash 2 Go 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 Cash 2 Go.

2. *Price:* The Pennsylvania Cash 2 Go instant lottery game ticket is a promotional item and has no sale price.

3. *Promotional Game Details:* Pennsylvania Cash 2 Go instant lottery game tickets will be provided to retailers to use to augment retailer promotions and to other persons for promotional purposes as approved by the Director of the Lottery.

4. *Play Symbols:* Each Pennsylvania Cash 2 Go instant lottery game ticket will contain one play area featuring a "WINNING SYMBOL" area and a "YOUR SYMBOLS" area. The play symbols and their captions located in the "WINNING SYMBOL" area are: Moneybag symbol (MNYBAG), Bell symbol (BELL), Chest symbol (CHEST), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Piggy Bank symbol (PIGBNK), Pot symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Shoe symbol (SHOE), 7 symbol (SVN), Wallet symbol (WALLET) and a Cash symbol (CASH). The play symbols and their captions located in the "YOUR SYMBOLS" area are: Moneybag symbol

(MNYBAG), Bell symbol (BELL), Chest symbol (CHEST), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Piggy Bank symbol (PIGBNK), Pot symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Shoe symbol (SHOE), 7 symbol (SVN), Wallet symbol (WALLET) and a Cash symbol (CASH).

5. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SYMBOLS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY) and \$100 (ONE HUN).

6. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$15, \$20, \$40 and \$100. The player can win up to four times on a ticket.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 960,000 tickets will be printed for the Pennsylvania Cash 2 Go instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(b) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(c) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$15⁰⁰ (FIFTN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(e) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$3⁰⁰ (THR DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(j) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "WINNING SYMBOL" play symbol and a prize symbol of Free (TICKET) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Cash 2 Go instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes and approximate odds of winning:

<i>When Any Of Your Symbols Match The Winning Symbol, Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 960,000 Tickets</i>
FREE	FREE \$1 TICKET	8.33	115,200
\$1	\$1	12.20	78,720
\$1 x 2	\$2	25	38,400
\$2	\$2	25	38,400
\$1 x 3	\$3	125	7,680
\$3	\$3	125	7,680
\$2 + \$3	\$5	166.67	5,760
\$5	\$5	166.67	5,760
(\$3 x 3) + \$1	\$10	250	3,840
\$10	\$10	250	3,840
\$15	\$15	500	1,920
\$20	\$20	500	1,920
\$10 x 4	\$40	21,818	44
(\$15 x 2) + (\$5 x 2)	\$40	24,000	40
\$20 x 2	\$40	21,818	44
\$40	\$40	21,818	44
(\$40 x 2) + (\$10 x 2)	\$100	60,000	16
\$100	\$100	60,000	16

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash 2 Go, prize money from winning Pennsylvania Cash 2 Go 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 Cash 2 Go 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 Cash 2 Go or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1956. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania Freezin' Greetings 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 Freezin' Greetings.

2. *Price:* The price of a Pennsylvania Freezin' Greetings instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Freezin' Greetings instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions, printed in black ink and located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions, printed in blue ink and located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions, printed in black ink and 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) and an Igloo (IGLOO) symbol. The play sym-

bol and their captions, printed in blue ink and 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) and 20 (TWENT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$20,000. A player can win up to 10 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway drawings for which non-winning Pennsylvania Freezin' Greetings instant lottery game tickets may be eligible, as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Freezin' Greetings instant lottery game.

8. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Igloo symbol (IGLOO), and a prize symbol of \$100 (ONE HUN) appears in ten of the "Prize" areas, 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, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Igloo symbol (IGLOO), and a prize symbol of \$50.⁰⁰ (FIFTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR

NING NUMBERS” play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches either of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in blue ink, matches either of the “WINNING NUMBERS” play symbols, with the symbol and

caption printed in blue ink, and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches either of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

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:

<i>When Any Of Your Numbers Match Either Winning Number, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$1 × 2	\$2	30	280,000
\$1 w/BLUE NUMBER MATCH	\$2	25	336,000
\$2	\$2	30	280,000
\$1 × 4	\$4	75	112,000
\$2 × 2	\$4	75	112,000
\$2 w/BLUE NUMBER MATCH	\$4	50	168,000
\$4	\$4	75	112,000
\$1 × 5	\$5	75	112,000
(\$2 w/BLUE NUMBER MATCH) + \$1	\$5	75	112,000
\$5	\$5	150	56,000
IGLOO w/\$1 × 10	\$10	300	28,000
\$2 × 5	\$10	300	28,000
(\$2 w/BLUE NUMBER MATCH) + (\$2 × 3)	\$10	300	28,000
(\$4 w/BLUE NUMBER MATCH) + \$2	\$10	300	28,000
\$10	\$10	300	28,000
IGLOO w/\$2 × 10	\$20	750	11,200
\$4 × 5	\$20	750	11,200
\$5 × 4	\$20	750	11,200
\$10 × 2	\$20	750	11,200
\$10 w/BLUE NUMBER MATCH	\$20	750	11,200
\$20	\$20	750	11,200
IGLOO w/\$4 × 10	\$40	2,400	3,500
\$5 × 8	\$40	2,400	3,500
\$10 × 4	\$40	2,400	3,500
\$20 × 2	\$40	2,400	3,500
\$20 w/BLUE NUMBER MATCH	\$40	2,308	3,640
\$40	\$40	2,400	3,500
IGLOO w/\$5 × 10	\$50	2,667	3,150
\$10 × 5	\$50	3,000	2,800
(\$10 w/BLUE NUMBER MATCH) + (\$10 × 3)	\$50	2,667	3,150
(\$20 w/BLUE NUMBER MATCH) + (\$5 × 2)	\$50	2,927	2,870
\$50	\$50	3,000	2,800
IGLOO w/\$10 × 10	\$100	5,455	1,540
\$20 × 5	\$100	6,000	1,400
\$50 × 2	\$100	6,000	1,400
\$50 w/BLUE NUMBER MATCH	\$100	6,000	1,400
\$100	\$100	6,000	1,400
IGLOO w/\$40 × 10	\$400	60,000	140
\$100 × 4	\$400	60,000	140
(\$100 w/BLUE NUMBER MATCH) + (\$100 × 2)	\$400	60,000	140
\$400	\$400	60,000	140
IGLOO w/\$50 × 10	\$500	120,000	70
\$100 × 5	\$500	120,000	70
(\$100 w/BLUE NUMBER MATCH) + (\$100 × 3)	\$500	120,000	70
\$500	\$500	120,000	70
IGLOO w/\$100 × 10	\$1,000	120,000	70

<i>When Any Of Your Numbers Match Either Winning Number, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$1,000	\$1,000	120,000	70
\$20,000	\$20,000	840,000	10

BLUE NUMBER MATCH = When the matching number is in blue, win double the prize shown under that number.
 IGLOO (IGLOO) = Win all ten prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery Grand-A-Day Holiday Giveaway Requirements:

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway, players must mail non-winning qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of exactly \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway, P. O. Box 4000, Middletown, PA 17057-4000. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: Pennsylvania \$1 Million Jolly Jackpot '09 (\$20); Pennsylvania Frosty's Fortune '09 (\$10); Pennsylvania Candy Cane Cash '09 (\$5); Pennsylvania Holiday Lucky Times 10 (\$3); Pennsylvania Freezin' Greetings (\$2); and Pennsylvania Holiday Bucks '09 (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of less than or more than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets will be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway must be completed by the same player in a legible manner, including the player's name, 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. Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing procedures:

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. Ten finalists will be selected in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. December 11, 2009, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. November 13, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 17, 2009.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 13, 2009, through and including 4:00 p.m. November 20, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 24, 2009.

(3) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 20, 2009, through and including 4:00 p.m. November 30, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 1, 2009.

(4) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 30, 2009, through and including 4:00 p.m. December 4, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Giveaway drawing which will be held at Lottery Headquarters on or about December 8, 2009.

(5) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. December 4, 2009, through and including 4:00 p.m. December 11, 2009, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 15, 2009.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings will be conducted in the following manner:

(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 will be used to select the numbered containers from which the ten Pennsylvania Lottery Grand-A-Day Holiday Giveaway finalists will be selected. 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 participate in the grand prize drawing from among the ten finalists selected.

(4) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday drawing depends upon the number of entries received for that drawing.

(5) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, a player must have complied with the requirements of section 10.

(6) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings.

(7) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway entry is eligible for only one Grand-A-Day Holiday Giveaway drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing.

(8) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing entry is rejected during a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(9) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

12. Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing procedures:

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 17, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 21, 2009, at a location designated by the Secretary.

(2) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 24, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 28, 2009, at a location designated by the Secretary.

(3) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 1, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 5, 2009, at a location designated by the Secretary.

(4) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 8, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 12, 2009, at a location designated by the Secretary.

(5) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 15, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 19, 2009, at a location designated by the Secretary.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings will utilize a computer-generated randomizer to select the grand prize winner from among the ten finalists for each grand prize drawing.

13. Description of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway prizes:

(a) There will be one grand prize winner in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. There will be nine consolation prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. The consolation prizes will be awarded to the nine finalists not selected as the grand prize winner in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 21, 2009, will be entitled to a prize in the amount of \$31,000.

(2) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 28, 2009, will be entitled to a prize in the amount of \$31,000.

(3) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 5, 2009, will be entitled to a prize in the amount of \$31,000.

(4) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 12, 2009, will be entitled to a prize in the amount of \$31,000.

(5) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 19, 2009, will be entitled to a prize in the amount of \$365,000.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

(c) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

14. Retailer Incentive Awards: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Freezin' Greetings instant lottery 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 Freezin' Greetings, prize money from winning Pennsylvania Freezin' Greetings 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 Freezin' Greetings 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.

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 Freezin' Greetings or through normal communications methods.

STEPHEN H. STETLER
Secretary

[Pa.B. Doc. No. 09-1957. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania Frosty's Fortune '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 Frosty's Fortune '09.

2. *Price:* The price of a Pennsylvania Frosty's Fortune '09 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Frosty's Fortune '09 instant lottery game ticket will contain one play area featuring a "YOUR NUMBERS" area, a "FROSTY'S NUMBERS" area and a separate "Cold Cash Bonus" area containing one play symbol. The play symbols and their captions located in the "FROSTY'S 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), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). 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), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Snowman symbol (SNOWMAN) and a Mitten symbol (MITTEN). The play symbols and their captions located in the "Cold Cash Bonus" area are: Wreath symbol (WREATH), Earmuff symbol (EARMF), Hat symbol (HAT), Drum symbol (DRUM), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Bell symbol (BELL), Reindeer symbol (RNDEER), Angel symbol (ANGEL), Light symbol (LIGHT), Flake symbol (FLAKE), Nutcracker symbol (NTCRKR), Gift symbol (GIFT), Scarf symbol (SCARF) and an Icicle symbol (ICICLE).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰

(FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$25,000 (TWYFIVTHO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$25,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway drawings for which non-winning Pennsylvania Frosty's Fortune '09 instant lottery game tickets may be eligible, as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Frosty's Fortune '09 instant lottery game.

8. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY'S 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 Mitten (MITTEN) symbol and a prize symbol of \$1,000 (ONE THO) appears under that Mitten (MITTEN) symbol, 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 Snowman (SNOWMAN) symbol and a prize symbol of \$100 (ONE HUN) appears under that Snowman (SNOWMAN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with an Icicle (ICICLE) symbol in the "Cold Cash Bonus" area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY'S NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Mitten (MITTEN) symbol and a prize symbol of \$500 (FIV HUN) appears under that Mitten (MITTEN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman (SNOWMAN) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears

under that Snowman (SNOWMAN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with an Icicle (ICICLE) symbol in the “Cold Cash Bonus” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “FROSTY’S 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.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Mitten (MITTEN) symbol and a prize symbol of \$400 (FOR HUN) appears under that Mitten (MITTEN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Snowman (SNOWMAN) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears under that Snowman (SNOWMAN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets with an Icicle (ICICLE) symbol in the “Cold Cash Bonus” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “FROSTY’S 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.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Mitten (MITTEN) symbol and a prize symbol of \$100 (ONE HUN) appears under that Mitten (MITTEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Snowman (SNOWMAN) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under that Snowman (SNOWMAN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with an Icicle (ICICLE) symbol in the “Cold Cash Bonus” area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “prize” areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “FROSTY’S NUMBERS” play symbols and a prize symbol

of \$50⁰⁰ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Mitten (MITTEN) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears under that Mitten (MITTEN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Snowman (SNOWMAN) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under that Snowman (SNOWMAN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “FROSTY’S NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Mitten (MITTEN) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears under that Mitten (MITTEN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “FROSTY’S NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Mitten (MITTEN) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears under that Mitten (MITTEN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “FROSTY’S NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Mitten (MITTEN) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under that Mitten (MITTEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “FROSTY’S NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, 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 Frosty’s Numbers, Win With Prize(s) Of:

\$5 × 2
 \$10 w/MITTEN
 \$10
 \$5 × 4

Win:
 \$10
 \$10
 \$10
 \$20

Approximate Odds Are 1 In:
 20
 20
 17.14
 60

Approximate No. Of Winners Per 4,800,000 Tickets
 240,000
 240,000
 280,000
 80,000

When Any Of Your Numbers Match
Any Of Frosty's Numbers, Win With
Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets
\$10 × 2	\$20	60	80,000
\$20 w/MITTEN	\$20	60	80,000
\$20	\$20	30	160,000
\$5 × 8	\$40	300	16,000
\$10 × 4	\$40	300	16,000
\$20 × 2	\$40	300	16,000
\$40 w/MITTEN	\$40	300	16,000
\$40	\$40	300	16,000
\$5 w/SNOWMAN	\$50	600	8,000
\$10 × 5	\$50	600	8,000
(\$20 × 2) + \$10	\$50	600	8,000
\$50 w/MITTEN	\$50	600	8,000
\$50	\$50	600	8,000
ICICLE w/(\$5 × 10) + (\$10 × 5)	\$100	300	16,000
\$10 w/SNOWMAN	\$100	300	16,000
\$20 × 5	\$100	600	8,000
\$50 × 2	\$100	600	8,000
\$100 w/MITTEN	\$100	600	8,000
\$100	\$100	600	8,000
ICICLE w/(\$20 × 10) + (\$40 × 5)	\$400	7,500	640
\$40 w/SNOWMAN	\$400	7,500	640
\$50 × 8	\$400	8,000	600
\$100 × 4	\$400	8,000	600
\$400 w/MITTEN	\$400	8,000	600
\$400	\$400	6,000	800
ICICLE w/(\$20 × 5) + (\$40 × 10)	\$500	12,000	400
(\$40 × 10) + (\$50 × 2)	\$500	12,000	400
\$50 w/SNOWMAN	\$500	12,000	400
\$100 × 5	\$500	12,000	400
500 w/MITTEN	\$500	12,000	400
\$500	\$500	10,909	440
ICICLE w/(\$50 × 10) + (\$100 × 5)	\$1,000	10,909	440
\$100 w/SNOWMAN	\$1,000	10,909	440
\$500 × 2	\$1,000	12,000	400
\$1,000 w/MITTEN	\$1,000	12,000	400
\$1,000	\$1,000	12,000	400
\$25,000	\$25,000	240,000	20
\$250,000	\$250,000	480,000	10

MITTEN (MITTEN) symbol = Win prize shown under it automatically.
SNOWMAN (SNOWMAN) symbol = Win 10 times the prize shown under it.
ICICLE (ICICLE) symbol in the Cold Cash Bonus = Win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway, players must mail non-winning qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of exactly \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway, P. O. Box 4000, Middletown, PA 17057-4000. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: Pennsylvania \$1 Million Jolly Jackpot '09 (\$20); Pennsylvania Frosty's Fortune '09 (\$10); Pennsylvania Candy Cane Cash '09 (\$5); Pennsylvania Holiday Lucky Times 10 (\$3); Pennsylvania Freezin' Greetings (\$2); and Pennsylvania Holiday Bucks '09 (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of less than or more than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets will be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway must be

completed by the same player in a legible manner, including the player's name, 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. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. Ten finalists will be selected in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. December 11, 2009, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. November 13, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 17, 2009.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 13, 2009, through and including 4:00 p.m. November 20, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 24, 2009.

(3) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 20, 2009, through and including 4:00 p.m. November 30, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 1, 2009.

(4) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 30, 2009, through and including 4:00 p.m. December 4, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Giveaway drawing which will be held at Lottery Headquarters on or about December 8, 2009.

(5) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. December 4, 2009, through and including 4:00 p.m. December 11, 2009, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 15, 2009.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings will be conducted in the following manner:

(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 will be used to select the numbered containers from which the ten Pennsylvania Lottery Grand-A-Day Holiday Giveaway finalists will be selected. 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 participate in the grand prize drawing from among the ten finalists selected.

(4) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday drawing depends upon the number of entries received for that drawing.

(5) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, a player must have complied with the requirements of section 10.

(6) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings.

(7) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway entry is eligible for only one Grand-A-Day Holiday Giveaway drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing.

(8) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing entry is rejected during a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(9) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

12. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 17, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 21, 2009, at a location designated by the Secretary.

(2) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 24, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 28, 2009, at a location designated by the Secretary.

(3) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 1, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 5, 2009, at a location designated by the Secretary.

(4) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 8, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 12, 2009, at a location designated by the Secretary.

(5) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or

about December 15, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 19, 2009, at a location designated by the Secretary.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings will utilize a computer-generated randomizer to select the grand prize winner from among the ten finalists for each grand prize drawing.

13. Description of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway prizes:

(a) There will be one grand prize winner in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. There will be nine consolation prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. The consolation prizes will be awarded to the nine finalists not selected as the grand prize winner in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 21, 2009, will be entitled to a prize in the amount of \$31,000.

(2) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 28, 2009, will be entitled to a prize in the amount of \$31,000.

(3) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 5, 2009, will be entitled to a prize in the amount of \$31,000.

(4) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 12, 2009, will be entitled to a prize in the amount of \$31,000.

(5) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 19, 2009, will be entitled to a prize in the amount of \$365,000.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

(c) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

14. Retailer Incentive Awards: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Frosty's Fortune '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).

15. Unclaimed Prize Money: For a period of 1 year from the announced close of Pennsylvania Frosty's Fortune '09, prize money from winning Pennsylvania Frosty's Fortune '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 Frosty's Fortune '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.

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 Frosty's Fortune '09 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1958. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania Holiday Bucks '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 Holiday Bucks '09.

2. *Price:* The price of a Pennsylvania Holiday Bucks '09 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Holiday Bucks '09 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Sleigh symbol (SLEIGH), Reindeer symbol (RNDEER) and an X symbol (XXX).

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$2, \$5, \$10, \$20, \$40, \$100 and \$1,000.

5. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway second-chance drawings for which non-winning Pennsylvania Holiday Bucks '09 instant lottery game tickets may be eligible as provided for in section 9.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania Holiday Bucks '09 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in a left to right diagonal line in the play area, and a prize amount of \$1,000 appears below the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in a right to left diagonal line in the play area, and a prize amount of \$100 appears below the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in the bottom row in the play area, and a prize amount of \$40 appears above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in the right column in the play area, and a prize amount of \$20 appears to the

left of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in the top row in the play area, and a prize amount of \$10 appears above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with Sleigh (SLEIGH) play symbol in the play area, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in the left column in the play area, and a prize amount of \$5 appears to the left of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in the middle row in the play area, and a prize amount of \$2 appears above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching Reindeer (RNDEER) play symbols appearing in the middle column in the play area, and a prize amount of "Free" appears to the left of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of one Pennsylvania Holiday Bucks '09 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Get 3 "Reindeer" Symbols In Any Row, Column Or Diagonal And Win Prize Shown By The Arrow Pointing To That Win. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 15,600,000 Tickets
FREE MIDDLE COLUMN	FREE \$1 TICKET	9.68	1,612,000
\$2 MIDDLE ROW	\$2	15.79	988,000
\$5 LEFT COLUMN	\$5	37.50	416,000
\$10 (SLEIGH)	\$10	120	130,000
\$10 TOP ROW	\$10	300	52,000
\$10 (SLEIGH) + \$10 TOP ROW	\$20	600	26,000
\$20 RIGHT COLUMN	\$20	600	26,000
\$40 BOTTOM ROW	\$40	979.59	15,925
\$100 RIGHT DIAGONAL	\$100	2,400	6,500
\$1,000 LEFT DIAGONAL	\$1,000	240,000	65

Sleigh (SLEIGH) = Win \$10 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway, players must mail non-winning qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of exactly \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway, P. O. Box 4000, Middletown, PA 17057-4000. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: Pennsylvania \$1 Million Jolly Jackpot '09 (\$20); Pennsylvania Frosty's Fortune '09 (\$10); Pennsylvania Candy Cane Cash '09 (\$5); Pennsylvania Holiday Lucky Times 10 (\$3); Pennsylvania Freezin' Greetings (\$2); and Pennsylvania Holiday Bucks '09 (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of less than or more than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets will be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

day Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway must be completed by the same player in a legible manner, including the player's name, 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.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. Ten finalists will be selected in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. December 11, 2009, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. November 13, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 17, 2009.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 13, 2009, through and including 4:00 p.m. November 20, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 24, 2009.

(3) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 20, 2009, through and including 4:00 p.m. November 30, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 1, 2009.

(4) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 30, 2009, through and including 4:00 p.m. December 4, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Giveaway drawing which will be held at Lottery Headquarters on or about December 8, 2009.

(5) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. December 4, 2009, through and including 4:00 p.m. December 11, 2009, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 15, 2009.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings will be conducted in the following manner:

(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 will be used to select the numbered containers from which the ten Pennsylvania Lottery Grand-A-Day Holiday Giveaway finalists will be selected. 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 9. If the entry does not meet the requirements of section 9, 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 participate in the grand prize drawing from among the ten finalists selected.

(4) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday drawing depends upon the number of entries received for that drawing.

(5) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, a player must have complied with the requirements of section 9.

(6) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings.

(7) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway entry is eligible for only one Grand-A-Day Holiday Giveaway drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing.

(8) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing entry is rejected during a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(9) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

11. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 17, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 21, 2009, at a location designated by the Secretary.

(2) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 24, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 28, 2009, at a location designated by the Secretary.

(3) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 1, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 5, 2009, at a location designated by the Secretary.

(4) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 8, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 12, 2009, at a location designated by the Secretary.

(5) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 15, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 19, 2009, at a location designated by the Secretary.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings will utilize a computer-generated randomizer to select the grand prize winner from among the ten finalists for each grand prize drawing.

12. *Description of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway prizes:*

(a) There will be one grand prize winner in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. There will be nine consolations

tion prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. The consolation prizes will be awarded to the nine finalists not selected as the grand prize winner in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 21, 2009, will be entitled to a prize in the amount of \$31,000.

(2) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 28, 2009, will be entitled to a prize in the amount of \$31,000.

(3) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 5, 2009, will be entitled to a prize in the amount of \$31,000.

(4) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 12, 2009, will be entitled to a prize in the amount of \$31,000.

(5) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 19, 2009, will be entitled to a prize in the amount of \$365,000.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

(c) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Bucks '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)

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Holiday Bucks '09, prize money from winning Pennsylvania Holiday Bucks '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 Holiday Bucks '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.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *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 Holiday Bucks '09 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1959. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania Holiday Lucky Times 10 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 Holiday Lucky Times 10.

2. *Price:* The price of a Pennsylvania Holiday Lucky Times 10 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Holiday Lucky Times 10 instant lottery game ticket will contain one play area featuring a "LUCKY ORNAMENTS" area, a "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and a "GAME 10" area. Each game is played separately. The play symbols and their captions located in the "LUCKY ORNAMENTS" area are: 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT), 20 (TWY), 21 (TTO), 22 (TTW), 23 (TTR), 24 (TTF), 25 (TYF), 26 (TTS), 27 (TYS), 28 (TTE), 29 (TTN), 30 (TRY), 31 (TRO), 32 (TRT), 33 (TYT), 34 (TRF), 35 (TFV), 36 (TRS), 37 (TRV), 38 (TRE), 39 (TRN), 40 (FRY), 41 (FTO), 42 (FFT), 43 (FTE), 44 (FRF), 45 (FRV), 46 (FRS), 47 (FSN), 48 (FRE), 49 (FNI), 50 (FTY), 51 (FFN), 52 (FTT), 53 (FTR), 54 (FTF), 55 (FTV), 56 (FTX), 57 (FSV), 58 (FEG), 59 (FNN), 60 (SXY), 61 (SXO), 62 (SXW), 63 (SXR), 64 (SXF), 65 (SXV), 66 (SXX), 67 (SXS), 68 (SEG), 69 (SNN) and 70 (SVY). The play symbols and their captions located in the "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and "GAME 10" areas are: 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT), 20 (TWY), 21 (TTO), 22 (TTW), 23 (TTR), 24 (TTF), 25 (TYF), 26 (TTS), 27 (TYS), 28 (TTE), 29 (TTN), 30 (TRY), 31 (TRO), 32 (TRT), 33 (TYT), 34 (TRF), 35 (TFV), 36 (TRS), 37 (TRV), 38 (TRE), 39 (TRN), 40 (FRY), 41 (FTO), 42 (FFT), 43 (FTE), 44 (FRF), 45 (FRV), 46 (FRS), 47 (FSN), 48 (FRE), 49 (FNI), 50 (FTY), 51 (FFN), 52 (FTT), 53 (FTR), 54 (FTF), 55 (FTV), 56 (FTX), 57 (FSV), 58 (FEG), 59 (FNN), 60 (SXY), 61 (SXO), 62 (SXW), 63 (SXR), 64 (SXF), 65 (SXV), 66 (SXX), 67 (SXS), 68 (SEG), 69 (SNN) and 70 (SVY).

4. *Prize Symbols:* The prize symbols and their captions located in the "GAME 1 PRIZE" area of "GAME 1" are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$60⁰⁰ (SIXTY), \$70⁰⁰ (SEVENTY), \$80⁰⁰ (EIGHTY), \$90⁰⁰ (NINETY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$600 (SIX HUN), \$700 (SVN HUN), \$800 (EGT HUN), \$900 (NIN HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$30,000 (TRY THO) and \$60,000 (STY THO). The prize symbols and their captions located in the "GAME 2 PRIZE" area of "GAME 2" are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$500 (FIV HUN). The prize symbols and their captions located in the "GAME 3 PRIZE" area of "GAME 3" are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY) and \$30⁰⁰ (THIRTY). The prize symbols and their captions located in the "GAME 4 PRIZE" area of "GAME 4" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$200 (TWO HUN).

The prize symbols and their captions located in the "GAME 5 PRIZE" area of "GAME 5" are: \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$60⁰⁰ (SIXTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$2,000 (TWO THO). The prize symbols and their captions located in the "GAME 6 PRIZE" area of "GAME 6" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$5,000 (FIV THO). The prize symbols and their captions located in the "GAME 7 PRIZE" area of "GAME 7" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL) and \$100 (ONE HUN). The prize symbols and their captions located in the "GAME 8 PRIZE" area of "GAME 8" are: \$5⁰⁰ (FIV DOL) and \$10⁰⁰ (TEN DOL). The prize symbols and their captions located in the "GAME 9 PRIZE" area of "GAME 9" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL) and \$100 (ONE HUN). The prize symbols and their captions located in the "GAME 10 PRIZE" area of "GAME 10" are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$60⁰⁰ (SIXTY), \$70⁰⁰ (SEVENTY), \$80⁰⁰ (EIGHTY), \$90⁰⁰ (NINTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$6, \$9, \$10, \$20, \$30, \$40, \$50, \$60, \$70, \$80, \$90, \$100, \$200, \$300, \$400, \$500, \$600, \$700, \$800, \$900, \$1,000, \$2,000, \$5,000, \$30,000 and \$60,000. A player can win up to 3 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway second-chance drawings for which non-winning Pennsylvania Holiday Lucky Times 10 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Holiday Lucky Times 10 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches the play symbol number found underneath the "GAME 1" designation number shall be entitled to a prize in the amount of the prize symbol which appears in the "GAME 1 PRIZE" area.

(b) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches either of the play symbol numbers found underneath the "GAME 2" designation number shall be entitled to a prize in the amount of two times the prize symbol which appears in the "GAME 2 PRIZE" area.

(c) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches

any one of the play symbol numbers found underneath the "GAME 3" designation number shall be entitled to a prize in the amount of three times the prize symbol which appears in the "GAME 3 PRIZE" area.

(d) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches any one of the play symbol numbers found underneath the "GAME 4" designation number shall be entitled to a prize in the amount of four times the prize symbol which appears in the "GAME 4 PRIZE" area.

(e) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches any one of the play symbol numbers found underneath the "GAME 5" designation number shall be entitled to a prize in the amount of five times the prize symbol which appears in the "GAME 5 PRIZE" area.

(f) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches any one of the play symbol numbers found underneath the "GAME 6" designation number shall be entitled to a prize in the amount of six times the prize symbol which appears in the "GAME 6 PRIZE" area.

(g) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches any one of the play symbol numbers found underneath the "GAME 7" designation number shall be entitled to a prize in the amount of seven times the prize symbol which appears in the "GAME 7 PRIZE" area.

(h) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches any one of the play symbol numbers found underneath the "GAME 8" designation number shall be entitled to a prize in the amount of eight times the prize symbol which appears in the "GAME 8 PRIZE" area.

(i) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches any one of the play symbol numbers found underneath the "GAME 9" designation number shall be entitled to a prize in the amount of nine times the prize symbol which appears in the "GAME 9 PRIZE" area.

(j) Holders of tickets upon which any one of the "LUCKY ORNAMENTS" play symbol numbers matches any one of the play symbol numbers found underneath the "GAME 10" designation number shall be entitled to a prize in the amount of ten times the prize symbol which appears in the "GAME 10 PRIZE" area.

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:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$3 w/1X	\$3	8.70	759,000
\$5 w/1X	\$5	16.67	396,000
\$6 w/1X	\$6	100	66,000
\$3 w/2X	\$6	50	132,000
\$9 w/1X	\$9	200	33,000
(\$3 w/1X) + (\$3 w/2X)	\$9	200	33,000
\$3 w/3X	\$9	200	33,000
\$10 w/1X	\$10	166.67	39,600
\$5 w/2X	\$10	100	66,000

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$20 w/1X	\$20	500	13,200
\$10 w/2X	\$20	500	13,200
(\$5 w/1X) + (\$5 w/3X)	\$20	333.33	19,800
\$5 w/4X	\$20	333.33	19,800
\$30 w/1X	\$30	4,000	1,650
\$10 w/3X	\$30	4,000	1,650
\$5 w/6X	\$30	4,000	1,650
\$6 w/5X	\$30	4,000	1,650
\$3 w/10X	\$30	3,871	1,705
\$40 w/1X	\$40	4,800	1,375
\$20 w/2X	\$40	4,800	1,375
\$10 w/4X	\$40	4,800	1,375
(\$5 w/1X) + (\$5 w/7X)	\$40	4,800	1,375
\$5 w/8X	\$40	4,800	1,375
\$50 w/1X	\$50	10,000	660
(\$5 w/2X) + (\$40 w/1X)	\$50	10,000	660
\$10 w/5X	\$50	10,000	660
(\$5 w/1X) + (\$5 w/9X)	\$50	10,000	660
\$5 w/10X	\$50	10,000	660
\$60 w/1X	\$60	15,000	440
\$30 w/2X	\$60	15,000	440
\$20 w/3X	\$60	15,000	440
\$10 w/6X	\$60	15,000	440
\$6 w/10X	\$60	15,000	440
\$70 w/1X	\$70	12,000	550
\$10 w/7X	\$70	12,000	550
\$80 w/1X	\$80	24,000	275
\$40 w/2X	\$80	24,000	275
\$20 w/4X	\$80	24,000	275
\$10 w/8X	\$80	24,000	275
(\$9 w/5X) + (\$5 w/6X) + (\$5 w/1X)	\$80	24,000	275
\$90 w/1X	\$90	24,000	275
\$30 w/3X	\$90	24,000	275
\$10 w/9X	\$90	24,000	275
\$9 w/10X	\$90	24,000	275
\$100 w/1X	\$100	3,636	1,815
\$50 w/2X	\$100	3,636	1,815
(\$30 w/3X) + (\$5 w/2X)	\$100	3,636	1,815
\$20 w/5X	\$100	3,636	1,815
\$10 w/10X	\$100	3,529	1,870
\$200 w/1X	\$200	12,000	550
\$100 w/2X	\$200	12,000	550
\$50 w/4X	\$200	12,000	550
\$300 w/1X	\$300	120,000	55
\$60 w/5X	\$300	120,000	55
\$50 w/6X	\$300	120,000	55
\$30 w/10X	\$300	120,000	55
\$400 w/1X	\$400	120,000	55
\$200 w/2X	\$400	120,000	55
\$100 w/4X	\$400	120,000	55
\$40 w/10X	\$400	120,000	55
\$500 w/1X	\$500	120,000	55
\$100 w/5X	\$500	120,000	55
\$50 w/10X	\$500	120,000	55
\$600 w/1X	\$600	120,000	55
\$100 w/6X	\$600	120,000	55
\$60 w/10X	\$600	120,000	55
\$700 w/1X	\$700	120,000	55
\$100 w/7X	\$700	120,000	55
\$70 w/10X	\$700	120,000	55
\$800 w/1X	\$800	120,000	55
\$200 w/4X	\$800	120,000	55
\$80 w/10X	\$800	120,000	55
\$900 w/1X	\$900	120,000	55
\$100 w/9X	\$900	120,000	55
\$90 w/10X	\$900	120,000	55

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$1,000 w/1X	\$1,000	120,000	55
\$500 w/2X	\$1,000	120,000	55
\$100 w/10X	\$1,000	120,000	55
\$5,000 w/1X	\$5,000	1,320,000	5
\$1,000 w/5X	\$5,000	1,320,000	5
\$500 w/10X	\$5,000	1,320,000	5
\$30,000 w/1X	\$30,000	1,320,000	5
\$5,000 w/6X	\$30,000	1,320,000	5
\$60,000 w/1X	\$60,000	1,320,000	5
(\$5,000 w/10X) + (\$2,000 w/5X)	\$60,000	1,320,000	5

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery Grand-A-Day Holiday Giveaway Requirements:

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway, players must mail non-winning qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of exactly \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway, P. O. Box 4000, Middletown, PA 17057-4000. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: Pennsylvania \$1 Million Jolly Jackpot '09 (\$20); Pennsylvania Frosty's Fortune '09 (\$10); Pennsylvania Candy Cane Cash '09 (\$5); Pennsylvania Holiday Lucky Times 10 (\$3); Pennsylvania Freezin' Greetings (\$2); and Pennsylvania Holiday Bucks '09 (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined purchase price of less than or more than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets will be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway must be completed by the same player in a legible manner, including the player's name, 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. Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing procedures:

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. Ten finalists will be selected in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries re-

ceived at Lottery Headquarters on or before 4:00 p.m. December 11, 2009, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters on or before 4:00 p.m. November 13, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 17, 2009.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 13, 2009, through and including 4:00 p.m. November 20, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about November 24, 2009.

(3) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 20, 2009, through and including 4:00 p.m. November 30, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 1, 2009.

(4) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. November 30, 2009, through and including 4:00 p.m. December 4, 2009, will be eligible to participate in the Pennsylvania Lottery Grand-A-Day Giveaway drawing which will be held at Lottery Headquarters on or about December 8, 2009.

(5) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received at Lottery Headquarters after 4:00 p.m. December 4, 2009, through and including 4:00 p.m. December 11, 2009, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing which will be held at Lottery Headquarters on or about December 15, 2009.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings will be conducted in the following manner:

(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 will be used to select the numbered containers from which the ten Pennsylvania Lottery Grand-A-Day Holiday Giveaway finalists will be selected. 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 participate in the grand prize drawing from among the ten finalists selected.

(4) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday drawing depends upon the number of entries received for that drawing.

(5) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, a player must have complied with the requirements of section 10.

(6) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawings.

(7) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway entry is eligible for only one Grand-A-Day Holiday Giveaway drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing.

(8) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing entry is rejected during a Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(9) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

12. Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing procedures:

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 17, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 21, 2009, at a location designated by the Secretary.

(2) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about November 24, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on November 28, 2009, at a location designated by the Secretary.

(3) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 1, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 5, 2009, at a location designated by the Secretary.

(4) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 8, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand

prize drawing which will be held on December 12, 2009, at a location designated by the Secretary.

(5) The ten finalists selected in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway drawing held on or about December 15, 2009, will be entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing which will be held on December 19, 2009, at a location designated by the Secretary.

(b) Each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings will utilize a computer-generated randomizer to select the grand prize winner from among the ten finalists for each grand prize drawing.

13. Description of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway prizes:

(a) There will be one grand prize winner in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. There will be nine consolation prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings. The consolation prizes will be awarded to the nine finalists not selected as the grand prize winner in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawings.

(1) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 21, 2009, will be entitled to a prize in the amount of \$31,000.

(2) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on November 28, 2009, will be entitled to a prize in the amount of \$31,000.

(3) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 5, 2009, will be entitled to a prize in the amount of \$31,000.

(4) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 12, 2009, will be entitled to a prize in the amount of \$31,000.

(5) The grand prize winner of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize drawing to be held on December 19, 2009, will be entitled to a prize in the amount of \$365,000.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway grand prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

(c) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

14. Retailer Incentive Awards: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Lucky Times 10 instant lottery 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 Holiday Lucky Times 10, prize money from winning Pennsylvania Holiday Lucky Times 10 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 Holiday Lucky Times 10 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.

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 Holiday Lucky Times 10 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1960. Filed for public inspection October 16, 2009, 9:00 a.m.]

Pennsylvania Money Farm '09/High Steaks/ Chicken Scratch/Makin' Bacon/Lucky Ewe In- stant 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 Money Farm '09/High Steaks/Chicken Scratch/Makin' Bacon/Lucky Ewe. The name appearing on the tickets will be one of the following on a consecutive basis: High Steaks, Chicken Scratch, Makin' Bacon or Lucky Ewe. There is no difference in game play method. For readability, this notice will use a generic title, Money Farm '09, to represent the four different game scenes.

2. *Price:* The price of a Pennsylvania Money Farm '09 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Money Farm '09 instant lottery game ticket will contain one play area. The prize play symbols and play symbol and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), and a Barn Symbol (BARN).

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$400 and \$1,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Money Farm '09 instant lottery game.

6. Determination of Prize Winners:

(a) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching prize play symbols of \$400 (FOR HUN) in the play area, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with two matching prize play symbols of \$200 (TWO HUN) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets with three matching prize play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets with two matching prize play symbols of \$100 (ONE HUN) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with two matching prize play symbols of \$50⁰⁰ (FIFTY) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with three matching prize play symbols of \$50⁰⁰ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with three matching prize play symbols of \$40⁰⁰ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with two matching prize play symbols of \$20⁰⁰ (TWENTY) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with three matching prize play symbols of \$20⁰⁰ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with two matching prize play symbols of \$10⁰⁰ (TEN DOL) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with three matching prize play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with two matching prize play symbols of \$5⁰⁰ (FIV DOL) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with three matching prize play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with three matching prize play symbols of \$4⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets with two matching prize play symbols of \$2⁰⁰ (TWO DOL) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with three matching prize play symbols of \$2.⁰⁰ (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets with two matching prize play symbols of \$1.⁰⁰ (ONE DOL) and a Barn Symbol (BARN) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with three matching prize play symbols of \$1.⁰⁰ (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(u) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Money Farm '09 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get Three Like Amounts, Win With Prizes Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets</i>
FREE	FREE \$1 TICKET	12	1,200,000
\$1	\$1	60	240,000
\$1 w/BARN	\$2	30	480,000
\$2	\$2	30	480,000
\$2 w/BARN	\$4	150	96,000
\$4	\$4	150	96,000
\$5	\$5	75	192,000
\$5 w/BARN	\$10	200	72,000
\$10	\$10	200	72,000
\$10 w/BARN	\$20	600	24,000
\$20	\$20	600	24,000
\$20 w/BARN	\$40	1,778	8,100
\$40	\$40	1,778	8,100
\$50	\$50	1,778	8,100
\$50 w/BARN	\$100	21,818	660
\$100	\$100	24,000	600
\$100 w/BARN	\$200	48,000	300
\$200	\$200	48,000	300
\$200 w/BARN	\$400	240,000	60
\$400	\$400	240,000	60
\$1,000	\$1,000	720,000	20

BARN: Get 2 like amounts and a "BARN" (BARN) symbol, win DOUBLE that amount.

Prizes, including the top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Money Farm '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).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Farm '09, prize money from winning Pennsylvania Money Farm '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 Money Farm '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.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money Farm '09 or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-1961. Filed for public inspection October 16, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Meeting

The Transportation Medical Advisory Board (Board) will meet on Friday, November 13, 2009, at 10 a.m. and is open to the public at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Janet L. Dolan will preside.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Chris Miller at (717) 783-4534 by Friday, November 6, 2009. These concerns will be discussed during "Items from the Floor" on the Agenda, which will open at 2 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Chris Miller at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-1962. Filed for public inspection October 16, 2009, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The October 20, 2009, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board is scheduled for Tuesday, November 17, 2009, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the November 17, 2009, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "EQB").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@state.pa.us.

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 09-1963. Filed for public inspection October 16, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 1, 2009, and announced the following:

Action Taken—Regulations Approved:

Department of Health # 10-184: Home Care Agencies and Home Care Registries (amends 28 Pa. Code Chapter 611)

Approval Order

Public Meeting held
October 1, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

Department of Health—Home Care Agencies and Home Care Registries; Regulation No. 10-184 (#2623)

On August 6, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 611. The proposed regulation was published in the August 11, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 24, 2009.

This final-form rulemaking implements certain provisions of Act 69 of 2006, which require the Department to license home care agencies and home care registries.

We have determined this regulation is consistent with the statutory authority of the Department (35 P.S. § 448.803(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1964. Filed for public inspection October 16, 2009, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5124	State Board of Nursing Certified Registered Nurse Practitioner General Provisions	10-1-09	11/5/09
7-432	Environmental Quality Board Administration of the Storage Tank and Spill Prevention Program	10-2-09	11/5/09

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-439	Environmental Quality Board Safe Drinking Water Amendments (Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR), Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) and Groundwater Rule (GWR))	10-2-09	11/5/09
16A-4317	State Board of Chiropractic Needle Acupuncture	10-6-0	11/19/09
16A-4816	State Board of Funeral Directors Preneed Activities of Unlicensed Employee	10-6-09	11/19/09
16A-5416	State Board of Pharmacy Revisions Regarding Current Pharmacy Practice	10-6-09	11/19/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1965. Filed for public inspection October 16, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Shared Services Insurance Group, Inc.

ISG Acquisition IV, Inc. has filed an application for approval to acquire control of Shared Services Insurance Group, Inc., 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*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail 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 or e-mail rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1966. Filed for public inspection October 16, 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 *the 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 No. M110.1—2010-11 Budget Instructions, Amended August 17, 2009.

Management Directive No. 310.26—Vendor Data Management Unit (VDMU) for Agencies Using SAP, Amended September 18, 2009.

Management Directive No. 310.33—Processing Electronic Invoices in SAP, Dated August 21, 2009.

Management Directive No. 310.34—Use of Agency-Level Dun and Bradstreet Data Universal Numbering System (DUNS) Numbers in Applications for Federal Grants and Cooperative Agreements, Dated September 18, 2009.

Management Directive No. 325.3—Performance of Audit Responsibilities, Amended August 27, 2009.

Management Directive No. 325.4—Agency Annual Audit Plan, Amended August 27, 2009.

Management Directive No. 325.10—Review of Auditor General, Treasury, Legislative Budget and Finance Committee, and Other Audit Reports, Amended August 27, 2009.

Management Directive No. 505.7—Personnel Rules, Amended September 1, 2009.

Management Directive No. 530.18—Benefit Rights of Furloughed Employees, Amended August 27, 2009.

Management Directive No. 580.19—Promotion in the Classified Service Without Examination, Amended August 31, 2009.

Administrative Circular No. 09-15—2010-11 Budget Instructions, Dated August 17, 2009.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 09-1967. Filed for public inspection October 16, 2009, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, October 27, 2009.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 09-1968. Filed for public inspection October 16, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Public Input Hearing

R-2009-2115743; C-2009-2120536; C-2009-2126531; C-2009-2119255; C-2009-2122588; C-2009-2126525; C-2009-2126537; C-2009-2129331. Pennsylvania Public Utility Commission, et al. v. Lake Spangenberg Water Company Rate Increase.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that Public Input Hearings on the previously-captioned case will be held as follows:

Type: Public Input Hearing
Date: Tuesday, October 27, 2009
Time: 2 p.m.
6 p.m.
Location: Jefferson Township Municipal Building
487 Cortez Road
Jefferson Township, PA 18436
Contact: Coleen Watt, Secretary
(570) 689-7028 (Monday, Thursday, and Friday)

Type: Public Input Hearing
Presiding: Administrative Law Judge Ember S. Jandebeur
317 Scranton State Office Building
100 Lackawanna Avenue
Scranton, PA 18503
Telephone: (570) 963-4818
Fax: (570) 963-3310

For persons with a disability wishing to attend the hearing, the Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 5 business days prior to your hearing to submit your request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to your hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1969. Filed for public inspection October 16, 2009, 9:00 a.m.]

Public Input Hearing

R-2009-2117532; C-2009-2122885; R-2009-2117740; C-2009-2123083. Pennsylvania Public Utility Commission and Office of Consumer Advocate v. Penn Estates Utilities, Inc. Rate Increase.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that a Public Input Hearing on the previously-captioned case will be held as follows:

Type: Public Input Hearing
Date: Tuesday, October 20, 2009
Time: 7 p.m.
Location: Club House
Penn Estates
3445 Penn Estates
East Stroudsburg, PA 18301
Presiding: Administrative Law Judge Charles E. Rainey, Jr.
Suite 4063
801 Market Street
Philadelphia, PA 19107
Telephone: (215) 560-2105
Fax: (215) 560-3133

For persons with a disability wishing to attend the hearing, the Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 5 business days prior to your hearing to submit your request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the

scheduling office at the Commission at least 10 business days prior to your hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1970. Filed for public inspection October 16, 2009, 9:00 a.m.]

Public Input Hearing

R-2009-2117402; C-2009-2122932; C-2009-2125887; C-2009-2129358. Pennsylvania Public Utility Commission, et al. v. Utilities Inc. of Pennsylvania.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that the Public Input Hearing on the previously-captioned case will be held as follows:

Type: Public Input Hearing
Date: Thursday, October 22, 2009
Time: 6 p.m.
Location: Downingtown Country Club
85 Country Club Drive
Downingtown, PA 19335-3060
Presiding: Administrative Law Judge Angela Jones
801 Market Street
4th Floor Suite 4063
Philadelphia, PA 19107
Phone: (215) 560-2105
Fax: (215) 560-3133

For persons with a disability wishing to attend the hearing, the Commission may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 5 business days prior to your hearing to submit your request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to your hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1971. Filed for public inspection October 16, 2009, 9:00 a.m.]

Public Input Hearing

R-2009-2117389; C-2009-2123116; 1308(D). Pennsylvania Public Utility Commission, et al. v. Utilities, Inc.—Westgate.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that the Public Input Hearing on the previously-captioned case will be held as follows:

Type: Public Input Hearing
Date: Monday, October 19, 2009
Time: 6 p.m.
Location: Hanover Township Community Center
3660 Jacksonville Road
Bethlehem, PA 18017
Presiding: Administrative Law Judge Angela Jones
Suite 4063
801 Market Street
Philadelphia, PA 19107
Telephone: (215) 560-2105
Fax: (215) 560-3133

For persons with a disability wishing to attend the hearing, the Pennsylvania Public Utility Commissioner (Commissioner) may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 5 business days prior to your hearing to submit your request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to your hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-1972. Filed for public inspection October 16, 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 November 2, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2009-2133593. Royal Transportation Group, LLC (383 Kane Boulevard, Pittsburgh, Allegheny County, PA 15243), a limited liability company of the Commonwealth—persons, in limousine service, from points in the Counties of Allegheny, Beaver, Butler, Fayette, Lawrence, Somerset, Washington and Westmoreland, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219.

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 each application.

A-2009-2133494. AKS, Inc. (6020 Butler Street, Pittsburgh, Allegheny County, PA 15201), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Beaver, Butler, Washington, Westmoreland and Fayette, and from points in said counties and the County of Allegheny to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* William A. Gray, Vuono & Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-238.

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

A-2009-2133123. Harris Donald Longdon (431 Bryant Drive, Pittsburgh, Allegheny County, PA 15235), to begin to transport, as a common carrier, by motor vehicle, household goods in use, limited to the transportation of pianos, between points in Allegheny County.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1973. Filed for public inspection October 16, 2009, 9:00 a.m.]

Telecommunications

A-2009-2133295. Verizon North, Inc. and Clear Rate Communications, Inc. Joint petition of Verizon North, Inc. and Clear Rate Communications, Inc. for adoption of an interconnection agreement and amendment No. 1, under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and Clear Rate Communications, Inc., by its counsel, filed on September 30, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for adoption of an interconnection agreement and amendment No. 1 under sSections 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 Clear Rate Communications, 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. 09-1975. Filed for public inspection October 16, 2009, 9:00 a.m.]

Telecommunications

A-2009-2133533. Verizon North, Inc. and BLC Management, LLC, d/b/a Angles Communication Solutions. Joint petition of Verizon North, Inc. and BLC Management, LLC, d/b/a Angles Communication Solutions for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and BLC Management, LLC, d/b/a Angles Communication Solutions, by its counsel, filed on September 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 North, Inc. and BLC Management, LLC, d/b/a Angles Communication Solutions 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. 09-1974. Filed for public inspection October 16, 2009, 9:00 a.m.]

Telecommunications

A-2009-2133524. Verizon Pennsylvania, Inc. and BLC Management, LLC, d/b/a Angles Communication Solutions. Joint petition of Verizon Pennsylvania, Inc. and BLC Management, LLC, d/b/a Angles Communication Solutions for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and BLC Management, LLC, d/b/a Angles Communication Solutions, by its counsel, filed on September 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 BLC Management, LLC, d/b/a Angles Communication Solutions 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. 09-1976. Filed for public inspection October 16, 2009, 9:00 a.m.]

Telecommunications

A-2009-2133377. Verizon Pennsylvania, Inc. and Clear Rate Communications, Inc. Joint petition of Verizon Pennsylvania, Inc. and Clear Rate Communications, Inc. for adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Clear Rate Communications, Inc., by its counsel, filed on September 30, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Clear Rate Communications, 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. 09-1977. Filed for public inspection October 16, 2009, 9:00 a.m.]

Telecommunications Services

A-2009-2133334. Access Point, Inc. Application of Access Point, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territory of Windstream Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 2, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Access Point, Inc.

Through and By Counsel: Philip Macres, Bingham McCutchen, LLP, 2020 K Street, NW, Washington, DC 20006-1806, (203) 373-6000, fax (202) 373-6001

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1978. Filed for public inspection October 16, 2009, 9:00 a.m.]

Wastewater Service

A-2009-2133285. Samuel and Beryl Bottone, Wastewater Service, d/b/a Beryl Acres Sewage Treatment Plant. Application of Samuel and Beryl Bottone, d/b/a Beryl Acres Sewage Treatment Plant for approval of the sale of its Wastewater System Assets to Robert Michael Merashoff, Jr., and for the abandonment of wastewater service by Samuel and Beryl Bottone, d/b/a Beryl Acres Sewage Treatment Plant to its wastewater service customers in the Beryl Acres Plan of Lots in North Bethlehem Township, Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant before November 2, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Beryl Acres Sewage Treatment Plant

Through and By Counsel: Dennis R. Paluso, Esquire, 230 Fallowfield Avenue, Charleroi, PA 15022

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1979. Filed for public inspection October 16, 2009, 9:00 a.m.]

**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, 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 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, therefore 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>
Jay Gingrich 151 Meckville Road Myerstown, PA 17067	Berks County Bethel Township	262.01	Broilers	New	10/1/2009
Matthew Slaymaker 1004 Breneman Road Millersville, PA 17551	Lancaster County Manor Township	0—manure storage only	Pullet	New	9/21/2009
Carl Musser 420 West Girl Scout Road Stevens, PA 17578	Lancaster County Clay Township	0—manure storage/ composting	Broiler	New	9/21/2009

[Pa.B. Doc. No. 09-1980. Filed for public inspection October 16, 2009, 9:00 a.m.]

