

# PENNSYLVANIA BULLETIN

Volume 37

Number 14

Saturday, April 7, 2007 • Harrisburg, PA

Pages 1473—1630

See Part II page 1565 for the  
Pennsylvania Gaming Control  
Board's Classification System

See Part III page 1601  
for the Subject Index for  
January—March 2007

## Part I

### Agencies in this issue

The Courts  
Department of Banking  
Department of Corrections  
Department of Education  
Department of Environmental Protection  
Department of Health  
Department of Revenue  
Department of Transportation  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Examiners of Nursing Home  
Administrators  
State Board of Nursing  
State Real Estate Commission

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 389, April 2007**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

Copyright © 2007 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE COURTS

**DISCIPLINARY BOARD OF THE SUPREME COURT**  
Notice of disbarment . . . . . 1486

### JUVENILE RULES

Ordering amending rules 120, 200, 210, and 800 of the rules of juvenile court procedure; no. 411 Supreme Court rules; doc. no. 1 . . . . . 1483

### RULES OF CIVIL PROCEDURE

Amendment to rule 425 governing service, rules 1017 and 1031 governing pleading, rule 1706.1 and governing class actions and rules 2252, 2253, 2255, and 2256 governing joinder of additional defendants; rescission of rule 2274 governing joinder of additional defendants; and promulgation of new rule 1031.1 governing cross-claims; no. 473 civil procedural rules; doc. no. 5 . . . . . 1480

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications . . . . . 1503

### DEPARTMENT OF CORRECTIONS

#### Notices

Bid opportunities . . . . . 1505

### DEPARTMENT OF EDUCATION

#### Notices

Availability of 2007-2008 career and technical education child care curriculum grants . . . . . 1505

Availability of 2007-2008 career and technical education curriculum grants . . . . . 1505

Availability of 2007-2008 career and technical education equipment grants . . . . . 1505

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 1506

### DEPARTMENT OF HEALTH

#### Notices

Infant Hearing Screening Advisory Committee meeting . . . . . 1544

Long-term care nursing facilities requests for exception . . . . . 1544

Metabolic Screening Technical Advisory Committee meeting . . . . . 1545

Special supplemental nutrition program for women, infants and children (WIC Program); maximum allowable prices and competitive prices . . . . . 1545

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania 7-11-21 instant lottery game . . . . . 1552

### DEPARTMENT OF TRANSPORTATION

#### Rules and Regulations

Driver's license examination . . . . . 1487

### ENVIRONMENTAL QUALITY BOARD

#### Notices

Environmental Quality Board meeting cancellation . . 1554

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued . . . . . 1554

Notice of filing of final rulemaking . . . . . 1557

### INSURANCE DEPARTMENT

#### Notices

Aetna Health, Inc.; individual advantage plans—superior and standard; rate filing . . . . . 1557

Application for merger . . . . . 1557

Application and request for a certificate of authority . . . . . 1558

Children's Health Insurance Program Advisory Council meeting . . . . . 1558

Workers' Compensation Security Fund Assessment; notice no. 2007-01 . . . . . 1558

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases . . . . . 1558

### PENNSYLVANIA GAMING CONTROL BOARD

#### Proposed Rulemaking

Persons required to be excluded; underage gaming . . 1490

#### Notices

Classification system . . . . . 1565

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Service of notice of motor carrier applications . . . . . 1559

Telecommunications (3 documents) . . . . . 1560

Telecommunication services (2 documents) . . . . . 1560, 1561

Water service . . . . . 1561

### PHILADELPHIA REGIONAL PORT AUTHORITY

#### Notices

Request for bids . . . . . 1561

### STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

#### Proposed Rulemaking

Administrator-in-training program . . . . . 1494

### STATE BOARD OF NURSING

#### Notices

Bureau of Professional and Occupational Affairs v. Terrance E. Brown; doc. no. 0290-51-07, 0289-51-07 and 0288-51-07 . . . . . 1561

### STATE REAL ESTATE COMMISSION

#### Proposed Rulemaking

Consumer notice . . . . . 1499

---

**Now Available Online at <http://www.pabulletin.com>**

---

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### 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.

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

## List of Pa. Code Chapters Affected

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

### 1 Pa. Code (General Provisions)

#### Proposed Rules

301	1220
303	1220
305	1220
307	1220
309	1220
311	1220
311a	1220
313	1220
315	1220

### 4 Pa. Code (Administration)

#### Statements of Policy

9	27, 953
---	---------

### 7 Pa. Code (Agriculture)

#### Adopted Rules

130e	194
------	-----

#### Proposed Rules

11	951
21	672
23	672
25	672
27	672
95	951
123	951
125	951
128a	951

### 22 Pa. Code (Education)

#### Adopted Rules

49	209
----	-----

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

93	11
123	883
126	209
803	774
804	774
805	774
806	774
807	774
808	774

#### Proposed Rules

127	1317
901	785

### 28 Pa. Code (Health and Safety)

#### Statements of Policy

931	953
-----	-----

### 31 Pa. Code (Insurance)

#### Adopted Rules

84a	1125
-----	------

#### Proposed Rules

133	1229
-----	------

### 34 Pa. Code (Labor and Industry)

#### Statements of Policy

123	317
-----	-----

### 37 Pa. Code (Law)

#### Proposed Rules

97	786
----	-----

### 40 Pa. Code (Liquor)

#### Adopted Rules

5	16
11	16
13	16
17	16

### 49 Pa. Code (Professional and Vocational Standards)

#### Adopted Rules

7	20
---	----

#### Proposed Rules

21	1035
27	1036
31	1038
35	1499
39	1494

### 52 Pa. Code (Public Utilities)

#### Proposed Rules

64	1032
Unclassified	1126

#### Statements of Policy

69	29, 1335
----	----------

### 55 Pa. Code (Public Welfare)

#### Statements of Policy

178	1043, 1046
-----	------------

### 58 Pa. Code (Recreation)

#### Adopted Rules

135	1309
137	1310
147	1310, 1311, 1312

#### Proposed Rules

65	1218
69	1218
111	1220
131	1325
135	315
137	1333
139	1327
141	1320, 1324
147	211, 1333
501a	416
503a	416
511a	1490
513a	1490

**Temporary Rules**

401 ..... 21  
 405 ..... 1313  
 425 ..... 21  
 491a ..... 23  
 511 ..... 1314

**61 Pa. Code (Revenue)**

**Proposed Rules**

1001 ..... 1028

**Statements of Policy**

60 ..... 1048

**67 Pa. Code (Transportation)**

**Adopted Rules**

75 ..... 1487

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

**Adopted Rules**

19 ..... 929

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

**Adopted Rules**

71 ..... 311

**Proposed Rules**

81 ..... 394  
 83 ..... 394, 520

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

1 ..... 752  
 3 ..... 752  
 117 ..... 1025

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

**Adopted Rules**

1 ..... 521  
 3 ..... 521  
 9 ..... 521

**225 Pa. Code (Rules of Evidence)**

**Proposed Rules**

VIII ..... 669

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

**Adopted Rules**

200 ..... 312  
 400 ..... 1480  
 1000 ..... 1411, 1480  
 1700 ..... 1480  
 1900 ..... 929  
 1910 ..... 522  
 2200 ..... 1480  
 3000 ..... 939, 1411

**Proposed Rules**

1910 ..... 1120  
 4000 ..... 7

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

**Adopted Rules**

4 ..... 523, 752  
 7 ..... 523  
 10 ..... 312

**Proposed Rules**

2 ..... 1302  
 5 ..... 1025, 1303

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 1123, 1483  
 2 ..... 1483  
 3 ..... 1123  
 6 ..... 1123  
 8 ..... 1123, 1483  
 11 ..... 1123

**Proposed Rules**

1 ..... 527, 1306  
 3 ..... 527  
 5 ..... 527  
 11 ..... 943  
 12 ..... 943  
 13 ..... 943  
 14 ..... 943  
 15 ..... 943  
 16 ..... 943  
 17 ..... 943  
 18 ..... 943

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

Unclassified ..... 255, 400, 401, 404, 530, 670, 671, 761, 768, 770, 772, 773, 949, 950, 1026, 1124, 1215, 1216, 1414

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 400, 1000, 1700 AND 2200]

Amendment of Rule 425 Governing Service, Rules 1017 and 1031 Governing Pleading, Rule 1706.1 Governing Class Actions and Rules 2252, 2253, 2255, and 2256 Governing Joinder of Additional Defendants; Rescission of Rule 2274 Governing Joinder of Additional Defendants; and Promulgation of New Rule 1031.1 Governing Cross-Claims; No. 473 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

*And Now*, this 23rd day of March, 2007, the Pennsylvania Rules of Civil Procedure are amended as follows

1. Rules 425, 1017, 1031, 1706.1, 2252, 2253, 2255 and 2256 are amended to read as follows,

2. Rule 2274 is rescinded as follows, and

3. New Rule 1031.1 is promulgated to read as follows.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 400. SERVICE OF ORIGINAL PROCESS

#### SERVICE UPON PARTICULAR PARTIES

#### Rule 425. Additional Defendants.

(a) Original process shall be served upon an additional defendant who is not already a party to the action in the same manner as if he **or she** were an original defendant. **[ Copies of all pleadings filed in the action shall be served with the complaint against the additional defendant. ]** The joining party, upon request, shall furnish copies of all or specified pleadings filed in the action.

**Official Note:** [ Prior pleadings must be served with the complaint whether the complaint is original process served upon the additional defendant or a pleading served under Rule 440. ]

See Rule 213(b) for the right of an additional defendant to move for a severance and Rule 1006(d) for the right to move for a change of venue.

(b) The defendant or additional defendant shall serve a copy of his **or her** complaint upon every prior party **[ but need not attach copies of any pleadings previously filed in the action ]**.

### CHAPTER 1000. ACTIONS Subchapter A. CIVIL ACTION PLEADINGS

#### Rule 1017. Pleadings Allowed.

(a) Except as provided by Rule 1041.1, the pleadings in an action are limited to

(1) a complaint [ , ] and an answer thereto,

**Official Note:** The term “complaint” includes a complaint to join an additional defendant.

(2) a reply if the answer contains new matter [ or ], a counterclaim **or a cross-claim**,

(3) a counter-reply if the reply to a counterclaim **or cross-claim** contains new matter,

(4) a preliminary objection and **[ an answer ] a response** thereto.

**Official Note:** Pleading in asbestos litigation is governed by Rule 1041.1.

An answer **[ need ] needs to** be filed to a preliminary objection only when the preliminary objection alleges facts not of record. See Rule 1028(c)(2), note.

(b) Rescinded.

**Official Note:** The grounds for preliminary objections are set forth in Rule 1028(a).

(c) No formal joinder of issues is required.

#### Rule 1031. Counterclaim.

(a) The defendant may set forth in the answer under the heading “Counterclaim” any cause of action cognizable in a civil action which the defendant has against the plaintiff at the time of filing the answer.

**Official Note:** See Rule 2256 governing counterclaims in an action involving an additional defendant.

See Rule 213(a) and (b) governing consolidation and severance of causes of action.

(b) A counterclaim need not diminish or defeat the relief **[ dand ] demanded** by the plaintiff. It may **[ dand ] demand** relief exceeding in amount or different in kind from that demanded by the plaintiff.

#### Rule 1031.1. Cross-claim.

Any party may set forth in the answer or reply under the heading “Cross-claim” a cause of action against any other party to the action that the other party may be

(1) solely liable on the underlying cause of action or

**Official Note:** The term “underlying cause of action” refers to the cause of action set forth in the plaintiff’s complaint or the defendant’s counterclaim.

(2) liable to or with the cross-claimant on any cause of action arising out of the transaction or occurrence or series of transactions or occurrences upon which the underlying cause of action is based.

**Official Note:** Subparagraph (2) permits a cross-claimant to raise a claim that another party is liable over to the cross-claimant or jointly and severally liable with the cross-claimant.

The right to assert a cross-claim in a class action is limited by Rule 1706.1 to the grounds set forth in that rule.

#### CHAPTER 1700. CLASS ACTIONS

##### Rule 1706.1. Joinder of Additional Defendants. **Cross-Claims.**

Any defendant or additional defendant may only join as an additional defendant any person [ , whether or ] not a party to the action, **or may assert a cross-claim against another party to the action**, who may be

- (1) solely liable on the plaintiff's cause of action [ ; ], or
- (2) liable over to the joining party on the plaintiff's cause of action [ ; ], or
- (3) jointly or severally liable with the joining party on the plaintiff's cause of action.

**Official Note:** [ The three bases of joinder provided by this rule are identical to the bases of joinder provided by Rule 2252(a)(1) through (3) governing the joinder of additional defendants generally. ] The right of joinder under Rule 1706.1 of an additional defendant based upon liability "on the plaintiff's cause of action" is not as broad as the right under Rule 2252(a) governing the joinder of additional defendants generally.

Similarly, the right of cross-claim under this rule is not as broad as the right under Rule 1031.1 governing cross-claims generally.

#### CHAPTER 2250. JOINDER OF ADDITIONAL DEFENDANTS

##### Rule 2252. Right to Join Additional Defendants.

(a) Except as provided by Rule 1706.1, any [ defendant or additional defendant ] party may join as an additional defendant any person [ , whether or ] not a party to the action who may be

- (1) solely liable on the [ plaintiff's ] underlying cause of action against the joining party, or

**Official Note:** The term "underlying cause of action" refers to the cause of action set forth in the plaintiff's complaint or the defendant's counterclaim.

- (2) [ liable over to the joining party on the plaintiff's cause of action, or ] Rescinded.

- (3) [ jointly or severally liable with the joining party on the plaintiff's cause of action, or ] Rescinded.

- (4) liable to **or with** the joining party on any cause of action arising out of the transaction or occurrence or series of transactions or occurrences upon which the [ plaintiff's ] underlying cause of action against the joining party is based.

**Official Note:** Paragraph (4) permits a joining party to join an additional defendant who may be liable over on the underlying cause of action against the joining party or jointly and severally liable with the joining party.

The joinder of an additional defendant in a class action is limited by Rule 1706.1 to the grounds set forth in [ subparagraphs (1) to (3) ] that rule.

(b) [ If the person sought to be joined is not a party to the action the ] The joining party may file as of course a praecipe for a writ or a complaint.

(1) If the joinder is by writ, the joining party shall file a complaint within twenty days from the filing of the praecipe for the writ. If the joining party fails to file the complaint within the required time, [ the plaintiff or the additional defendant joined ] any other party may seek a rule to file the complaint and an eventual judgment of non pros in the manner provided by Rule 1037(a) for failure to file a complaint.

(2) The complaint, in the manner and form required of the initial pleading of the plaintiff in the action, shall set forth the facts relied upon to establish the liability of the joined party and the relief demanded.

**Official Note:** For the form of notice to defend in a complaint to join an additional defendant, see Rule 1018.1.

(c) The writ to join an additional defendant shall be directed to the additional defendant and shall be substantially in the following form:

Commonwealth of Pennsylvania  
County of \_\_\_\_\_

(Caption)

To \_\_\_\_\_ : (Name of Additional Defendant)  
[ NAME OF ADDITIONAL DEFENDANT ]

You are notified that \_\_\_\_\_  
(Name(s) of Defendant(s))

[ NAME(S) OF DEFENDANT(S) ] has (have) joined you as an additional defendant in this action, which you are required to defend.

Date \_\_\_\_\_

Seal of Court

\_\_\_\_\_  
[ NAME OF PROTHONOTARY (CLERK) ]  
(Name of Prothonotary (Clerk))

By \_\_\_\_\_  
[ DEPUTY ]  
(Deputy)

(d) [ If the person sought to be joined is a party, the joining party shall, without moving for severance or the filing of a praecipe for a writ or a complaint, assert in the answer as new matter that such party is alone liable to the plaintiff or liable over to the joining party or jointly or severally liable to the plaintiff or liable to the joining party directly setting forth the ground therefor. The case shall proceed thereafter as if such party had been joined by a writ or a complaint. ] Rescinded.

**Official Note:** See Rule 1031.1 governing cross-claims for the procedure to assert a claim against a person already a party to an action.

##### Rule 2253. Time for Filing Praecipe or Complaint.

(a) Except as provided by Rule 1041.1(e), neither a praecipe for a writ to join an additional defendant nor a complaint if the joinder is commenced by complaint, shall be filed [ by the original defendant or an additional defendant ] later than

(1) sixty days after the service upon the original defendant of the initial pleading of the plaintiff or any amendment thereof, or

(2) the time for filing the joining party's answer as established by Rule 1026, Rule 1028 or order of court,

whichever is later, unless such filing is allowed by order of the court or by the written consent of all parties approved by and filed with the court. The praecipe for a writ to join an additional defendant or the complaint joining the additional defendant shall be filed within twenty days after notice of the court order or the court approval of the written consent or within such other time as the court shall fix.

**Official Note:** Rule 1041.1(e) provides that in asbestos litigation leave of court is not required to join an additional defendant out of time but the joined party may request by preliminary objection that the joinder be stricken.

(b) Any party may object to a motion to join an additional defendant after the [ **sixty-day** ] period prescribed by subdivision (a) on the ground that the party will be prejudiced by the late joinder. The plaintiff may also object to the late joinder on the ground that the joining party has not shown a reasonable justification for its delay in commencing joinder proceedings.

(c) A person not previously a party who is joined as an additional defendant may object to the joinder by filing preliminary objections asserting prejudice or any other ground set forth in Rule 1028.

**Official Note:** The person joined may object to the joinder whether the joinder was effected by order or consent.

#### **Rule 2255. Procedure.**

(a) The procedure, including pleadings, between the party joining an additional defendant and the additional defendant shall be the same as though the party joining the additional defendant were a plaintiff and the additional defendant were a defendant.

(b) [ **No pleadings shall be filed between the additional defendant and any party other than the one joining the additional defendant except that the additional defendant may file a counterclaim against the plaintiff.** ] Rescinded.

(c) No judgment on the pleadings may be entered in favor of any party against an additional defendant for failure to answer the complaint of the party joining the additional defendant, but all allegations of fact in such complaint to which an answer is required and which are not sufficiently answered shall be conclusive upon the additional defendant.

(d) The plaintiff shall recover from an additional defendant found liable to the plaintiff alone or jointly with the defendant as though such additional defendant had been joined as a defendant and duly served and the initial pleading of the plaintiff had averred such liability.

#### **Rule 2256. Counterclaims.**

(a) An original defendant who asserts against the plaintiff a counterclaim not founded upon the transaction, occurrence or series of transactions or occurrences out of which the original cause of action arose may not join an additional defendant.

(b) An additional defendant may not assert a counterclaim which is not founded upon the transaction, occurrence or series of transactions or occurrences out of which the original cause of action arose.

(c) [ **A party against whom a counterclaim is asserted shall have the same right to join any one as an additional party that is given to a defendant in Rule 2252.** ] Rescinded.

**Official Note:** A party against whom a counterclaim is asserted may join an additional defendant under Rule 2252(a).

#### **Rule 2274. Effective Date. Pending Actions.**

[ **These rules shall become effective upon adoption and shall apply to actions pending at that time.** ] (Rescinded).

**Official Note:** See Rule 52 governing effective date of rules and amendments to rules and the application of new rules and amendments to pending actions.

#### **Explanatory Comment**

The Supreme Court of Pennsylvania has promulgated a new rule of civil procedure governing cross-claims and amended the rules governing joinder of additional defendants. The revisions are as follows:

##### **I. Cross-claim**

Rule 2252 governing joinder of an additional defendant was amended in 1969 by adding subdivision (d) providing that "If the person sought to be joined is a party, the joining party shall, without moving for severance or the filing of a praecipe for a writ or a complaint," assert the claim in the answer as new matter. This amendment was described in the commentary to the 1969 amendments to Rule 2252 as "the equivalent of the cross-claim between two defendants under the federal rules." However, the term "cross-claim" did not appear in the rules.

Under new Rule 1031.1, the assertion of a claim by one party against another party is a matter of pleading rather than joinder of parties. The claim is to be pleaded as a cross-claim under the new rule. The claims which may be asserted in a cross-claim are identical to those which serve as bases for joining an additional defendant under revised Rule 2252(a) discussed below.

##### **II. Joinder of Additional Defendants**

1. Rule 2252(a) has been amended to limit the rules governing joinder of additional defendants to the joinder of persons not already parties to an action:

... any party may join as an additional defendant any person not a party to the action ...

2. The joinder may be effected by "any party," not simply the defendant or additional defendant as under the present rule. This revision acknowledges that a plaintiff may join an additional defendant in his or her capacity as defendant on a counterclaim. In light of this revision, subparagraphs (a)(1) and (4) describing the bases for joining an additional defendant refer to the "underlying cause of action against the joining party" rather than the "plaintiff's cause of action." A new note explains that the term "underlying cause of action" refers to "the cause of action set forth in the plaintiff's complaint or the defendant's counterclaim."

3. Subdivision (a)(2) and (3) setting forth liability over and joint or several liability as bases for joining an additional defendant are deleted as they are subsumed in subdivision (a)(4) which provides for joinder of a person who is

(4) liable to or with the joining party on any cause of action arising out of the transaction or occurrence or series of transactions or occurrences upon which the underlying cause of action against the joining party is based.

4. Current Rule 2255(b) prohibiting the filing of pleadings between an additional defendant and "any party other than the one joining the additional defendant" has been rescinded.

5. The time for joinder of an additional defendant without leave of court under Rule 2253(a) prior to the present amendment was "sixty days after the service upon the original defendant of the initial pleading of the plaintiff or any amendment thereof." Frequently a defendant who has filed preliminary objections is not in a position to join an additional defendant within the sixty-day time period. In addition, an additional defendant may be served outside the sixty-day period and have no opportunity to timely join another additional defendant without leave of court.

Rule 2253(a) has been amended to allow a joining party to join an additional defendant without leave of court if the joinder is accomplished within one of two time frames, whichever is longer. The first time frame is the sixty-day period "after the service upon the original defendant of the initial pleading of the plaintiff or any amendment thereof." The second time frame is new and is the time for filing the joining party's answer, whether that time is set forth under Rule 1026, Rule 1028 or an order or court.

**III. Conforming Amendments**

Rule 425 governing service upon additional defendants has been revised to delete the burdensome requirement that the joining party serve with the complaint copies of all pleadings in the action. Rather, "[t]he joining party, upon request, shall furnish copies of all or specified pleadings filed in the action."

Rule 1017 governing pleadings allowed has been revised stylistically to provide a numerical list of pleadings which may be filed. The revised rule in subdivision (a)(2) and (3) includes a reference to the cross-claim under new Rule 1031.1.

The note to Rule 1031(a) governing counterclaims has been revised by adding a paragraph cross-referring to Rule 2256 relating to counterclaims in an action involving an additional defendant.

Rule 1706.1 governing joinder of an additional defendant in a class action has been revised to permit a party to assert a cross-claim against another party to the action on the grounds limited by that rule.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 07-591. Filed for public inspection April 6, 2007, 9:00 a.m.]

**Title 237—JUVENILE RULES**

**PART I. RULES**

[237 PA. CODE CHS. 1, 2 AND 8]

**Order Amending Rules 120, 200, 210, and 800 of the Rules of Juvenile Court Procedure; No. 411 Supreme Court Rules; Doc. No. 1**

**Order**

*Per Curiam:*

Now, this 23rd day of March, 2007, upon the recommendation of the Juvenile Court Procedural Rules Committee 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 modifications to the Rules of Juvenile Court Procedure Rules 120, 200, 210, and 800 are approved in the following form.

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

**Annex A**

**TITLE 237. JUVENILE RULES**

**PART I. RULES**

**Subpart A. DELINQUENCY MATTERS**

**CHAPTER 1. GENERAL PROVISIONS**

**PART A. BUSINESS OF COURTS**

**Rule 120. Definitions.**

\* \* \* \* \*

COURT is the Court of Common Pleas, a court of record, which is assigned to hear juvenile delinquency matters. Court shall include masters when they are permitted to hear cases under these rules **and magisterial district judges when issuing an arrest warrant pursuant to Rule 210.** Juvenile Court shall have the same meaning as Court.

\* \* \* \* \*

**Comment**

Under the term "court," to determine if masters are permitted to hear cases, *see* Rule 187. **See Rule 210 for the power of magisterial district judges to issue arrest warrants.**

Neither the definition of "law enforcement officer" nor the definition of "police officer" gives the power of arrest to any person who is not otherwise given that power by law.

A "petition" and a "written allegation" are two separate documents and serve two distinct functions. A "written allegation" is the document that initiates juvenile delinquency proceedings. Usually, the "written allegation" will be filed by a law enforcement officer and will allege that the juvenile has committed a delinquent act that comes within the jurisdiction of the juvenile court. This document may have been formerly known as a "probable cause affidavit," "complaint," "police paper," "charge form," "allegation of delinquency," or the like. Once this document is submitted, a preliminary determination of the juvenile court's jurisdiction is to be made. Informal adjustment and other diversionary programs may be pursued. If the attorney for the Commonwealth or the juvenile probation

officer determines that formal juvenile court action is necessary, a petition is then filed.

For definition of "delinquent act," see 42 Pa.C.S. § 6302.

**Official Note:** Rule 120 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately; **amended March 23, 2007, effective August 1, 2007.**

*Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 120 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).

**Final Report explaining the amendments to Rule 120 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).**

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

### PART A. COMMENCING PROCEEDINGS

#### Rule 200. Commencing Proceedings.

Juvenile delinquency proceedings within a judicial district shall be commenced by:

1) submitting a written allegation pursuant to Rule 231;

2) an arrest without a warrant:

a) when the offense is a felony or misdemeanor committed in the presence of the police officer making the arrest; or

b) upon probable cause when the offense is a felony; or

c) upon probable cause when the offense is a misdemeanor not committed in the presence of the police officer making the arrest, when such arrest without a warrant is specifically authorized by statute;

3) **a certification to the court that a juvenile has failed to comply with a lawful sentence imposed for a summary offense;**

4) transfer of a case from a criminal proceeding pursuant to 42 Pa.C.S. § 6322;

[ 4 ] 5) the court accepting jurisdiction of a resident juvenile from another state; or

[ 5 ] 6) the court accepting supervision of juvenile pursuant to another state's order.

#### Comment

Paragraph (1) allows for commencing delinquency proceedings by submitting a written allegation. This procedure departs from the Juvenile Act, which provides that the filing of a petition commences a proceeding. Rule 800 suspends 42 Pa.C.S. § 6321 only to the extent that it is inconsistent with the procedures of this rule. Petitions filed by any person circumvent the juvenile probation's office ability to divert the case through informal adjustment as provided in 42 Pa.C.S. § 6323. Probation officers may "receive and examine complaints and charges of delinquency . . . of a child for the purpose of considering the commencement of proceedings." 42 Pa.C.S. § 6304 (a)(2).

See Rule 231 for procedures on submitting a written allegation.

For the definition of a "written allegation," see Rule 120.

The Juvenile Act provides that "a child may be taken into custody . . . pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. See Pa.R.Crim.P. 502.

Paragraph [ (4) ] (5) encompasses a juvenile who lives in Pennsylvania and commits a crime in another state and that state wants Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

Paragraph [ (5) ] (6) encompasses a juvenile who lives outside of Pennsylvania, committed a crime outside of Pennsylvania, is moving to Pennsylvania, and the other jurisdiction would like Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

For procedures for when the juvenile is alleged to have violated probation, see Rule 612.

For inter-county transfer of juveniles, see Rule 302.

See § 6321(a) of the Juvenile Act for commencement of proceedings under the Juvenile Act. 42 Pa.C.S. § 6321(a).

**Official Note:** Rule 200 adopted April 1, 2005, effective October 1, 2005; **amended March 23, 2007, effective August 1, 2007.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 200 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 200 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).**

### PART B. ARREST PROCEDURES IN DELINQUENCY CASES

#### (a) Arrest Warrants

#### Rule 210. Arrest Warrants.

A. *Application.* An application for an arrest warrant shall be made by [ filing ] submitting a written allegation supported by a probable cause affidavit with the president judge or any issuing authority designated by the president judge of each judicial district. The president judge shall ensure twenty-four hour availability of a designated issuing authority.

B. *Approval of Commonwealth.* When a certification is filed by the District Attorney pursuant to Rule 231, no application for an arrest warrant shall be submitted to the issuing authority unless an attorney for the Commonwealth has approved the application.

C. *Arrest procedures.* When a juvenile is arrested pursuant to a warrant, the case shall proceed in the same manner as a warrantless arrest in accordance with Rule 220.

**D. Transmission of file. If a magisterial district judge issues an arrest warrant for a juvenile pursuant to paragraph (A), the magisterial district judge shall forward the juvenile case file to the clerk of courts immediately or no later than the next business day.**

**E. Return of arrest warrant. Once the arrest warrant has been executed, it shall be returned to the juvenile probation office. The juvenile probation office shall, immediately and no later than the next business day, notify the magisterial district judge that the warrant has been executed.**

**F. Case closed by magisterial district judge.** Once a magisterial district judge has been notified that the arrest warrant has been executed pursuant to paragraph (E), the magisterial district judge shall mark the arrest warrant as served and close the case.

**Comment**

For the contents of a written allegation, see Rule 232. For the requirements of the issuance of an arrest warrant, see Rule 211.

Under paragraph (A), the president judge of each judicial district may designate a juvenile court judge, another common pleas judge, or other issuing authorities to receive applications for arrest warrants. The president judge also is to designate an issuing authority to receive applications after normal business hours and on holidays. For the definition of "issuing authority," see Rule 120.

**[ To implement the procedures of paragraph (A), Rule 800 suspends 42 Pa.C.S. § 6303(b) only to the extent that Magisterial District Judges may detain a juvenile for the limited purposes of this rule if the Magisterial District Judge is so designated by the president judge of the judicial district to receive arrest warrant applications. ]**

When issuing an arrest warrant, a magisterial district judge is included in the definition of court pursuant to Rule 120, and as such, the magisterial district judge is to maintain the confidentiality of records as required by Rule 160. For access to court records, see Rule 160.

Paragraph (A) provides that a magisterial district judge may order the juvenile to be taken into custody pursuant to the laws of arrest. Pursuant to the Juvenile Act, 42 Pa.C.S. § 6303(b), a district judge of the minor judiciary may not detain a juvenile. This rule allows a magisterial district judge to issue an arrest warrant, which may lead to detention in limited circumstances. See Rule 800 (8).

Paragraph (D) provides that if the president judge of a judicial district has appointed a magisterial district judge to accept applications for arrest warrants and the magisterial district judge issues an arrest warrant for the juvenile, the magisterial district judge is to send the juvenile case file, including the written allegation supported by a probable cause affidavit, a copy of the arrest warrant, and any other information contained in the juvenile file, to the clerk of courts. For definition of clerk of courts, see Rule 120.

Paragraph (E) provides that the return of the arrest warrant is to be made with the juvenile probation office. The juvenile probation office immediately is to notify the magisterial district judge of the execution of the arrest warrant so the arrest warrant may be marked as executed in their computer system. This is extremely important so the juvenile does not get rearrested on the same warrant.

**Official Note:** Rule 210 adopted April 1, 2005, effective October 1, 2005; amended March 23, 2007, effective August 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 210 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 200 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).**

**CHAPTER 8. SUSPENSIONS**

**Rule 800. Suspensions of Acts of Assembly.**

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

1) The Act of November 21, 1990, P. L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing [ or ] of search warrant affidavits, and which is implemented by Pa.R.Crim.P. Rule 211, through Pa.R.J.C.P. Rule 105, is suspended only insofar as the Act is inconsistent with Pa.R.Crim.P. Rules 205, 206, 211.

\* \* \* \* \*

8) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6303(b), which provides that a district judge or judge of the minor judiciary may not detain a juvenile, is suspended only insofar as the Act is inconsistent with Rule 210, which allows Magisterial District Judges to [ detain ] issue an arrest warrant, which may lead to detention in limited circumstances.

\* \* \* \* \*

**Comment**

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. See also Rule 102.

**Official Note:** Rule 800 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately; amended March 23, 2007, effective August 1, 2007.

*Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).

**Final Report explaining the amendments to Rule 800 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).**

**Explanatory Report**

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 120, 200, 210, and 800.

*Rule 120—Definitions*

With the modifications of Rule 210, the Committee felt it was necessary to include Magisterial District Judges (hereinafter MDJs) when issuing an arrest warrant in the definition of court. The definition is very limited and requires the records of MDJs to follow the confidentiality requirements of Rule 160.

*Rule 200—Commencing Proceedings*

Rule 200 has been modified with an additional provision of allowing cases to be commenced by the filing of a certification that a juvenile has failed to comply with a lawful sentence for a summary offense. Failure to comply with a lawful sentence for a summary offense is defined as a delinquent act pursuant to 42 Pa.C.S. § 6302. A written allegation may be filed in those cases but the revised Rule allows a delinquency case to be commenced by a certification from the MDJ that the juvenile has failed to comply with a lawful sentence for a summary offense, bypassing the need for a written allegation.

MDJs need to be able to close cases in their systems without a need for a police officer, probation officer, or district attorney filing a written allegation, on their behalf, alleging the failure to comply with a lawful sentence for a summary offense. This "certification" of a case from the MDJ to the Court of Common Pleas allows the MDJ's case to be closed once a certification is sent to the Court of Common Pleas. A third party does not need to intervene on behalf of the MDJ. This will additionally help clean up the computer system for the MDJs' offices.

*Rule 210—Arrest Warrants*

There were several concerns of the usage of the word "detain" in the Comment to Rule 210. The Committee made a poor word choice that generated confusion. The Committee never intended for the MDJ to detain a juvenile or a juvenile to be brought to a MDJ. A MDJ may not "detain" a juvenile; however, the MDJ may issue an arrest warrant, which is the vehicle for the detention of a juvenile. A juvenile is never brought before the MDJ but taken to a detention facility or the court as provided in the Rules. (See Rule 220).

The revised Rule 210 will delete the Comment language using the term "detain" and provide that the MDJ may order the juvenile to be taken into custody pursuant to the laws of arrest. The additional language also clarifies that the MDJ may issue an arrest warrant.

Further administrative modifications were made to Rule 210 to address the need to move the case from the MDJ to the Court of Common Pleas for processing the juvenile case, the need to notify the MDJ of the return of the arrest warrant, and the need to close the juvenile case permanently from the MDJ's computer so the juvenile does not get rearrested on the arrest warrant. Paragraphs (D) through (F) were added to allow the case to move to the proper court and to ensure that the notification of the execution of the warrant gets back to the MDJ court. The modifications are necessary to maintain a proper and smooth transition in the MDJ's automated computer systems.

*Rule 800—Suspensions of Acts of Assembly*

As with the Rule 210 Comment, there were several concerns of the usage of the word "detain." The Committee has eliminated the word "detain" and replaced it with "issue an arrest warrant authorizing detention in limited circumstances." See note to Rule 210.

[Pa.B. Doc. No. 07-592. Filed for public inspection April 6, 2007, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Cathy Renee Garrett-Davis having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated September 26, 2006, the Supreme Court of Pennsylvania issued an Order on March 22, 2007, disbaring Cathy Renee Garrett-Davis from the Bar of this Commonwealth, effective April 21, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 07-593. Filed for public inspection April 6, 2007, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [67 PA. CODE CH. 75]

#### Driver's License Examination

The Department of Transportation, under 75 Pa.C.S. §§ 1504(c), 1508.1 and 6103 (relating to classes of licenses; physical examinations; and promulgation of rules and regulations by department), amends §§ 75.2 and 75.6 to read as set forth in Annex A.

#### *Purpose of Chapter 75*

The purpose of Chapter 75 (relating to driver's license examination) is to define more fully the requirements of 75 Pa.C.S. §§ 1504(c), 1508, 1508.1(a), 1514(b) and 1607 by listing the specific requirements with regard to each step in the examination process.

#### *Purpose of the Final-Form Rulemaking*

The current provisions of Chapter 75 require that an applicant for a driver's license who has never been licensed in this Commonwealth or another state submit to a physical examination by a licensed physician, a certified registered nurse practitioner or a physician's assistant. The purpose of this final-form rulemaking is to include chiropractors among the listed healthcare providers who can administer a physical examination for new driver applicants.

Chiropractors are recognized in the healthcare and health insurance industries as portal of care practitioners, that is, primary care providers, permitted to furnish necessary patient care for health maintenance. In 2004, the General Assembly amended 75 Pa.C.S. (relating to Vehicle Code) to specifically authorize chiropractors to conduct examinations required for the issuance of a driver's license.

Moreover, chiropractors are permitted under Federal regulations to conduct the biennial medical examinations for commercial drivers required by Federal Highway Administration Motor Carrier Safety regulations. The addition of chiropractors as provided in this final-form rulemaking make Department regulations consistent with current health care practices, 75 Pa.C.S. and Federal regulations.

#### *Summary of Comments and Changes to Final-Form Rulemaking*

Public comment was received from the Pennsylvania Academy of Family Physicians and the Pennsylvania Medical Society objecting to the inclusion of chiropractors as medical professionals authorized to conduct examinations required for the issuance of a driver's license. Both organizations argue that chiropractors are not medically qualified to conduct the basic medical examination required under 75 Pa.C.S. Both organizations argue that chiropractors lack the training and experience of physicians and doctors of osteopathy to make sophisticated diagnoses, particularly with regard to neurological and neuro-psychiatric disorders as well as most physical disorders.

The objections overstate the sophistication of the basic medical examination required under the Vehicle Code. Moreover, these amendments to Chapter 75 merely conform the regulation to include the authorization of chiro-

practors to conduct the required examinations which has already been authorized in the 2004 amendments to 75 Pa.C.S. enacted by the General Assembly and signed by the Governor.

Comments in favor of the proposed rulemaking were received from the Pennsylvania Chiropractors Association and from Edward J. Krzykwa, Doctor of Chiropractic.

The sole comment of the Independent Regulatory Review Commission (IRRC) was that the definition of "chiropractor" in the proposed rulemaking differed slightly from the definition in 75 Pa.C.S. It was recommended that the definition be revised to conform verbatim to the definition in 75 Pa.C.S. or be replaced by a reference to the statutory definition. The recommended change to the definition has been made.

#### *Persons and Entities Affected*

The final-form rulemaking affects chiropractors as well as individuals wishing to obtain a driver's license whose primary care provider is a chiropractor or who otherwise desire to have the physical examination required to obtain a driver's license conducted by a chiropractor.

#### *Fiscal Impact*

Implementation of the final-form rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. The final-form rulemaking will not impose additional costs on the medical community and may reduce costs to individuals by allowing applicants for a driver's license to have the required physical examination performed by their primary care provider.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 17, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 6420 (December 4, 2004), to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 21, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 1, 2007, and approved the final-form rulemaking.

#### *Sunset Date*

The Department is not establishing a sunset date for the regulations since the regulations are needed to administer provisions required by 75 Pa.C.S. The Department, however, will continue to closely monitor the regulations for their effectiveness.

#### *Contact Person*

The contact person for this final-form rulemaking is Anne P. Titler, Acting Manager, Driver Safety Division,

Bureau of Driver Licensing, 4th Floor, Riverfront Office Center, 1101 S. Front Street, Harrisburg, PA 17104, (717) 783-4737.

*Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 75, are amended by amending §§ 75.2 and 75.6 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 shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

ALLEN D. BIEHLER, P. E.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 1284 (March 17, 2007).)*

**Fiscal Note:** Fiscal Note 18-398 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE IV. LICENSING**

**CHAPTER 75. DRIVER'S LICENSE EXAMINATION**

**Subchapter A. GENERAL PROVISIONS**

**§ 75.2. Definitions.**

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

*Applicant*—A person who has never been licensed in this Commonwealth to operate any type of motor vehicle; or a person seeking to qualify to operate a vehicle of different classification or to add an endorsement, or to remove a restriction from that driver's license; or a person who is a nonresident of this Commonwealth seeking to be licensed to operate any type of motor vehicle.

*Basic control skills test*—A test that evaluates an applicant's ability to operate and control the test vehicle and judge the position of the test vehicle in relationship to objects on a course marked by permanent or temporary boundaries.

*CRNP—Certified registered nurse practitioner*—A registered nurse licensed in this Commonwealth who is certified, by both the State Board of Nursing and the State Board of Medicine, in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

*Chiropractor*—A practitioner of chiropractic as defined in 75 Pa.C.S. § 1508.1(b) (relating to physical examinations).

*Class A driver's license*—A license issued to a person 18 years of age or older who has demonstrated the qualifications to operate any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the vehicle being towed is in excess of 10,000 pounds.

*Class B driver's license*—A license issued to a person 18 years of age or older who has demonstrated the qualifications to operate any single vehicle with a GVWR of 26,001 pounds or more, or any vehicle towing another vehicle with a GVWR of not more than 10,000 pounds.

*Class C driver's license*—A license issued to a person 18 years of age or older, except as provided in 75 Pa.C.S. § 1503 (relating to persons ineligible for licensing), who has demonstrated the qualifications to operate any single vehicle, except those vehicles requiring a Class M qualification, with a GVWR of not more than 26,000 pounds or any combination of vehicles, except combination vehicles involving motorcycles, that does not meet the definition of either Class A or Class B.

*Class M driver's license*—A license issued to a person who has demonstrated the qualifications to operate a motorcycle. A Class M license accompanied by an endorsement shall be issued to a person who has demonstrated the qualifications to operate a motor-driven cycle. If a person is qualified to operate only a motorcycle or motor-driven cycle, that person shall be issued only a Class M license or a Class M license with an endorsement, as applicable.

*Commercial driver's license*—The term as defined in 75 Pa.C.S. § 1603 (relating to definitions).

*Commercial driver's license endorsement*—An alphabet code added to the commercial driver's license upon successful completion of a specialized knowledge test or a specialized knowledge and skill examination identifying the licensee as qualified to operate certain specialized commercial motor vehicles.

*Commercial driver's license restriction*—An alphabet code added to the commercial driver's license that prohibits the licensee from operating certain types of commercial motor vehicles as a result of either examination failure or examination in a test vehicle lacking certain equipment integral to the safe operation of that vehicle.

*Commercial motor vehicle*—The term as defined in 75 Pa.C.S. § 1603.

*GVWR—Gross vehicle weight rating*—The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle.

*Noncommercial driver's license*—A license issued to an individual qualified to drive a class of motor vehicle other than a commercial motor vehicle. Noncommercial Class A or Class B motor vehicles include motor homes or recreational trailers operated solely for personal use, and motorized construction equipment, including motorscrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers and bulldozers.

*Physician assistant*—A person certified by the State Board of Medicine to assist a physician or group of physicians in the provision of medical care and services and under the supervision and direction of the physician or group of physicians.

*Pretrip circle check*—A walk around a single or combination vehicle visually inspecting various equipment items listed on a checklist, in which the driver looks for broken wires, loose bolts, cracks in metal, lights that do not work, flat tires or other damage which could affect the safe operation of the single or combination vehicle.

*Specialized knowledge examination*—An examination to determine the ability of the applicant to operate certain specialized commercial motor vehicles, including vehicles transporting hazardous materials in placardable amounts, tank vehicles, double and triple trailers, passenger carrying vehicles, school buses or vehicles equipped with air brakes, to add an endorsement or to remove a commercial driver's license restriction from the commercial driver's license.

**§ 75.6. Physical examination.**

An applicant for a driver's license, who has never been issued a driver's license in this Commonwealth or another state, shall submit to a physical examination performed by a licensed physician, a CRNP, a physician assistant or a chiropractor. The licensed physician, CRNP, physician assistant or chiropractor performing the examination shall report the findings of the physical examination to the Department on a physical examination certificate or form provided by the Department. The Department may request that the report be submitted on a special certificate relating to the alleged mental or physical disability of the applicant or licensee.

[Pa.B. Doc. No. 07-594. Filed for public inspection April 6, 2007, 9:00 a.m.]

---

# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 511a AND 513a]

### Persons Required to be Excluded; Underage Gaming

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(8), 1514 and 1515 (relating to regulatory authority of board; regulation requiring exclusion of certain persons; and repeat offenders excludable from licensed gaming facility), proposes to add Chapters 511a and 513a (relating to persons required to be excluded; and underage gaming) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapter 511 at 36 Pa.B. 2905 (June 10, 2006) and in Chapter 513 at 36 Pa.B. 3441 (July 1, 2006). Under 4 Pa.C.S. Part II (relating to gaming), the temporary regulations expire on July 5, 2007.

The Board is proposing to replace the temporary regulations with the permanent regulations in this proposed rulemaking.

#### *Explanation of Chapters 511a and 513a*

The temporary regulations in Chapter 511 (relating to persons required to be excluded) implement 4 Pa.C.S. §§ 1514 and 1515. Sections 511.1 and 511.2 (relating to definitions; and maintenance and distribution of the list) define terms used in this chapter and specify the information the Board will provide to slot machine licensees about individuals on the exclusion list. These sections also provide that the exclusion list will be available to the public, both at the Board's offices and on the Board's website.

Sections 511.3—511.5 (relating to criteria for exclusion; duties of the Bureau; and procedure for entry of names onto the exclusion list) list the criteria the Board will use when determining whether or not an individual should be placed on the exclusion list; the duties of the Bureau of Investigations and Enforcement regarding the exclusion process, the process to be used to place a person on the exclusion list and the consequences of being placed on the exclusion list.

Sections 511.6 and 511.7 (relating to application for preliminary placement of a candidate on the exclusion list; and final order of exclusion) address a person's right to a hearing if the person is placed on the exclusion list, the conduct of such hearings and the Board's review of placements.

Section 511.8 (relating to information contained on the exclusion list) requires slot machine licensees to exclude or eject individuals who are on, or meet the criteria to be on, the exclusion list, to notify the Board if an excluded person is found in or attempts to enter a licensed facility and to notify the Board about any individual the slot machine licensee believes meets the criteria for exclusion.

Finally, § 511.9 (relating to duty of slot machine licensee) outlines the petition process that an individual who is on the exclusion list can use to request removal from the exclusion list.

The temporary regulations in Chapter 513 (relating to underage gaming) specify who is excluded from the gaming floor or from engaging in gaming activities based on age. Also included in Chapter 513 are regulations regarding the responsibilities of licensees, permittees, registrants and certification holders regarding underage gaming and defenses that cannot be used in enforcement actions.

Amendments to the temporary regulations in this proposed rulemaking include a large number of editorial changes in both chapters that improve the clarity of the language contained in the existing temporary regulations.

Additionally, § 511a.2 (relating to maintenance and distribution of the exclusion list) was amended to move the provision regarding what information would be provided to slot machine licensees from § 511.8 to this section. The substance of what was previously in § 511.2(c) has been moved to § 511a.8 (relating to duties of slot machine licensees).

In § 511a.4 (relating to duties of the Bureau), the Board has been deleted as an entity who may refer a person for investigation and law enforcement agencies and licensed facilities have been added as entities that can make a referral. Temporary subsection (d) has been deleted; it is no longer needed due to the amendments made to §§ 511a.6 and 511a.7 (relating to demand for hearing on the placement of a person on the exclusion list; Board review). Section 511a.5 (relating to placement on the exclusion list) has been expanded to address the enforcement action taken if an excluded person is caught gaming.

Sections 511a.6 and 511a.7 have been substantially amended to simplify and clarify the process for hearings on placement on the exclusion list and the Board review of placements.

The former § 511.8 has been deleted because the material in this section has been relocated to § 511a.2. In new § 511a.8 (formerly § 511.9), temporary § 511.2(c) is subsection (a).

In Chapter 513a, § 513a.2 (relating to exclusion requirements) has been amended to add check cashing privileges to the list of services that should not be provided to anyone under 21 years of age.

Section 513a.4 (relating to signage requirements) has been added to mandate posting signs that state that individuals under 21 years of age cannot engage in gaming activities, will be removed if found gaming and may be subject to arrest for trespass.

#### *Affected Parties*

This proposed rulemaking imposes requirements on slot machine licensees, persons who are placed on the excluded persons list and individuals who are not old enough to engage in gaming (under 21 years of age) or are too young to be on the gaming floor (under 18 years of age).

#### *Fiscal Impact*

*Commonwealth.* This proposed rulemaking will impose costs on the Board regarding placing individuals on the

exclusion list, maintenance and distribution of the excluded persons list and enforcement of the provisions regarding exclusion and underage gaming.

*Political subdivisions.* This proposed rulemaking will have no significant fiscal impact on political subdivisions of the Commonwealth.

*Private sector.* Slot machine licensees will experience costs regarding training of employees, signage requirements and compliance with the requirements of the exclusion underage gaming provisions.

*General public.* Individuals seeking to dispute placement on or seeking removal from the exclusion list will experience some minor costs associated with the hearing and petition processes.

*Paperwork Requirements*

This proposed rulemaking requires slot machine licensees to maintain, update and disseminate information on excluded persons. A slot machine licensee is also required to submit the names of individuals it believes meet the criteria for placement on the excluded person list.

Individuals demanding a hearing will have to file a response to the notice served by the Clerk. Individuals seeking to be removed from the exclusion list will have to file a petition specifying the grounds for removal.

*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 Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-57.

*Contact Person*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 28, 2007, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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.

THOMAS A. DECKER,  
Chairperson

**Fiscal Note:** 125-57. (1) State Gaming Fund; (2) Implementing Year 2006-07 is \$50,000; (3) 1st Succeeding

Year 2007-08 is \$44,000; 2nd Succeeding Year 2008-09 is \$45,000; 3rd Succeeding Year 2009-10 is \$47,000; 4th Succeeding Year 2010-11 is \$49,000; 5th Succeeding Year 2011-12 is \$51,000; (4) 2005-06 Program—\$26,400,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) State Gaming Board; (8) recommends adoption.

*(Editor's Note:* In Annex A, some references to sections not yet adopted as permanent regulations appear in this proposed rulemaking. The section numbers of the permanent regulations will have an "a" indicator after the chapter number. Refer to the corresponding temporary regulations adopted by the Board when necessary.)

**Annex A**

**TITLE. 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart J. EXCLUSION OF PERSONS**

**CHAPTER 511a. PERSONS REQUIRED TO BE EXCLUDED**

- Sec.
- 511a.1. Definitions.
- 511a.2. Maintenance and distribution of the exclusion list.
- 511a.3. Criteria for exclusion.
- 511a.4. Duties of the Bureau.
- 511a.5. Placement on the exclusion list.
- 511a.6. Demand for hearing on the placement of a person on the exclusion list.
- 511a.7. Board review.
- 511a.8. Duties of slot machine licensees.
- 511a.9. Petition to remove name from the exclusion list.

**§ 511a.1. Definitions.**

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

*Career or professional offender*—A person, who for the purpose of economic gain, engages in activities that are deemed criminal violations under 18 Pa.C.S. (relating to crimes and offenses) or equivalent criminal violations in other jurisdictions, or engages in unlawful activities contained in section 1518(a) of the act (relating to prohibited acts; penalties).

*Cheat*—

(i) To alter, without authorization, the elements of chance, method of selection or criteria which determine:

- (A) The result of a slot machine game.
- (B) The amount or frequency of payment in a slot machine game.
- (C) The value of a wagering instrument.
- (D) The value of a wagering credit.

(ii) The term does not include altering for required maintenance and repair.

(iii) The term includes an act in any jurisdiction that would constitute an offense under section 1518(a)(6) and (a)(7) of the act.

*Excluded person*—A person who has been placed upon the exclusion list and who is required to be excluded or ejected from a licensed facility.

*Exclusion list*—A list of names of persons who are required to be excluded or ejected from a licensed facility.

**§ 511a.2. Maintenance and distribution of the exclusion list.**

(a) The Board will maintain a list of persons to be excluded or ejected from a licensed facility.

(b) The exclusion list will be open to public inspection at the Board's central office during normal business hours and will be distributed to every slot machine licensee within this Commonwealth, who shall acknowledge receipt thereof in writing or electronically.

(c) The following information will be provided to the slot machine licensees for each excluded person on the exclusion list:

(1) The full name and all aliases the person is believed to have used.

(2) A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and any other physical characteristics which may assist in the identification of the person.

(3) The person's date of birth.

(4) The date the person was added to the list.

(5) A recent photograph, if available.

(6) The last known address of record.

(7) Other identifying information available to the Board.

**§ 511a.3. Criteria for exclusion.**

(a) The exclusion list may include a person who meets one or more of the following criteria:

(1) A career or professional offender whose presence in a licensed facility would, in the opinion of the Board, be inimical to the interest of the Commonwealth or a slot machine licensee, or both.

(2) An associate of a career or professional offender whose presence in a licensed facility would be inimical to the interest of the Commonwealth or a slot machine licensee, or both.

(3) A person who has been convicted of a criminal offense under the laws of any state, or of the United States, which is punishable by more than 1 year in prison, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in a licensed facility would be inimical to the interest of the Commonwealth or a slot machine licensee, or both.

(4) A person whose presence in a licensed facility would be inimical to the interest of the Commonwealth or licensed gaming therein, including:

(i) Cheats.

(ii) Persons whose gaming privileges have been suspended by the Board.

(iii) Persons whose permits, licenses or other approvals have been revoked.

(iv) Persons who pose a threat to the safety of the patrons or employees of a slot machine licensee.

(v) Persons with a history of conduct involving the disruption of the gaming operations of slot machine licensees.

(vi) Persons subject to an order of a court of competent jurisdiction in this Commonwealth excluding those persons from licensed facilities.

(vii) Persons with pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in this Commonwealth or another jurisdiction.

(viii) Persons who have been convicted of a gaming or gambling crime or crime related to the integrity of gaming operations in this Commonwealth or another jurisdiction.

(ix) Persons who have performed an act or have a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming, including being identified with criminal activities in published reports of various Federal and State legislative and executive bodies that have inquired into criminal or organized criminal activities.

(b) For purposes of subsection (a), a person's presence may be considered "inimical to the interest of the Commonwealth or of licensed gaming therein" if known attributes of the person's character and background meet one or more of the following criteria:

(1) Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of the operation of a licensed facility.

(2) May reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by the act.

(3) Create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

(c) A finding of inimicality may be based upon the following:

(1) The nature and notoriety of the character or background of the person.

(2) The history and nature of the involvement of the person with licensed gaming in this Commonwealth or another jurisdiction, or with a particular slot machine licensee or licensees or an affiliate, intermediary, subsidiary or holding company thereof.

(3) The nature and frequency of contacts or associations of the person with a slot machine licensee or licensees, or with employees or agents thereof.

(4) Other factors reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of gaming operations, the gaming industry and its employees.

(d) A person's race, color, creed, national origin or ancestry, or sex will not be a reason for placing the name of a person upon the exclusion list.

**§ 511a.4. Duties of the Bureau.**

(a) The Bureau will, on its own initiative, or upon referral by a law enforcement agency or a slot machine licensee investigate a person to determine whether the person meets the criteria for exclusion provided in section 1514 of the act (relating to regulation requiring exclusion of certain persons) and § 511a.3 (relating to criteria for exclusion).

(b) If, upon completion of an investigation, the Bureau determines that an individual should be placed on the exclusion list, the Bureau will file a petition for exclusion with the Board, identifying the candidate and setting forth a factual basis for the petition. The petition must include information demonstrating that the individual satisfies the criteria for exclusion under section 1514 or 1515 of the act (relating to repeat offenders excludable from licensed gaming facility) or this chapter.

(c) When the Bureau files a complaint alleging a violation of section 1514(e) of the act and § 511a.8(b)(2)

(relating to duties of slot machine licensees) against a slot machine licensee, the Bureau will file simultaneously a petition to exclude the person alleged in the complaint to meet the criteria for exclusion under § 511a.3.

**§ 511a.5. Placement on the exclusion list.**

(a) A person may be placed on the exclusion list:

(1) Upon the filing of a petition for exclusion by the Bureau in accordance with the procedures under § 511a.4 (relating to duties of the Bureau).

(2) Upon receipt of an order from a court of competent jurisdiction within this Commonwealth, excluding the person from licensed facilities.

(b) The placement of a person on the exclusion list shall have the effect of requiring the exclusion or ejection of the excluded person from licensed facilities.

(c) An excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's exclusion list.

(d) Winnings incurred by an excluded person shall be remitted to the Board to support compulsive and problem gambling programs.

(e) For the purposes of this section, any winnings issued to, found on or about, or redeemed by an excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**§ 511a.6. Demand for hearing on the placement of a person on the exclusion list.**

(a) Upon placement of a person on the exclusion list, the Clerk will serve notice of the placement to the person by personal service or certified mail at the last known address of the person. When the placement is a result of a petition for exclusion filed by the Bureau, a copy of the petition will be included with the notice.

(b) Upon service of the notice by the Clerk, an excluded person shall have 30 days to demand a hearing before the Board. Failure to demand a hearing within 30 days after service shall be deemed an admission of all matters and facts alleged in the Bureau's petition for exclusion.

(c) If a hearing is demanded by the excluded person, a hearing will be scheduled as provided in § 492a.6 (relating to hearings generally). At the hearing, the Bureau will have the affirmative obligation to demonstrate that the excluded person satisfies the criteria for exclusion in section 1514 or 1515 of the act (relating to regulation requiring exclusion of certain persons; and repeat offenders excludable from licensed gaming facility) or § 511a.3 (relating to criteria for exclusion). Unless the matter is heard directly by the Board, the presiding officer will prepare a recommendation as provided in § 494a.4 (relating to report or recommendation of the presiding officer) for consideration by the Board.

**§ 511a.7. Board review.**

After a hearing or consideration of a petition for exclusion filed by the Bureau when no hearing was requested, the Board will:

(1) Issue a final order affirming the placement of the person on the exclusion list.

(2) Issue a final order removing the person from the exclusion list.

(3) Refer the matter to the presiding officer for further hearing.

**§ 511a.8. Duties of slot machine licensees.**

(a) A slot machine licensee shall have the responsibility to distribute copies of the exclusion list to its employees. Additions, deletions or other updates to the list shall be distributed by a slot machine licensee to its employees within 2 business days of the slot machine licensee's receipt of the updates from the Board.

(b) A slot machine licensee shall exclude or eject the following persons from its licensed facility:

(1) An excluded person.

(2) A person known to the slot machine licensee to satisfy the criteria for exclusion in section 1514 of the act (relating to regulation requiring exclusion of certain persons) and § 511a.3 (relating to criteria for exclusion).

(c) If an excluded person enters, attempts to enter, or is in a licensed facility and is recognized by employees of the slot machine licensee, the slot machine licensee shall immediately notify the Bureau of the fact in accordance with the procedures set forth by the Board.

(d) It shall be the continuing duty of a slot machine licensee to inform the Bureau, in writing, of the names of persons the slot machine licensee believes are appropriate for placement on the exclusion list and the reason for placement on the exclusion list.

(e) A slot machine licensee or employees thereof will not be liable to any person for damages in a civil action, which is based on the following:

(1) Withholding winnings from an excluded person.

(2) Permitting an excluded person to gamble.

(3) Excluding an excluded person from the licensed gaming facility.

**§ 511a.9. Petition to remove name from the exclusion list.**

(a) An excluded person may file a petition with the Clerk to request a hearing for removal of his name from the exclusion list at any time after 5 years from the placement of his name on the exclusion list.

(b) The petition must be signed by the excluded person, contain supporting affidavits, and state the specific grounds believed by the petitioner to constitute good cause for removal from the exclusion list. Upon receipt of the petition, the Bureau may file an answer in accordance with § 493a.5 (relating to answers).

(c) The Board may decide the petition on the basis of the documents submitted by the excluded person and the Bureau. The Board may summarily deny the petition, may grant the petition or direct that a hearing be held in accordance with § 511a.6 (relating to demand for hearing on the placement of a person on the exclusion list). The Board will grant the petition or direct that a hearing be held only upon a finding that there is new evidence, which is material and necessary, or that circumstances have changed since the placement of the excluded person on the exclusion list, and that there would be a reasonable likelihood that the Board would alter its previous decision.

(d) An excluded person who is barred from requesting a hearing concerning his removal from the exclusion list by the 5-year period of exclusion in subsection (a) may petition the Board for early consideration at any time. However, an excluded person may not, within the 5-year period of exclusion, file more than one petition for early consideration.

(e) A petition for early consideration must contain the information required by subsection (b). Upon receipt of the petition, the Bureau may file an answer in accordance with § 493a.5 (relating to answers).

(f) The Board may decide the petition for early consideration on the basis of the documents submitted by the excluded person and the Bureau. The Board may summarily deny the petition or may grant the petition and direct that a hearing be held in accordance with § 511a.6.

(g) The Board will consider the following criteria when making its decision on a petition for early consideration:

(1) Whether there are extraordinary facts and circumstances warranting early consideration of the excluded person's request for removal from the exclusion list.

(2) If exclusion was ordered under § 511a.5(a)(2) (relating to placement on the exclusion list), whether the excluded person has completed the period of probation or otherwise satisfied the terms of the court-ordered exclusion.

### CHAPTER 513a. UNDERAGE GAMING

Sec.	
513a.1.	Definitions.
513a.2.	Exclusion requirements.
513a.3.	Responsibilities of licensees, permittees, registrants and certification holders.
513a.4.	Signage requirements.
513a.5.	Enforcement.

#### § 513a.1. Definitions.

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

*Fully executed gaming transaction*—An activity involving a slot machine or associated equipment which occurs on the gaming floor of a licensed facility and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee.

*Winnings*—Any money or thing of value received from, or owed by a slot machine licensee as a result of a fully executed gaming transaction.

#### § 513a.2. Exclusion requirements.

(a) An individual under 18 years of age may not enter or be on the gaming floor of a licensed facility.

(b) An individual under 21 years of age, whether personally or through an agent, may not operate, use, play or place a wager on, a slot machine in a licensed facility.

(c) An individual under 21 years of age may not receive check cashing privileges, be rated as a player, or receive any complimentary service, item or discount as a result of, or in anticipation of, gaming activity.

(d) An individual under 21 years of age may not collect in any manner or in any proceeding, whether personally or through an agent, winnings or recover losses arising as a result of any gaming activity.

(e) Winnings incurred by an individual under 21 years of age shall be remitted to the Board to support compulsive and problem gambling programs.

(f) For the purposes of this section, winnings issued to, found on or about or redeemed by an individual under 21 years of age shall be presumed to constitute winnings and be subject to remittance to the Board.

#### § 513a.3. Responsibilities of licensees, permittees, registrants and certification holders.

(a) A person holding a license, permit, certification or registration issued by the Board is prohibited from permitting or enabling an individual to engage in conduct that violates § 513a.2(a), (b), (c) or (d) (relating to exclusion requirements).

(b) Slot machine licensees shall establish procedures that are designed to prevent violations of this chapter and submit a copy of the procedures to the Board 30 days prior to initiation of gaming activities at the licensed facility. The slot machine licensee may not commence operations until the Board approves its procedures. Amendments to these procedures must be submitted to and approved by the Board prior to implementation.

(c) A slot machine licensee may be subject to Board imposed administrative sanctions if a person engages in conduct that violates § 513a.2(a), (b), (c) or (d) at its licensed facility. Under § 513a.2(e), winnings obtained by a slot machine licensee from or held on account of a person under 21 years of age shall be remitted to the Board and deposited into the Compulsive and Problem Gambling Treatment Fund.

(d) A person holding a license, permit, registration or certification issued by the Board who violates a provision of this chapter may be held jointly or severally liable for the violation.

#### § 513a.4. Signage requirements.

A slot machine licensee shall post signs that include a statement that is similar to the following: "It is unlawful for any person under 21 years of age to engage in any gaming activities. Individuals violating this prohibition will be removed and may be subject to arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass)." The complete text of the sign shall be determined by the Board. The signs shall be prominently posted within 50 feet of each entrance and exit of the gaming floor.

#### § 513a.5. Enforcement.

In a prosecution or other proceeding against a person for a violation of this chapter, it will not be a defense that the person believed an individual to be 21 years of age or older.

[Pa.B. Doc. No. 07-595. Filed for public inspection April 6, 2007, 9:00 a.m.]

## STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

[49 PA. CODE CH. 39]

Administrator-in-Training Program

The State Board of Examiners of Nursing Home Administrators (Board) proposes to amend §§ 39.1, 39.5, 39.61 and 39.72 and add §§ 39.101—39.103 (relating to AIT Program) to read as set forth in Annex A. The proposed rulemaking updates and amends the requirements for admission to the licensing examination.

### A. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin*.

### B. *Statutory Authority*

Under section 4(c) of the Nursing Home Administrators Licensing Act (act) (63 P.S. § 1104(c)), the Board is authorized to make rules and regulations as may be necessary for the proper performance of its duties. Under section 4(a)(1) of the act, the Board is authorized to develop, impose and enforce standards that must be met by individuals in order to receive a license as a nursing home administrator (NHA). These standards must be designed to insure that NHAs will be individuals who are of good character and are otherwise suitable and qualified by training or experience in the field of institutional administration to serve as NHAs.

### C. *Background and Need for Amendments*

Section 39.5(a) (relating to requirements for admission to licensing examination; examination procedures) provides that a candidate who seeks admission to the licensing examination shall meet the following requirements: (1) be at least 21 years of age; (2) submit evidence of good moral character and suitability as prescribed by the Board in the examination application; and (3) pay the required fee for examination and licensure.

In addition to these general requirements, § 39.5(b) gives candidates the opportunity to sit for the examination provided they meet certain educational and experience requirements. Each of the five options requires candidates to serve 6 to 12 months as assistant NHAs prior to sitting for the examination. Many nursing homes simply cannot afford to hire and pay assistant administrators. Therefore, it is exceedingly difficult for candidates to obtain the requisite experience under the current regulations.

In a profession that has seen a significant decline of licensees over the past 5 years, the institution of an administrator-in-training program (AIT), as proposed by this rulemaking, will give candidates who do not meet the requirements of § 39.5(b) an incentive and an alternative option to become licensed NHAs. The Board believes that, by offering candidates who meet the rigid standards of higher education an additional means of qualifying to sit for the examination, more candidates would be encouraged to enter the field of nursing home administration.

The proposed AIT program will permit an individual with a baccalaureate or master's degree to serve as an AIT, or intern, under the supervision of an NHA, who will function as a mentor to the AIT. Under the NHA's supervision, a candidate with a baccalaureate degree will be required to obtain 1,000 hours of experience in the practice of nursing home administration, while a candidate with a master's degree will be required to obtain 800 hours. Each AIT program will be individualized and approved, in advance, by the Board. Each program must have a detailed, goal-oriented training plan with supporting documentation that relates educational objectives, subject areas of the required core of knowledge, estimated number of hours for mastering each objective and the total number of hours involved. This program must consist of no less than 20 hours nor more than 60 hours per week. At the completion of the AIT program, both the supervising NHA and candidate shall submit to the Board comprehensive documentation that the candidate is qualified to sit for the examination.

North Carolina, Ohio and Maryland currently have AIT programs in place. This proposed rulemaking is similar to

the AIT regulations of those states. Those states, however, require that the supervising NHA attend a training course to become "preceptors" to the AIT. This proposed rulemaking requires that the supervisor to the AIT be licensed by the Board and be employed as the administrator-of-record at the facility where the AIT is training.

### D. *Description of Proposed Amendments*

#### *§ 39.1. Definitions.*

The Board proposes to add definitions of "AIT—administrator-in-training" and "AIT program" to § 39.1.

#### *§ 39.5. Requirements for admission to licensing examination; examination procedures.*

The proposed amendments to § 39.5 would change the experience requirements to immediately precede the date of application, not date of examination.

Section 39.5(b)(3)(ii) would be amended to add a baccalaureate degree equivalent to nursing home administration as an alternative to a baccalaureate degree in nursing home administration and the requirement that the candidate who possesses the equivalent degree provide transcripts that demonstrate that the candidate has completed a 120-hour course in nursing home administration as part of the baccalaureate curriculum.

Section 39.5(b)(3)(iii)(C) and (4)(ii)(B) would be amended to add an experience alternative for candidates with baccalaureate or baccalaureate-equivalent degrees and master's degrees to participate in the AIT program in lieu of obtaining actual experience in a nursing home or health related facility prior to sitting for the examination.

#### *§ 39.61. Requirements.*

The Board proposes to add § 39.61(b)(5) to provide that up to 24 clock hours of continuing education may be obtained through serving as a supervisor in a Board-approved AIT program, when the AIT successfully completes the AIT program under § 39.103 (relating to AIT program reports).

#### *§ 39.72. Fees.*

The Board proposes to amend § 39.72 to include a \$50 AIT application fee.

#### *§§ 39.101—39.103. AIT Program.*

The Board proposes to add §§ 39.101—39.103 to institute the AIT program.

Section 39.101 (relating to AIT) requires an AIT applicant to file an application with the Board and describes the criteria for approval as an AIT.

Section 39.102 (relating to AIT program) requires documentation for the individualized AIT program, which includes a pretraining assessment of the AIT's background and a written training plan prepared by the AIT and supervisor for approval by the Board. This section also sets forth the weekly and hourly requirements and that the program may not consist of more than 60 hours per week nor less than 20 hours per week. Further, this section sets forth procedures in the event the AIT program is discontinued or terminated before completion.

Section 39.103 sets forth the procedure for AIT program reports that must be submitted to the Board by both the AIT and the AIT's supervisor within 30 days of completion of the AIT program.

E. *Fiscal Impact*

The proposed rulemaking will have a limited fiscal impact on the Commonwealth and its political subdivisions. The proposed rulemaking establishes a new fee associated with the proposed AIT program. However, this fee is intended to defray a portion of the Board's operational costs. There are no other costs or savings to the State government associated with implementation of the proposed rulemaking.

F. *Paperwork Requirements*

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fee and to create applications for AITs. The Board will further provide a detailed training plan to NHAs who supervise AITs. Further, the proposed rulemaking will create additional paperwork for AITs and supervisors, who will be responsible for submitting a detailed, individualized AIT framework for each AIT and documentation of progress and completion of the AIT program.

G. *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 28, 2007, the Board 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 Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

I. *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 days of publication of this proposed rulemaking to Christina Stuckey, Administrator, State Board of Examiners of Nursing Home Administrators, P. O. Box 2649, Harrisburg, PA 17105-2649, cstuckey@state.pa.us. Reference No. 16A-627 (Administrator-in-Training Program) when submitting comments.

BARRY S. RAMPER, II,  
*Chairperson*

**Fiscal Note:** 16A-627. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

GENERAL

§ 39.1. Definitions.

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

**AIT—Administrator-in-training—An individual registered with the Board under § 39.101 (relating to AIT), to serve a period of practical training and experience under the supervision of a licensed nursing home administrator.**

**AIT program—A program established by the Board as a means for an applicant for licensure as a nursing home administrator to obtain practical training and experience under the supervision of a licensed nursing home administrator.**

\* \* \* \* \*

§ 39.5. Requirements for admission to licensing examination; examination procedures.

\* \* \* \* \*

(b) A candidate who seeks admission to the licensing examination shall also meet one of the following sets of education and experience requirements. The candidate shall:

(1) Have:

(i) **[ Commencing March 1, 1993, successfully ] Successfully** completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2) (relating to approval of programs of study).

\* \* \* \* \*

(iii) Done one of the following:

(A) During the 18 months **immediately** preceding the date of **[ examination ] application**, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of **[ this ] the Commonwealth.**

(B) During 3 of the 5 years **immediately** preceding the date of **[ examination ] application**, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(2) Have:

(i) **[ Commencing March 1, 1993, successfully ] Successfully** completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2).

\* \* \* \* \*

(iii) Done one of the following:

(A) [ Served ] During the 18 months immediately preceding the date of the application, served satisfactorily as a full-time Director of Nursing for 6 months and, during the 12 months immediately preceding the date of [ examination ] application, but not concurrent with the service as a Director of Nursing, acquired experience in the practice of nursing home administration by having served satisfactorily as a full-time assistant administrator in a nursing home or related health facility under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of [ this ] the Commonwealth.

(B) During 2 of the 5 years immediately preceding the date of [ examination ] application, served satisfactorily as a full-time Director of Nursing in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(3) Have:

\* \* \* \* \*

(ii) [ Commencing March 1, 1993, successfully ] Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2), unless the candidate has a baccalaureate degree in nursing home administration or a baccalaureate degree in a program equivalent to nursing home administration. The burden is on the candidate to demonstrate that the baccalaureate degree that the candidate has earned is equivalent to a baccalaureate degree in nursing home administration. Baccalaureate degree equivalency will be determined by the Board based upon the applicant's transcripts and course descriptions. Candidates who have successfully completed a baccalaureate curriculum which is not in nursing home administration or equivalent to nursing home administration, but incorporates the 120-hour program as part of the curriculum, are not required to complete the 120-hour program separately. The burden is on the candidate to demonstrate that the 120-hour program is incorporated in the baccalaureate curriculum. The Board will evaluate the transcripts and course descriptions of the candidate to determine if the 120-hour program was successfully completed as part of the baccalaureate curriculum.

(iii) Done one of the following:

(A) During the 9 months immediately preceding the date of [ examination ] application, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 18 months of the 5 years immediately preceding the date of [ examination ] application, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which

service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(C) [ During 2 of the 5 years preceding the date of examination, which date of examination may not be later than August 31, 1995, served satisfactorily as a full-time chief administrator in a nursing home or related health facility. ] During the 2 years immediately preceding the date of application, acquired 1,000 hours of experience in the practice of nursing home administration by having served satisfactorily as an AIT in a nursing home under the supervision of a full-time nursing home administrator licensed in the Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, in accordance with §§ 39.101—39.103 (relating to AIT Program).

(4) Have:

\* \* \* \* \*

(ii) [ Either ] Done one of the following:

(A) During the 5 years immediately preceding the date of application, either acquired 6 months of satisfactory full-time supervisory experience in the administration of a nursing home under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth or acquired 6 months of satisfactory full-time experience in the administration of a related health facility under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, except that an individual who is acquiring satisfactory full-time experience in the administration of a related health facility on December 31, 1994, even though the experience is not being acquired under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, shall have until June 30, 1995, to apply for admission to the licensing examination under the regulations in effect immediately prior to December 31, 1994 ]

(B) During the 2 years immediately preceding the date of application, acquired 800 hours of experience in the practice of nursing home administration by having served satisfactorily as an AIT in a nursing home under the supervision of a full time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, in accordance with §§ 39.101—39.103.

(5) Have:

(i) [ Commencing March 1, 1993, successfully ] Successfully completed 120 clock hours in a program study approved by the Board as prescribed in § 39.14(a)(2).

\* \* \* \* \*

(iii) Done one of the following:

(A) During the 18 months immediately preceding the date of [ examination ] application, acquired experi-

ence in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 3 of the last 5 years **immediately** preceding the date of [ **examination** ] **application**, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(c) The [ **1,000** ] hours of experience in the practice of nursing home administration required of a candidate qualifying under subsection (b)(1)(iii)(B), (2)(iii)(B), (3)(iii)(B) **or (C), (4)(ii)(B) or (5)(iii)(B)** is designed to insure that the candidate has been exposed to hands-on practical application of the areas of educational training required in § 39.14(a)(2). The [ **1,000** ] hours of experience [ **shall** ] **must** include a minimum of 300 hours in general administration, a minimum of 250 hours in patient services and care and a minimum of 250 hours in health and social service delivery systems. [ **The 200** ] **Any** remaining hours may be distributed as needed to obtain the best results for each individual candidate. The nursing home administrator who supervised the candidate shall certify that the candidate has acquired the minimum number of hours for each area.

\* \* \* \* \*

**CLOCK HOURS REQUIREMENT**

**§ 39.61. Requirements.**

\* \* \* \* \*

(b) Of the 48 hours required, the following [ **applies** ] **apply**:

\* \* \* \* \*

(5) **Up to 24 clock hours may be obtained by serving as a supervisor in a Board-approved AIT program, when the AIT successfully completes the AIT program.**

(6) A maximum of 6 clock hours may be awarded retroactively for attending programs, to include lectures, and college or university courses, which have not been preapproved. The attendee shall submit a written request for approval within 30 days of attending the program and document attendance. The attendee shall demonstrate to the Board's satisfaction that the programs meet the requirements of §§ 39.14(a)(2) and 39.51 (relating to approval of programs of study; and standards for continuing education programs).

\* \* \* \* \*

**RENEWAL**

**§ 39.72. Fees.**

The following is the schedule of fees charged by the Board:

\* \* \* \* \*

**AIT application fee ..... \$50**

**AIT PROGRAM**

(*Editor's Note:* The following sections are new and are printed in regular type to enhance readability.)

**§ 39.101. AIT.**

(a) An applicant seeking to become an AIT shall file an application for approval on a form prescribed by the Board.

(b) To be approved as an AIT, the applicant shall:

(1) Have attained the general education requirements in § 39.5(b)(3)(i) or (4)(i) (relating to requirements for admission to licensing examination; examination procedures) or be enrolled in the final year of a baccalaureate or master's degree program at an accredited college or university.

(2) Verify that if the AIT is employed at the nursing home in any capacity other than that of AIT during the period of practical training and experience, that employment is in addition to the hours required for the AIT program.

**§ 39.102. AIT program.**

(a) The AIT program must provide documentation that the following requirements have been met:

(1) The AIT and the AIT's supervisor have jointly made a pretraining assessment of the AIT's background in terms of educational level, pertinent experience, maturity, motivation and initiative.

(2) Based on the pretraining assessment, the AIT and the AIT's supervisor jointly have developed a detailed, goal-oriented training plan with supporting documentation which includes:

(i) Educational objectives.

(ii) Subject areas of the core of knowledge as required by §§ 39.5(c) and 39.7 (relating to requirements for admission to licensing examination; examination procedures; and subject matter for examinations).

(iii) Training sites or agencies involved.

(iv) Estimated number of hours needed for mastering each objective.

(v) Total of hours in the training plan.

(3) Prior to its implementation, the training plan must be submitted for approval by the Board on forms provided by the Board. The training plan must include supporting documentation for the training plan, including the allocation of hours to the subject areas required by §§ 39.5(c) and 39.7.

(4) A minimum of 80% of the training must occur from Monday through Friday between 7 a.m. and 7 p.m. An AIT program may not consist of more than 60 hours per week nor less than 20 hours per week.

(b) The Board has the right to monitor and call for conference any AIT or AIT supervisor during the course of the AIT program.

(c) Following the completion of the AIT program and prior to admission to the examination for licensure, the Board will review the report required by § 39.103 (relating to AIT program reports) to determine if the applicant has received training consistent with this section.

(d) If the AIT program is discontinued prior to completion, the following apply:

(1) An AIT program which has been discontinued by a period of full-time military service may be completed within a year after that military service.

(2) An AIT program which has been discontinued for any reason other than military service may not be completed if the absence exceeds 1 year from the date of discontinuance.

(3) If an AIT program has been discontinued before completion for any reason beyond AIT or supervisor control, the AIT and supervisor may apply to the Board for consideration of credit for the period of time completed.

(i) The AIT requesting consideration shall explain why the AIT program was discontinued, how the AIT intends to complete the training and document progress in the manner required by § 39.104 (relating to AIT program reports).

(ii) The supervisor requesting consideration shall explain why the AIT program was discontinued and document the hours that the supervisor spent on the training program.

(4) Only one discontinuance will be permitted.

**§ 39.103. AIT program reports.**

Within 30 days of the completion of the AIT program, the AIT and supervisor shall submit to the Board a report on the AIT's progress on forms provided by the Board. The AIT and supervisor shall sign the report, verifying the accuracy of the information. The report must include, at a minimum:

- (1) The names of the AIT and supervisor.
- (2) The place of training.
- (3) A statement of the subject areas covered during the program.
- (4) A list of the departments in which the AIT trained, as well as initials of department managers to verify that the AIT trained in those departments.
- (5) The number of hours the AIT has completed during the program in each subject area.
- (6) A description of the administrative activities in which the AIT has participated.
- (7) Suggestions for improvement in the program.
- (8) Other information the Board requests.

[Pa.B. Doc. No. 07-596. Filed for public inspection April 6, 2007, 9:00 a.m.]

**STATE REAL  
ESTATE COMMISSION**

**[49 PA. CODE CH. 35]**

**Consumer Notice**

The State Real Estate Commission (Commission) proposes to amend §§ 35.201 and 35.336 (relating to definitions; and disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant) to read as set forth in Annex A.

*A. Effective Date*

The proposed rulemaking will be effective 30 days after final-form publication in the *Pennsylvania Bulletin*. However, licensees will have 180 days to begin using the new Consumer Notice form.

*B. Statutory Authority*

The amendments are proposed under section 608 of the Real Estate Licensing and Registration Act (RELRA) (63 P. S. § 455.608).

*C. Background and Purpose*

The act of November 25, 1998 (P. L. 908, No. 112) (Act 112) amended the RELRA to establish the various agency relationships that real estate licensees are permitted to enter into with consumers. In accordance with section 608 of the RELRA, real estate licensees are required to provide consumers with a disclosure summary at the initial interview that delineates the following eleven items:

- The relationships in which the consumer may engage the broker.
- A statement informing sellers and buyers of their option to have an agency relationship with a broker, that an agency relationship is not to be presumed and that it will exist only as set forth in a written agreement between the broker and the consumer.
- A statement that a consumer has the right to enter into a negotiated agreement with the broker limiting the activities or practices that the broker will provide for on behalf of the consumer and that the fees and services to be provided are to be determined by negotiations between the consumer and the broker.
- A statement identifying any possibility that the broker may provide services to another consumer who may be party to the transaction and, if so, an explanation of the duties the broker may owe the other party and whether the broker may accept a fee for those services.
- A statement identifying any possibility that the broker may designate one or more licensees affiliated with the broker to represent the separate interest of the parties to the transaction.
- A statement of the broker's policies regarding cooperation with other brokers, including the sharing of fees.
- A statement that a buyer's broker may be paid a fee that is a percentage of the purchase price and the buyer's broker, even if compensated by the listing broker, will represent the interests of the buyer.
- A statement that the duration of the broker's employment and the broker's fees are negotiable.
- The purpose of the Real Estate Recovery Fund and the telephone number of the Commission at which further information about the fund may be obtained.
- A statement that the duration of the listing agreement or contract and the broker's commission are negotiable.
- A statement that any sales agreement must contain zoning classification of a property except in cases where the property (or each parcel thereof, if subdivided) is zoned solely or primarily to permit single-family dwellings.

At 30 Pa.B. 228 (January 8, 2000), the Commission published a final-form rulemaking containing a disclosure statement in accordance with section 608 of the RELRA. Licensees have advised the Commission that the current

disclosure statement is too long and difficult for consumers to understand. They have requested that the Commission revise the disclosure statement so that it is more consumer-friendly.

#### D. Description of Proposed Amendments

##### § 35.201. Definitions.

Currently, the definition of "initial interview" includes any conversation between a broker or salesperson and a consumer about the consumer's personal, business or financial needs and motivations. With the passage of time, the Commission has found this definition too broad and not in conformity with the definition of "initial interview" in section 608(a) of the RELRA. The Commission has found that information about a consumer's personal or business needs is often aspirational and not relevant to the consumer's actual purchasing ability. The Commission proposes amending this definition to more closely follow the language in the RELRA. Under the definition, consumers must be provided with the Consumer Notice during the first substantive discussion between a licensee and a consumer about the consumer's real estate needs.

§ 35.336. *Disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant.*

Proposed subsection (a) would contain the requirement in section 608 of the RELRA that real estate brokers, associate brokers and salespersons provide the disclosure summary, called the Consumer Notice, to consumers at the initial interview.

Proposed subsection (b) would contain a simplified and condensed version of the current Consumer Notice. The proposed Consumer Notice first explains the various relationships available to the consumer, then the duties required of all licensees in section 606.1 of the RELRA (63 P. S. § 455.606a) and the contractual terms that must be contained in all agreements, followed by a caution against disclosing confidential information until an agreement selecting a relationship has been executed and an Acknowledgement.

Proposed subsection (c) contains the requirement in section 608 of the RELRA that licensees retain a copy of the signed/refused Acknowledgement and provide the consumer with a copy of the entire disclosure.

#### E. Review and Comment on Draft Regulatory Proposal

The Commission extended an invitation to the following boards, associations, school and licensees to preliminarily review and comment on the Commission's draft regulatory proposal: Pennsylvania Association of Realtors, Realtors Educational Institute, Institute of Real Estate Studies, Polley Associates, Pennsylvania Cemetery & Funeral Association, Pennsylvania Bar Association, Allegheny Highland Association, Greater Allegheny-Kiski Area Board, Allegheny Valley Board, Beaver County Association, Bradford-Sullivan County Association, Bucks County Board, Butler County Association, Cambria-Somerset Association, Carbon County Association, Carlisle Association, Central Montgomery County Association, Central Susquehanna Valley Board, Central Westmoreland Board, Centre County Association, Chester County Association, Clearfield-Jefferson Association, Delaware Valley Realtors

Association, East Montgomery County Association, Elk-Cameron County Board, Greater Erie Board, Fayette County Board; Franklin County Association, Greenville Area Board, Hanover-Adams County Association, Greater Harrisburg Association, Greater Hazleton Association, Huntingdon County Board, Indiana County Board, Lancaster County Association, Lawrence County Board, Lebanon County Association, Lehigh Valley Association, McKean County Association, Greater Meadville Board, Greater Mercer County Board, Mifflin-Juniata County Board, Mon Yough Association, Monongahela Valley Board, Greater Philadelphia Association, North Central Penn Board, Pike/Wayne Association, Pocono Mountains Association, Reading-Berks Association, Realtors Association of Metropolitan Pittsburgh, Schuylkill County Board, Greater Scranton Association, Tri-State Commercial and Industrial Association, Warren County Board, Washington-Greene Association, West Branch Valley Association, Westmoreland West Association, Greater Wilkes-Barre Association, York County Association, The Pennsylvania Federation of Housing Counselors and Agencies, and The Real Estate Consumer Council. The Commission considered comments submitted to it in drafting the proposed rulemaking.

#### F. Fiscal Impact and Paperwork Requirements

The proposed rulemaking should have no fiscal impact or impose additional paperwork requirements on the Commonwealth. The disclosure summary would be available on the Internet for downloading. This rulemaking would have a minimal fiscal impact and additional paperwork requirement on the regulated community in that licensees would incur the cost of reproducing the disclosure summary, keeping the signed acknowledgment and providing a copy of the entire disclosure to the consumer. The proposed rulemaking should not necessitate legal, accounting or reporting requirements on the regulated community.

#### G. Sunset Date

The Commission reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 28, 2007, the Board 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 Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### I. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking within 30 days of publication of this proposed rulemaking to Judith Pachter Schulder, Coun-

sel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649. Reference No. 16A-5614 (Consumer Notice), when submitting comments.

JOSEPH J. MCGETTIGAN, Sr.,  
*Chairperson*

**Fiscal Note:** 16A-5614. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 35. STATE REAL ESTATE COMMISSION**

**Subchapter B. GENERAL PROVISIONS**

**§ 35.201. Definitions.**

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

\* \* \* \* \*

*Initial interview*—The first [ **communication** ] **substantive discussion** between a [ **broker or salesperson** ] **licensee** and a consumer [ **involving the personal/business or financial** ] **about the consumer's real estate needs [ and motivations of the consumer. A discussion of the objective facts about the property, including dimensions, zoning classification, age, description or list price/lease amount, is not by itself a substantive discussion ]**.

\* \* \* \* \*

**Subchapter E. STANDARDS OF CONDUCT AND PRACTICE**

**REAL ESTATE DOCUMENTS**

**§ 35.336. Disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant.**

**(a) Licensees shall provide the consumer with the Consumer Notice at their initial interview.**

**(b) In an effort to enable consumers of real estate services to make informed decisions about the business relationships they may have with real estate brokers and salespersons (licensees), the Real Estate Licensing and Registration Act (RELRA) requires that consumers be provided with this notice at the initial interview.**

**(c) The Disclosure Summary [ shall ] must be entitled "Consumer Notice" and [ shall ] must be in the following format available from the Commission office upon request by phone, fax or internet:**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete the text of the form which appears in 49 Pa. Code pages 35-62.1—35-62.4, serial pages (287915) to (287918), and replace it with the following text, which has been printed in regular type to enhance readability.)*

**CONSUMER NOTICE**

**THIS IS NOT A CONTRACT**

In an effort to enable consumers of real estate services to make informed decisions about the business relationships they may have with real estate brokers and salespersons (licensees), the Real Estate Licensing and Registration Act (RELRA) requires that consumers be provided with this Notice at the initial interview.

• Licensees may enter into the following agency relationships with consumers:

*Seller Agent*

As a seller agent, the licensee and the licensee's company works exclusively for the seller/landlord and must act in the seller's/landlord's best interest. All confidential information relayed by the seller/landlord must be kept confidential except that a licensee must reveal known material defects about the property. A subagent has the same duties and obligations as the seller agent.

*Buyer Agent*

As a buyer agent, the licensee and the licensee's company work exclusively for the buyer/tenant even if paid by the seller/landlord. The buyer agent must act in the buyer/tenant's best interest and must keep all confidential information, other than known material defects about the property confidential.

*Dual Agent*

As a dual agent, the licensee works for *both* the seller/landlord and the buyer/tenant. A dual agent may not take any action that is adverse or detrimental to either party but must disclose known material defects about the property. A licensee must have the written consent of both parties before acting as a dual agent.

*Designated Agent*

As a designated agent, the broker of the selected real estate company designates certain licensees within the company to act exclusively as the seller/landlord agent and other licensees within the company to act exclusively as the buyer/tenant agent in the transaction. Because the broker supervises all of the licensees, the broker automatically serves as a dual agent. Each of the designated licensees are required to act in the applicable capacity explained previously. Additionally, the broker has the duty to take reasonable steps to assure that confidential information is not disclosed within the company.

In addition, a licensee may serve as a Transaction Licensee

A transaction licensee provides real estate services without having any agency relationship with a consumer. Although a transaction licensee has no duty of loyalty or confidentiality, a transaction licensee is prohibited from disclosing that:

- The seller will accept a price less than the asking/listing price,
- The buyer will pay a price greater than the price submitted in the written offer, and
- The seller or buyer will agree to financing terms other than those offered.

Like licensees in agency relationships, transaction licensees must disclose known material defects about the property.

• Regardless of the business relationship selected, all licensees owe consumers the duty to:

- Exercise reasonable professional skill and care.
- Deal honestly and in good faith.
- Present, as soon as practicable, all written offers, counteroffers, notices and communications to and from the parties. This duty may be waived *by* the seller *where* the seller's property is under contract and the waiver is in writing.
- Comply with Real Estate Seller Disclosure Act.
- Account for escrow and deposit funds.
- Disclose, as soon as practicable, all conflicts of interest and financial interests.
- Provide assistance with document preparation and advise the consumer regarding compliance with laws pertaining to real estate transactions.
- Advise the consumer to seek expert advice on matters about the transaction that are beyond the licensee's expertise.
- Keep the consumer informed about the transaction and the tasks to be completed.
- Disclose financial interest in a service, such as financial, title transfer and preparation services, insurance, construction, repair or inspection, at the time service is recommended or the first time the licensee learns that the service will be used.
- The following contractual terms are *negotiable* between the licensee and the consumer and must be addressed in an agreement/disclosure statement:
  - The duration of the licensee's employment, listing agreement or contract.
  - The licensee's fees or commission.
  - The scope of the licensee's activities or practices.
  - The broker's cooperation with and compensation to other brokers.

- All sales agreements must contain the property's zoning classification except where the property is zoned solely or primarily to permit single family dwellings.
- The Real Estate Recovery Fund exists to reimburse any person who has obtained a final civil judgment against a Pennsylvania real estate licensee owing to fraud, misrepresentation, or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting all legal and equitable remedies. For complete details about the Fund, call (717) 783-3658.

**Before you disclose any financial information to a licensee, be advised that unless you select a business relationship by signing a written agreement, the licensee is NOT representing you. A business relationship is NOT presumed.**

---

**ACKNOWLEDGMENT**

I acknowledge that I have received this disclosure.

Date: \_\_\_\_\_  
 (Consumer's printed name) (Consumer's signature)

\_\_\_\_\_ )

\_\_\_\_\_ )  
 (Consumer's printed name) (Consumer's signature)

\_\_\_\_\_ )

I certify that I have provided this document to the above consumer during the initial interview.

Date: \_\_\_\_\_  
 (Licensee)

***Adopted by the State Real Estate Commission at  
 49 Pa. Code § 35.336.***

[Pa.B. Doc. No. 07-597. Filed for public inspection April 6, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code; and applications received for the week ending March 27, 2007.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-20-07	The Bank of New York Mellon Corporation, New York, NY, to acquire 100% of the voting shares of Mellon Financial Corporation, Pittsburgh, PA	New York, NY	Filed
3-23-07	Quaint Oak Bancorp, Inc., Southampton (a newly-organized Pennsylvania chartered corporation), to acquire 100% of the common stock of Quaint Oak Savings Bank, Southampton, in conjunction with the Bank's conversion from mutual to stock form	Southampton	Filed
3-27-07	Citizens & Northern Corporation, Wellsboro, to acquire 100% of the voting shares of Citizens Bancorp, Inc., Coudersport	Wellsboro	Approved

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-23-07	Quaint Oak Savings Bank Southampton Bucks County	Southampton	Filed
Represents conversion from a mutual savings bank to a stock savings bank and concurrent formation of a new holding company, Quaint Oak Bancorp, Inc., that will own 100% of the common stock of the bank.			

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-21-07	Fulton Bank Lancaster Lancaster County	Lancaster	Filed
Purchase of assets/assumption of liabilities of Lebanon Valley Farmers Bank, Lebanon. Both institutions are wholly-owned subsidiaries of Fulton Financial Corporation, Lancaster.			
3-23-07	Berkshire Bank Wyomissing Berks County	Wyomissing	Filed
Purchase of assets/assumption of liabilities of two branch offices of Fleetwood Bank, Fleetwood, Located at:			
	2493 Bernville Road Reading Berks County	555 Penn Avenue West Reading Berks County	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-27-07	Citizens & Northern Bank, Wellsboro Approved Wellsboro, and Citizens Trust Company, Coudersport Surviving Institution— Citizens & Northern Bank, Wellsboro	Wellsboro	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-19-07	First Priority Bank Malvern Chester County	1200 Broadcasting Road Wyomissing Berks County	Opened
3-20-07	CommunityBanks Millersburg Dauphin County	2100 Utz Terrace Hanover West Manheim Township York County (Limited Service Facility)	Opened
3-22-07	Royal Asian Bank Philadelphia Philadelphia County	232 Broad Avenue Palisades Park Bergen County, NJ	Opened
3-23-07	Huntingdon Valley Bank Huntingdon Valley Montgomery County	The Lafayette Redeemer Retirement Community 8580 Verree Road Philadelphia Philadelphia County	Filed
3-26-07	Gateway Bank of Pennsylvania McMurray Washington County	Commonwealth Drive at Freedom Road Cranberry Township Butler County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-20-07	Somerset Trust Company Somerset Somerset County	<i>To:</i> Wal-Mart 2028 N. Center Avenue Somerset Somerset County  <i>From:</i> 316 Georgian Place Somerset Somerset County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-15-07	Superior Credit Union Collegeville Montgomery County	2020 Swamp Pike Gilbertsville Montgomery County	Opened

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

VICTORIA A. REIDER,  
*Acting Secretary*

## DEPARTMENT OF CORRECTIONS

### Bid Opportunities

**CN00025554 Fresh Fruits and Vegetables.** Apples, bananas, grapefruit, oranges, pears, tangerines, cabbage, carrots, celery, cucumbers, onions, peppers, potatoes, radishes, salad mix and tomatoes, and the like. The location is SCI-Smithfield, 1120 Pike Street, Huntingdon, PA 16652. The duration of the contract is June 1 through June 29, 2007. The bid opening date is May 15, 2007, at 2:30 p.m. For further information, contact Phyllis K. Norris at SCI-Huntingdon, (814) 643-2400, Ext. 303.

JEFFREY A. BEARD,  
*Secretary*

[Pa.B. Doc. No. 07-599. Filed for public inspection April 6, 2007, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of 2007-2008 Career and Technical Education Child Care Curriculum Grants

Applications for child care curriculum grants funding are invited. The project period is July 1, 2007, to June 30, 2008. The maximum amount per project is \$15,000.

#### 1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers with approved Child Care and Support Services Management programs or school districts with approved Child Care and Support Services management programs.

#### 2. Applications Deadline

Applications are due May 15, 2007, by 5 p.m.

#### 3. How to apply

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). On the left side, click on Pre K-12 Schools, Career and Technical Education, Grants and Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Child Care Curriculum Grants.

#### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to Lydia Hess, Career and Technical Education Advisor II, Department of Education, Bureau of Career and Technical Education, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, (717) 783-6956, [lydhess@state.pa.us](mailto:lydhess@state.pa.us).

GERALD L. ZAHORCHAK, D. Ed.,  
*Secretary*

[Pa.B. Doc. No. 07-600. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Availability of 2007-2008 Career and Technical Education Curriculum Grants

Applications for curriculum grants funding are invited. The project period is July 1, 2007, to June 30, 2008. The maximum amount per project is \$25,000.

#### 1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers/area vocational-technical schools districts with eight or more approved career and technical programs two of which must be trade and industrial, and school districts with approved career and technical education agriculture programs.

#### 2. Applications Deadline

Applications are due May 15, 2007, by 5 p.m.

#### 3. How to apply

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). On the left side, click on Pre K-12 Schools, Career and Technical Education, Grants and Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Curriculum Grants.

#### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, Career and Technical Education Advisor, Department of Education, Bureau of Career and Technical Education, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, [jbonchalk@state.pa.us](mailto:jbonchalk@state.pa.us).

GERALD L. ZAHORCHAK, D. Ed.,  
*Secretary*

[Pa.B. Doc. No. 07-601. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Availability of 2007-2008 Career and Technical Education Equipment Grants

Applications for equipment grants funding are invited. The project period is July 1, 2007, to June 30, 2008. The maximum amount per project is \$50,000.

#### 1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers, area school districts with eight or more approved career and technical programs two of which must be trade and industrial, and school districts with approved career and technical education agriculture programs.

#### 2. Applications Deadline

Applications are due May 15, 2007, by 5 p.m.

#### 3. How to apply

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). On the left side, click on Pre K-12 Schools, Career and Technical Education, Grants and

Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Equipment Grants.

and Technical Education, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

#### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, Career and Technical Education Advisor, Department of Education, Bureau of Career

GERALD L. ZAHORCHAK, D. Ed.,  
Secretary

[Pa.B. Doc. No. 07-602. Filed for public inspection April 6, 2007, 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 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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PA0031437	Edinboro Mobile Home Village 13041 Capp Road Edinboro, PA 16412	Washington Township Erie County	UNT to Conneauttee Creek 16-A	Y
PA0103381	Merisol Antioxidants, LLC 292 SR 8 Oil City, PA 16301	Cornplanter Township Venango County	Oil Creek 16-E	Y
PA0005029	Piney Hydro Power Plant 2000 River Road Clarion, PA 16214-3154	Piney Township Clarion County	Clarion River 17-B	Y
PA0210471	Bessemer Municipal Authority P. O. Box 642 Bessemer, PA 16112	Bessemer Borough Lawrence County	Hickory Run 20-B	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.

**PA0013714**, Industrial Waste, SIC 4911, **Exelon Generating Company**, 300 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in Eddystone Borough, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge various kinds of industrial wastewater and stormwater from Eddystone Generating Station.

The receiving streams, Delaware River Estuary—Zone 4 and Crum Creek, are in the State Water Plan Watershed 3G and are classified for WWF, aquatic life, water supply and recreation. There is no public water supply intake below the point of discharge.

No monitoring is required for stormwater discharge from Outfalls 001 and 002.

The proposed effluent limits for Outfall 005 are based on a design flow of 0.45 mgd.

Parameters	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Total Suspended Solids	30	60	75
Temperature			110° F
Zinc, Total	Monitor and Report	Monitor and Report	
Iron, Dissolved	Monitor and Report	Monitor and Report	
pH	Within limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 007 are based on a design flow of 604.03 mgd.

Parameters	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Total Residual Oxidant			0.2
Total Suspended Solids	30	100	
Total Dissolved Solids	700	1,400	1,750
Temperature			110° F
Spectrus CT1300		0.05	
NH <sub>3</sub> -N	Monitor and Report	Monitor and Report	Monitor and Report
pH	Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfall 008 are based on a design flow of 835.08 mgd.

Parameters	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Total Residual Oxidant			0.2
Total Suspended Solids	30	100	
Total Dissolved Solids	700	1,400	1,750
Temperature			110° F
Spectrus CT1300		0.05	
NH <sub>3</sub> -N	Monitor and Report	Monitor and Report	Monitor and Report

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Hydrazine	0.014	0.068	
pH	Within limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for internal monitoring points 107 and 108 are based on a design flow of 3.045 mgd.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	
Oil and Grease	15	20	30
Copper, Total	Monitor and Report	Monitor and Report	
Iron, Total	Monitor and Report	Monitor and Report	
pH	Monitor and Report (Instantaneous Minimum)		Monitor and Report
Total Dissolved Solids	15,000	30,000	37,500
Selenium, Total	Monitor and Report	Monitor and Report	
Arsenic, Total	Monitor and Report	Monitor and Report	
Boron, Total	Monitor and Report	Monitor and Report	

The proposed effluent limits for Outfall 010 are based on a design flow of 0.144 mgd.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15	20	30
Temperature			110° F
Aluminum, Total	Monitor and Report	Monitor and Report	
Iron, Dissolved	Monitor and Report	Monitor and Report	
pH	Within limits of 6.0 to 9.0 standard units at all times		

The proposed monitoring requirements of Outfalls 004, 013 and 014 are based on an average stormwater flow.

<i>Parameters</i>	<i>Concentration (mg/l)</i> <i>Maximum Daily</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH (STD)	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Iron, Dissolved	Monitor and Report

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

1. Remedial Measures if Unsatisfactory Effluent
2. Thermal Impact
3. Mixing Zone
4. Intake Water Temperature
5. Calculation for Hydrazine Concentration
6. Chemical Additives Approval
7. Information on Chemical Additives
8. EPA Test Methods
9. Change in Ownership
10. TMDL/WLA Analysis
11. Delaware Estuary Study
12. No Intake Trash Return
13. PCBs Requirements
14. TRO Discharge
15. TRO Maximum Daily Concentration
16. Test Method for TRO
17. TDS Monitoring at Outfall 007 or 008
18. Stormwater Condition
19. Composite Sampling During High Tide and Low Tide

20. Coal Pile Runoff Basins
21. BMPs for Outfall 005
22. Cooling Water Intake Condition
23. ND Sample Results
24. Laboratory Certification
25. Spectrus CT1300 Test Method
26. Chemical Metal Cleaning Condition

*Regional Manager, Water Management, 2 East Main Street, Norristown, PA 19401, (484) 250-5970.*

**PA0053899**, Industrial Waste, **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067. This application is for renewal of an NPDES permit to discharge stormwater and cooling tower blowdown from a municipal waste incinerator in Falls Township, **Bucks County**.

This is an existing discharge to: Wetlands of Delaware Estuary—Zone 2 stormwater from Outfalls 001 and 002 and to Biles Creek NCCW from Outfall 003.

The receiving stream is classified for WWF, aquatic life, water supply and recreation.

Outfalls 001 and 002 consist of stormwater only.

The following monitoring requirements apply:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
TDS	Monitor and Report
TOC	Monitor and Report
Barium (total)	Monitor and Report
Cadmium (total)	Monitor and Report
Chromium (total)	Monitor and Report
Lead (total)	Monitor and Report
Mercury (total)	Monitor and Report
Magnesium (dissolved)	Monitor and Report
Selenium (total)	Monitor and Report
Silver (total)	Monitor and Report
Ammonia	Monitor and Report
Arsenic (total)	Monitor and Report
Cyanide (total)	Monitor and Report
Nitrate plus Nitrite Nitrogen	Monitor and Report
Iron (Dissolved)	Monitor and Report

The proposed effluent limits for Outfall 003, based on an average flow of 37,000 gpd (Nonroutine), are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110° F
pH	Within limits of 6.0 to 9.0 standard units at all times		
Total Dissolved Solids	2,500	5,000	6,250
Chromium, hexavalent	0.014	0.028	0.035
Copper, Total	0.016	0.032	0.040
Zinc (Net)	0.00	0.00	0.00
Osmotic Pressure (Millimoles/kg)	68		

Other Conditions:

Thermal Requirements—Monthly allowable waste discharge temperatures.

**PA0036374**, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This existing facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Activity: This application is for the renewal of an NPDES permit for an existing discharge of treated sewage from the Eagle Pointe Development Association sewage treatment plant.

The receiving stream, a UNT to Marsh Creek, is in the State Water Plan Watershed 3H and is classified for HQ-TSF, MF. The nearest downstream public water supply existing or proposed is a future Downingtown water filtration plant located on East Brandywine Creek, approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.015 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>					
(5-1 to 10-31)	1.3	1.9	10	15	20
(11-1 to 4-30)	2.5	3.8	20	30	40
Total Suspended Solids	3.8	5.6	30	45	60
Ammonia as N					
(5-1 to 10-30)	0.1		0.5		1.0
(11-1 to 4-30)	0.2		1.5		3.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			5.0 (min)		
pH (STD Units)			6.0 (min)		9.0
Total Residual Chlorine			0.14		0.34
Total Phosphorus as P					
(4-1 to 10-30)	0.1		0.5		1.0
(11-1 to 3-31)	0.2		1.0		2.0
Total Nitrogen	Monitor and Report		Monitor and Report		

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

1. Notification of Designation of Operator
2. Remedial Measures if Unsatisfactory Effluent
3. No Stormwater
4. Small Stream
5. Change in Ownership
6. Sludge Disposal Requirement
7. Imax Requirements
8. Total Residual Chlorine Requirement
9. Certified Operator
10. Laboratory Certification

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

**PA0060518**, Sewage, **Hallstead Great Bend Joint Sewer Authority**, Spring Street, P. O. Box 747, Great Bend, PA 18821-0747. This proposed facility is located in Great Bend Borough, **Susquehanna County**.

Description of Proposed Activity: NPDES permit amendment to increase discharge flow from 0.350 mgd to 0.500 mgd.

The receiving stream, N. Branch Susquehanna River, is in the State Water Plan Watershed 4E and is classified for WWF. The nearest downstream public water supply intake assumed at PA/NY state boundary line is 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.350.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times.		
pH	1.0		
Total Residual Chlorine			2.0
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		

The proposed effluent limits for Outfall 001 based on a design flow of 0.500.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times.		
pH	1.0		
Total Residual Chlorine			2.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Nitrogen	9,741 lbs/year as an annual loading		
Total Phosphorus	1,218 lbs/year as an annual loading		

In addition to the effluent limits, the permit contains the following major special conditions: Chesapeake Bay Nutrient Requirements.

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

**Application No. PA0084565**, Sewage, **East Prospect Borough Authority**, P. O. Box 334, East Prospect, PA 17317. This facility is located in Lower Windsor Township, **York County**.

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

The receiving stream, Cabin Creek, is in Watershed 7-I and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Red Lion Municipal Authority is located on a UNT Cabin Creek, approximately 7.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.0875 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	15	22	30
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21
Total Phosphorus		Monitor lbs per year annual	
Total Nitrogen		Monitor lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

#### Public Notice

East Prospect Borough Authority  
Lower Windsor Township, York County  
Permit No. PA 0084565

The proposed Final effluent limits for Outfall 001 for a design flow of 0.175 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	13		26
(11-1 to 4-30)	20		40
Total Phosphorus	2.0		4.0
Total Phosphorus		974 lbs per year annual	
Total Nitrogen		5,859 lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

**Application No. PA0260452**, CAFO, **Heatherwood Farms, Inc.**, R. R. 1 Box 530, Blain, PA 17006. Heatherwood Farms, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as Heatherwood Farm, located in Toboyne Township, **Perry County**.

The farm is situated near Sherman Creek, which is classified for HQ-CWF. The CAFO is designed to maintain an animal population of approximately 1,206 animal equivalent units (AEUs) consisting of 112,000 tom turkeys.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

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

---

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

**Amplified Public Notice for NPDES Permit No. PA0026778-A2**, Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. This notice reflects changes from the previous notice published. This application is for an amendment of an NPDES permit to discharge treated sewage from Ingleside Sewage Treatment Plant in Richland Township, **Cambria County**.

The discharge is to receiving waters known as Stony Creek, which is classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

*Outfall 001*: existing discharge, design flow of 4.0 mgd.

Existing NPDES Permit PA0026778 was modified to remove the total residual chlorine parameter from the permit because the new sequential batch reactor plant now utilizes ultraviolet disinfection. The discharge point has been moved from a UNT of Stony Creek to Stony Creek.

The EPA waiver is not in effect.

---

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

**PA0239844**, Industrial Waste. **Aiken Water Company, Inc.**, 1 Aqua Drive, Box 208, Gifford, PA 16732-0208. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Activity: an existing discharge of treated industrial waste from a municipal water treatment plant.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, Fluoride, Phenolics, Sulfate and Chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is PA/NY state border and the Allegheny River located approximately 16 miles below point of discharge.

The receiving stream, a UNT to Railroad Run, is in Watershed 16-B and classified for EV, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.006 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	30	60	75
Aluminum	0.5	1	1.25
Total Iron	2	4	5
Manganese	1	2	2.5
Total Residual Chlorine	0.5		1.2
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

---

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

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

**WQM Permit No. 2307402**, Sewerage, **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, Chester, PA 19016-0999. This proposed facility is located in the Borough of Trainer, **Delaware County**.

Description of Action/Activity: Replacement and extension of a force main and replacement of a pump station in the Trainer Borough Sewer System.

**WQM Permit No. 1500421-H**, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Construction and operation of a drip irrigation facility.

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

**WQM Permit No. 4807403**, Sewerage, **Allen Township**, 4714 Indian Trail Road, Northampton, PA 18067-9492. This proposed facility is located in Allen Township, **Northampton County**, PA.

Description of Proposed Action/Activity: This project is for the construction of a sanitary sewer collection system and pump station to service the 136 single-family subdivision of High Meadows Estates with proposed flows of 31,008 gpd.

**WQM Permit No. 5207401**, Sewerage, **Department of Conservation and Natural Resources—Promised Land State Park**, R. R. 1, Box 96, Route 390, Greentown, PA 18426-9735. This proposed facility is located in Greene Township, **Pike County**, PA.

Description of Proposed Action/Activity: This project is for the upgrade to the existing sewerage facilities of Pickeral Point and Deerfield Campgrounds located at Promised Land State Park. The system will treat 9,500 gpd from 190 campsites.

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

**WQM Permit No. 5606403-A1**, Sewerage, **SCI Laurel Highlands**, P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501-0631. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for upgrade of sewage treatment system.

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

**WQM Permit No. 2007402**, Sewerage, **Cambridge Area Joint Authority**, 161 Carringer Street, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Springs Borough and Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: Upgrades to the Grant Street pump station, construction of equalization storage and new treatment facilities on property to be acquired by CAJA and conversion of the existing Grant Street treatment site to a solids handling and dewatering facility. A new influent headworks facility with screening, grit removal and raw wastewater pumps will also be installed at the Grant Street treatment site.

**WQM Permit No. 3394401**, Sewerage, Amendment No. 1, **Punxsutawney Borough, Mahoning East Civic Center**, 301 East Mahoning Street, Punxsutawney, PA 15767. This proposed facility is located in Punxsutawney Borough, **Jefferson County**.

Description of Proposed Action/Activity: To rerate current STP from 1.6 mgd to 2.4 monthly average flow. Two existing pump stations (effluent and bypass) at the STP will be modified.

**WQM Permit No. 3793401**, Sewerage, Amendment No. 1, **Bessemer Municipal Authority**, P. O. Box 642, Bessemer, PA 16112. This proposed facility is located in Bessemer Borough, **Lawrence County**.

Description of Proposed Action/Activity: To rerate the Bessemer Water Pollution Control Plant from 0.230 to 0.350 mgd.

**WQM Permit No. 3707401**, Sewerage, **Green Meadows Mobile Home Park**, 2186 White Oak Trail, Warrior, AL 35180. This proposed facility is located in New Beaver Borough, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a new package plant to replace two malfunctioning systems which serve the existing mobile home park.

**WQM Permit No. 4207401**, Sewerage, **Foster Township**, 1185 East Main Street, Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: This project is for the construction of sewer line extensions and two pump stations to serve the South Kendall Avenue/Rew Area of Foster Township.

**WQM Permit No. 2007402**, Sewerage, **Cambridge Area Joint Authority**, 161 Carringer Street, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Springs Borough and Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for upgrades to the Grant Street pump station, construction of equalization storage and new treatment facilities and conversion of the existing Grant Street treatment site to a solids handling and dewatering facility. A new influent headworks facility with screening, grit removal and raw wastewater pumps will also be installed at the Grant Street treatment site.

**WQM Permit No. WQG028309**, Sewerage, **Washington Township**, 11800 Edinboro Road, Edinboro, PA 16412. This proposed facility is located in Cussewago Township, **Crawford County**.

Description of Proposed Action/Activity: Department of Transportation has contracted with Washington Township to construct a pump station, force main and gravity sewer extension to serve the existing rest areas on I-79 approximately 2.5 miles south of the Edinboro Exit in Cussewago Township.

---

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

---

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

---

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

---

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507013	Robert and Mary Ellen Joos 18 Tiptonbrook Lane Malvern, PA 19355	Chester	Charlestown Township	Pickering Creek HQ
PAI011507014	CMR Development Corporation 3125 Horseshoe Pike Honey Brook, PA 19344	Chester	East Brandywine Township	East Branch Brandywine Creek HQ
PAI011507015	The Benson Companies 112 Moores Road Suite 200 Malvern, PA 19355	Chester	East Whiteland Township	UNT Valley Creek EV
PAI011507016	Gary Willis 517 Larkins Bridge Drive Downingtown, PA 19335	Chester	East Nantmeal Township	Beaver Run EV
PAI011507017	Rotelle Development Company 219 Niantic Road Barto, PA 19504	Chester	Wallace and West Brandywine Townships	Indian Run HQ-CWF
PAI010906044	Texas Eastern Transmission, LP 5400 Westheimer court Houston, TX	Bucks	Doylestown Borough/Township, Buckingham and Solebury Townships	UNT to Aquetong, Lahaska and Watsons Creeks, Watsons Creek, UNT to Cooks Run, Cooks Run and UNT to Pine Run

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

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807004	Opus East, LLC Attn: Gary Drumheller 610 West Germantown Pike Suite 400 Plymouth Meeting, PA 19642	Northampton	Lower Nazareth and Bethlehem Townships	Monocacy Creek HQ-CWF

*Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI02640700	Department of Transportation Dist. 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Wayne	Salem and Sterling Townships	West Branch Wallenpaupack Creek HQ-CWF
1PAI025405008(1)	United States Army Corps of Engineers Philadelphia District 100 Penn Square East Wanamaker Building Philadelphia, PA 19107	Wayne	Prompton Borough	West Branch Lackawaxen River HQ-CWF, HQ-TSF, MF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407005	Christopher Sanders Sanders Mingoville Subdivision P. O. Box 185 Centre Hall, PA 16828	Centre	Walker Township	UNT to Little Fishing Creek HQ-CWF

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2046007001	Donald O. Hower 69 Maple Street Mifflinburg, PA 17844-1212	Union	West Buffalo Township	Rapid Run HQ

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

*Allegheny County Conservation District, 400 North Lexington Street, Pittsburgh, PA 15208, (412) 241-7645.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050207001	Deer Creek Drainage Basin Authority 945 Little Deer Creek Road Russellton, PA 15076	Allegheny	Indiana Township	Squaw Run HQ Rawlins Run CWF Little Deer Creek TSF

**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)

**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**

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

**Permit No. 0807502—Construction** Public Water Supply.

Applicant	<b>Mobile Acres Mobile Home Park</b>
Township or Borough	Ridgebury Township
County	<b>Bradford</b>
Responsible Official	Eugene Trent, Park Owner Mobile Acre Mobile Home Park P. O. Box 246 Wellsburg, NY 14894
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Gregory M. Cummings, P. E. Larson Design Group 34 Denison Parkway West P. O. Box 100 Corning, NY 14830
Permit Application Date	March 20, 2007
Description of Action	Construction and operation of a cartridge filtration system and two 5,000-gallon water storage tanks.

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

**Permit No. 6507503**, Public Water Supply.

Applicant	<b>Latrobe Municipal Authority</b> 104 Guerrier Road Latrobe, PA 15650
Township or Borough	Derry Township

Responsible Official Thomas D. Gray, Authority Manager  
Latrobe Municipal Authority  
104 Guerrier Road  
Latrobe, PA 15650

Type of Facility Water Treatment Plant

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Application Received Date March 1, 2007

Description of Action Construction of a new membrane filtration process to replace the existing multimedia filters at the Latrobe Water Treatment Facility. Included with this project is the construction of a new building, backwash sedimentation basins and CIP neutralization tanks.

**Permit No. 1101503A1**, Public Water Supply.

Applicant **Greater Johnstown Water Authority**  
640 Franklin Street  
Johnstown, PA 15901

Township or Borough East Taylor Township

Responsible Official Dave DiNicola, General Manager  
Greater Johnstown Water Authority  
640 Franklin Street  
Johnstown, PA 15901

Type of Facility Water Treatment Plant

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Application Received Date March 26, 2007

Description of Action Switch membrane material from polypropylene to PVDF, addition of a carbon, coagulant and KMnO<sub>4</sub> feeders for pretreatment and the installation of aerators at the reservoir intake.

#### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

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

**WA30-578E**, Water Allocations. **Southwestern Pennsylvania Water Authority**, P. O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **Greene County**. The applicant is requesting a service area expansion into Perry Township, Greene County which will extend to the Village of Mount Morris. In addition, this application is

being made for a small water line extension within Greene Township, Greene County that serves two customers.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Cotton Residence**, Upper Southampton Township, **Bucks County**. Richard D. Trimpi, Trimpi Assoc., 1635 Old Plains Road, Pennsburg, PA 18703 on behalf of Ralph and Beth Cotton, 1074 Manor Lane, Southampton, PA 18966 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of no. 2 fuel oil. The future use of the site is residential. A summary of the Notice to Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on February 25, 2007.

**Britsch Residence**, West Rockhill Township, **Bucks County**. Richard D. Trimpi, Trimpi Assoc., 1635 Old Plains Road, Pennsburg, PA 18703 on behalf of Britsch J. F. and Deborah L. has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of no. 2 fuel oil. The future use of the site is residential. A summary of the Notice to Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on February 25, 2007.

**Market Square Cleaners**, City of Philadelphia, **Philadelphia County**. Stuart Wiswall, Keating Env. Management, 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of James Kahn, KLH Market Square, LP, 1075 Virginia Drive, Suite 100, Fort Washington, PA 19304 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of chlorinated solvents. The future use of the site is residential.

**Mattie Tire Co.**, City of Philadelphia, **Philadelphia County**. Benjamin Shaw, RT Env. Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Timothy Mattei, Mattie Tire Co., 2035 Washington Avenue, Philadelphia, PA 19148 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of lead. The future use of the site is nonresidential building.

**Toll Integrated Systems**, Morrisville Borough, **Montgomery County**. Mark Fortna, DelVal Soil & Env. Consultant, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901 on behalf of Brain Hunter, Toll Integrated Systems, 449 South Pennsylvania Avenue, Morrisville, PA 19067 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with inorganics. A summary of the Notice to Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on March 23, 2007.

**Schimek Residence**, Towamencin Township, **Montgomery County**. Richard D. Trimpi, Trimpi Assoc., 1635 Old Plains Road, Pennsburg, PA 18703 on behalf of Richard Schimek, 2085 Creek Way, Lansdale, PA 19446 has submitted a Notice of Intent to Remediate. Soil has been impacted by release of no. 2 fuel oil. The future use of the site is residential. A summary of the Notice to Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on February 25, 2007.

**315 West First Avenue Property**, Parkesburg Borough, **Chester County**. Gary Brown, RT Env. Services, Inc., 215 W. Church Road, King of Prussia, PA 91406 on behalf of Senya Isayeff, Keystone Community Alliance, 550 East Union Street, West Chester, PA 19382. Soil has been impacted with the release of other organics. The future use of the site is will remain the same.

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

**Bolton Metal Products Limited**, Spring Township, **Centre County**, Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, Inc., 181 West Madison Street, Chicago, IL 60602 has submitted a Notice of Intent to Remediate soil, groundwater, surface water and stream sediment contaminated with petroleum, PCB, lead, copper and zinc. The applicant proposes to remediate the site to meet the Statewide Health Standard and the Site-Specific Standard. The site will remain an industrial facility.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### Renewal Applications Received

**S-J Transportation Company, Inc.**, P. O. Box 169, Woodstown, NJ 08098. License No. PA-HC 0031. Received on February 2, 2007.

**Bio-Team Mobile, LLC**, 6 East Kendig Road, Willow Street, PA 17584. License No. PA-HC 0225. Received on February 8, 2007.

**Stericycle, Inc.**, 1525 Chestnut Hill Road, Morgantown, PA 19543. License No. PA-HC 0196. Received on March 7, 2007.

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

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGR068D002.** Niagara Generation, LLC, 5300 Frontier Avenue, Niagara Falls, NY 14304. For the beneficial use as a fuel of carbonaceous wastes (petroleum coke, wood chips and other paper and wood industry wastes comprised primarily of wood fibers) as alternate fuels to be burned with waste coal/coal in circulating fluidized bed boilers and the beneficial of the resulting ash for use in mine land reclamation and other uses of coal ash authorized under 25 Pa. Code § 287.661—665. The application for determination of applicability was accepted as administratively complete by the Division of Municipal and Residual Waste on March 14, 2007.

Persons interested in obtaining more information about the general permit application should contact the General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17101-8472, (717) 787-

7381. TDD users should contact the Department through the Pennsylvania Relay service at (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

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

#### PLAN APPROVALS

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

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

**48-313-103: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) for modification of the construction of material classifiers and associated air cleaning devices at the facility in Easton, **Northampton County**.

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

**34-05003C: Tedd Wood, Inc.** (P. O. Box 187, Johnstown Road, Thompsontown, PA 17094) for removal of a 2.7 tpy, VOC emissions restriction from a coating booth at the facility in Delaware Township, **Juniata County**.

**67-05046E: BAE Systems Land & Armaments, LP** (1100 Bairs Road, York, PA 17404) for installation of four steam cleaning booths at their Ground Systems Division in West Manchester Township, **York 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, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**15-0054B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422-0465) for modification to the existing Drum Mix Asphalt Plant at their Malvern facility in East Whiteland Township, **Chester County**. The facility is a non-Title V facility for any of air pollutants. This asphalt plant is subject to CFR Part 60 Subpart I-Standards of Performance (NSPS) for Hot Mix Asphalt Facilities. The Plan Approval will allow the installation of a new fuel burner to minimize NOx and VOC emissions. No emission increase at the facility is expected. 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.

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

**40-305-28: CEI Anthracite** (603 South Church Street, Hazleton, PA 18201) for operation of an anthracite coal processing facility in Hazleton City, **Luzerne County**. The company will operate an anthracite coal drying, screening and packaging facility. The coal at a rate of 15 tph will process through dryer and other equipment for packaging. Particulate emissions from the dryer and fugitive particulate emissions from the plant equipment will be controlled by baghouses. Expected particulate emission rate will be less than 0.02 grain/dscf from each baghouse. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.

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

**PA-63-00027B: Jessop Steel, LLC** (100 River Road, Brackenridge, PA 15014) for installation of one Anneal

and one Charge-Fire furnace at their Jessop Steel facility in Washington, **Washington County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Jessop Steel, LLC (100 River Road, Brackenridge, PA 15014) for the installation of one Anneal and one Charge-Fire furnace at the Jessop Steel facility in Washington, Washington County as described in it's application to the Department. The Jessop Steel facility is part of Allegheny Ludlum's Plate Product Division and is considered a finishing mill.

The application, Department analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In order for Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

**Special Conditions for Plan Approval No.  
PA-63-0027B**

1) This Plan Approval is for the installation of one Anneal and one Charge-Fire furnace at the Jessop Steel facility in Washington, Washington County. (25 Pa. Code § 127.12(b)).

2) Emissions from the Core Charge-Fire Furnace shall be limited to the following: (25 Pa. Code § 127.12(b)).

<i>Pollutant</i>	<i>Lbs per Hour</i>	<i>Tons per Year</i>
NO <sub>x</sub>	1.26	5.5
CO	1.81	7.9
VOC	0.24	1.1

3) Emissions from the Core Anneal Furnace shall be limited to the following: (25 Pa. Code § 127.12(b)).

<i>Pollutant</i>	<i>Lbs per Hour</i>	<i>Tons per Year</i>
NO <sub>x</sub>	2.68	11.7
CO	1.11	4.9
VOC	0.38	1.7

4) The maximum gas usage for the Charge-Fire Furnace shall be limited to 189 million cubic feet per consecutive 12 month period (25 Pa. Code §§ 127.1 and 127.12(b)).

5) The maximum gas usage for the Core Anneal Furnace shall be limited to 298 million cubic feet per consecutive 12 month period (25 Pa. Code § 127.12(b)).

6) The Owner/Operator shall keep monthly records of the fuel used at the Charge-Fire and Core Anneal Furnaces. These records shall be used to determine compliance with fuel usage restrictions and to assist in the calculation of emission estimates. The emission estimates shall be expressed as a 12-month rolling average and maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12(b)).

7) Stack testing shall be conducted to determine the following emission rates from the Charge-Fire and Core Anneal Furnaces: CO, VOC and NO<sub>x</sub> (as NO<sub>2</sub>) (25 Pa. Code Chapter 139).

8) Stack testing shall be performed within 180 days of start-up or within 60 days of achieving maximum normal production rate, whichever comes first. Stack tests shall be conducted in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual (25 Pa. Code § 139).

9) Two copies of a pre-test protocol shall be submitted to the Department for review at least 30 days prior to the performance of the stack test (25 Pa. Code Chapter 139).

10) The Department shall be notified at least two weeks prior to the stack test of the date and time of the test so that an observer may be present (25 Pa. Code Chapter 139).

11) Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing. The results shall express emission rates in lbs/hr and lbs/mmBtu (25 Pa. Code Chapter 139).

12) This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12(b)).

a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c) Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the Owner/Operator shall apply for an Operating Permit or submit an Administrative Amendment to an existing Operating Permit at least 60 days prior to the expiration date of the Plan Approval. The application shall incorporate the conditions of this Plan Approval into the Operating Permit.

f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120 days, by submitting an extension request as described previously.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown as follows. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines the notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Commonwealth of Pennsylvania, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information you should contact the following at the same address: Thomas J. Joseph, P. E., Air Pollution Control Engineer III, Air Quality

#### OPERATING PERMITS

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

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

**43-00011: Greenville Metals, Inc.—Transfer Plant** (99 Crestview Drive Extension, Transfer, PA 16154) for reissuance of a Title V Operating Permit in Pymatuning Township, **Mercer County**. The facility's major sources of emissions include a large Electric Arc Furnace, an Argon Oxygen Decarburization Unit and a number of small Electric Arc and Induction furnaces. The source is major due to emissions of CO.

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

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

**23-00059: Lyondell Chemical Co.** (3801 West Chester Pike, Newtown Square, PA 19073-2320) for a non-Title V, Synthetic Minor Facility in Newtown Township, **Delaware County**. The State-only Operating Permit was revised to incorporate the conditions of plan approval PA-23-0059 for the addition of an Integrated Propylene Oxide Pilot Unit and an associated Flameless Thermal Oxidizer to the facility in accordance with 25 Pa. Code § 127.450(a)(5). The addition of the Integrated Propylene Oxide Pilot Unit will not result in an increase of emissions for the facility.

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

**22-05003: Stroehmann Bakeries, LC** (3996 Paxton Street, Harrisburg, PA 17111) for operation of the Capitol Bakery in Swatara Township, **Dauphin County**. This action is a renewal of the previous permit issued in 2002 and all permit requirements remain in effect.

**34-05003: Tedd Wood, Inc.** (P. O. Box 187, Johnstown Road, Thompsettown, PA 17094) for operation of a wood cabinet manufacturing facility in Delaware Township, **Juniata County**. Facility emissions of VOC will be limited to less than 50 tpy and HAP emissions are limited to less than 10 tpy for any single HAP or 25 tpy for any combination of HAPs. This operating permit renewal will incorporate the requirements from plan approval 34-05003B. The facility-wide (State-only) operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. This is a renewal of the facility's State-only operating permit issued in April of 2002.

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

**37-00059: Praxis Northeast—Universal Rundle Plant**, (372 Rundle Road, New Castle, PA 16102) for reissuance of the Title V Operating Permit for this Reinforced Plastics Plumbing Fixture manufacturing facility in Taylor Township, **Lawrence County**. The facility is a major source due to its potential to emit VOCs and HAPs.

**37-00126: Hickman Manufacturing** (Route 18, New Beaver, PA 16107) for operation of the facility's air contamination sources consisting of vertical let down tank, two storage tanks and mixing tanks for the process of asphalt coating in the Borough of New Beaver, **Lawrence County**.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously men-

tioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

#### *Coal Applications Received*

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**Permit No. 32841312 and NPDES Permit No. PA0037087. Indiana Investments, Inc.**, (R. D. 2, Box 305, Shelocta, PA 15774). To renew the permit for the Urling Nos. 1 and 3 Mines in Armstrong Township, **Indiana County** and related NPDES permit for reclamation only. No additional discharges. Application received: February 1, 2007.

**Permit No. 63841302 and NPDES Permit No. PA0090689, Maple Creek Mining**, (1 Industrial Park Drive, Wheeling, WV 26003), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington County** for minor surface grading within 100 ft. of a UNT to Mingo Creek. This activity will be performed under the permit waiver provision of Chapter 105.12 (a)(16) regarding stream restoration plans. No additional discharges. Application received March 20, 2007.

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

**56040103 and NPDES No. PA0249581. Fieg Brothers**, (3070 Stoystown Road, Stoystown, PA 15563). Revision of an existing bituminous surface mine to request a variance to conduct mining and blasting activities within 100 feet of T-311 and for a permit boundary correction to

add 19.0 acres for additional mining. Total SMP acres go from 55.8 to 74.8 in Southampton Township, **Somerset County**. Receiving streams: UNTs to North Branch Jennings Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 15, 2007.

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

**03950114 and NPDES Permit No. PA0201928. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Renewal application for reclamation only of an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 221.6 acres. Receiving stream: UNT to Sugar Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 19, 2007.

**63070101 and NPDES Permit No. 0251101. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Somerset Township, **Washington County**, affecting 183.9 acres. Receiving streams: UNT to North Branch Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 19, 2007.

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

**10010107 and NPDES Permit No. PA0241920. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface

strip operation in Washington Township, **Butler County** affecting 20.5 acres. Receiving streams: one UNT to Christy Run to South Branch Slippery Rock Creek; two UNTs to South Branch Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: March 19, 2007.

**33030109 and NPDES Permit No. PA0242446. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip operation in Winslow Township and Reynoldsville Borough, **Jefferson County** affecting 34.0 acres. Receiving streams: One UNT to Soldier Run and Soldier Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 19, 2007.

**16070101 and NPDES Permit No. PA0258270. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Monroe Township, **Clarion County** affecting 166.0 acres. Receiving streams: a UNT to Brush Run and Brush Run and a UNT to Piney Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 15, 2007.

**1475-16070101-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct support activities within 100 feet of UNTs 6 and 7 in Monroe Township, **Clarion County** affecting 166.0 acres. Receiving streams: a UNT to Brush Run and Brush Run and a UNT to Piney Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 15, 2007.

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

**17960122. Forcey Coal, Inc.** (475 Banian Road, Madera, PA 16661). Renewal of an existing bituminous surface mining permit located in Bigler Township,

**Clearfield County** affecting 118.0 acres. Receiving streams: Banian Run and Muddy Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: N/A. Application received: March 13, 2007.

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

**54861601R4. Schuylkill Coal Processing, Inc.,** (P. O. Box 134, Ashland, PA 17921). Renewal of an existing anthracite coal preparation plant operation in Butler Township, **Schuylkill County** affecting 18.3 acres, receiving stream: none. Application received: March 16, 2007.

**22851304R4. S & M Coal Company,** (1744 East Grand Avenue, Tower City, PA 17980). Renewal of an existing anthracite underground mine operation in Wiconisco Township, **Dauphin County** affecting 4.2 acres, receiving stream: none. Application received: March 21, 2007.

*Noncoal Applications Returned*

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

**08060802. Patrick Kipar,** (R. R. 3, Box 179A, Meshoppen, PA 18630). Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Tuscarora Township, **Bradford County** affecting 5.0 acre. Application received: March 10, 2006. Application returned: March 8, 2007.

**08970821. Jeff Taylor** (c/o Taylor Flagstone, R. R. 2, Box 60, Wysox, PA 18854). Transfer application for a small noncoal (bluestone) permit located in Warren Township, **Bradford County**. Application received: June 16, 2006. Application returned: March 17, 2007.

*Noncoal Applications Received*

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

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

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. 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.

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

**26070603 and NPDES Permit No. PA0251097. Fayette Coal & Coke, Inc.,** (2611 Memorial Boulevard, Connellsville, PA 15425). Application for commencement, operation and reclamation to a noncoal surface mine, located in Georges Township, **Fayette County**, affecting 65.8 acres. Receiving streams: a UNT to York Run,

classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 15, 2007.

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

**25070301. Raymond D. Showman & Sons, Inc.,** (12851 Sharp Road, Edinboro, PA 16412-1667). Commencement, operation and restoration of a sand and gravel operation in LeBoeuf Township, **Erie County** affecting 43.53 acres. Receiving streams: a UNT to Wheeler Creek, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application to include a land use change from natural unmanaged natural habitat to

unmanaged natural water impoundment and unmanaged natural habitat. Application received: March 14, 2007.

**25070303. Ray Showman Jr. Excavating, Inc.,** (P. O. Box 646, Waterford, PA 16441). Commencement, operation and restoration of a sand and gravel and topsoil operation in LeBoeuf Township, **Erie County** affecting 30.0 acres. Receiving streams: a UNT to French Creek and French Creek, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 21, 2007.

**5834-25070303-E-1. Ray Showman Jr. Excavating, Inc.,** (P. O. Box 646, Waterford, PA 16441). Application for a stream variance to continue to utilize the existing access/haul road as well as to allow mining activities within 100 feet of the stream channel but no closer than 50 feet in LeBoeuf Township, **Erie County**. Receiving streams: a UNT to French Creek and French Creek, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 21, 2007.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E35-403. James A. Sposito, Esq.,** 1155 Whitmore Lane, R. R. 1, Crystal Lake, Carbondale, PA 18407, in Fell Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To authorize the existing fill placed in the floodway of Fall Brook (HQ-CWF). The project is located on the northeast side of SR 0106 approximately 2.6 miles southeast of SR 0247 (Carbondale, PA Quadrangle N: 18.0 inches; W: 2.6 inches).

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

**E11-325. S & T Bank,** P. O. Box 190, Indiana, PA 15701. To place fill in a UNT in Cambria Township, **Cambria County**, Pittsburgh ACOE District (Nanty Glo, PA Quadrangle N: 16 inches; W: 1.25 inches and Latitude: 40° 27' 47"; Longitude: 78° 45' 32"). The applicant proposes to place and maintain approximately 95' of fill in a UNT to the south Branch of Blacklick Creek (CWF) and to place and maintain fill in approximately 0.066 acre of wetlands, for the purpose of construction and addition to a commercial building. The project is located on the south side of Industrial Park Drive, approximately 0.3 mile SW of the intersection between Industrial Park Drive and Mini Mall Road.

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

**E10-428, William Weaver, President, BelleVue Park Partners, LP,** P. O. Box 449, Mars, PA 16046. BelleVue Park Residential Development, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden and Mars, PA Quadrangles N: 40° 42' 1.5"; W: 80° 07' 30").

To conduct activities associated with the construction of BelleVue Park, a 293-unit residential development on a 121-acre site, north of Rochester Road and east of Powell Road:

1. Impact 2.03 acres of six existing wetlands (PEM/PSS) for the construction of roadways, buildings and stormwater facilities.

2. To construct and maintain a 140-foot long, 42-inch diameter stream enclosure in a tributary to Brush Creek (Tributary 4) having a drainage area of less than 100 acres for the construction of a roadway.

3. To construct and maintain a 330-foot long, 60-inch diameter stream enclosure in a tributary to Brush Creek (Tributary 5) having a drainage area of less than 100 acres for the construction of a road and retail center.

4. To construct and maintain a 125-foot long stream enclosure and box culvert (30-inch by 48-inch) in a tributary to Brush Creek (Tributary 4) having a drainage area of less than 100 acres for the construction of a roadway.

5. To construct and maintain a 183-foot long stream enclosure in a tributary to Brush Creek (Tributary 2) having a drainage area of less than 100 acres for the construction of a roadway.

6. To conduct fill and grading within the floodway of a tributary to Brush Creek (Tributary 3) for the construction of a roadway.

7. To construct and maintain three utility line crossings of tributaries to Brush Creek (Tributary 2 and 3) and wetland 6 (0.09 acre temporary impact).

This project proposes the following measures and/or activities as onsite mitigation for the project impacts:

1. Construction of a 0.60-acre replacement wetland adjacent to an existing wetland (Wetland 6).

2. Construction of a 1.58-acre replacement wetland adjacent to an existing wetland (Wetland 6).

3. Establish approximately 7,800 linear feet of Conservation Easement along the undisturbed corridors of the tributaries to Brush Creek.

4. Establish Conservation Easements on the undisturbed wetlands (approximately 22.5 acres) in the project area.

#### ENVIRONMENTAL ASSESSMENTS

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

**D14-022EA. Bureau of Engineering, Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. Boggis Township, **Centre County**, ACOE Baltimore District.

Project proposes to breach and remove McCoy-Linn Dam across Spring Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2,000 feet of stream channel. The dam is located adjacent to SR 144 approximately 1.2 miles south of the intersection of SR 144 and US 220 (Bellefonte, PA Quadrangle; Latitude: 40° 55' 52"; Longitude: 77° 47' 7").

---

### ACTIONS

---

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064131	Raceway Truckstop, Inc. P. O. Box 239 Harford, PA 18823-0239	Tremont Township Schuylkill County	Swatara Creek 7D	Y
PA0060283	Penn Estates Utilities, Inc. 503 Hallet Road East Stroudsburg, PA 18301	Stroud Township Monroe County	UNT to Brodhead Creek 1E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082015 (Sew)	Meadows Sewer Company 5015 East Trindle Spring Road Mechanicsburg, PA 17050-3622	Cumberland County Middlesex Township	Conodoguinet Creek 7-B	Y
PA0085979 (Sew)	Frank Plessinger Guest Farm Village, Inc. c/o P & W Excavating P. O. Box 712 McConnellsburg, PA 17233	Franklin County Montgomery Township	UNT Licking Creek 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0026506 Sewage	West Mifflin Sanitary Sewer Municipal Authority	Allegheny County West Mifflin Borough	Thompson Run	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0112623	J. J. Bucher Producing Corporation 2568 Bells Run Road Shinglehouse, PA 16748-3030	Shinglehouse Borough Potter County	Oswayo Creek 16-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0112623 (Ind.)	J. J. Bucher Producing Corp. Pearsall Lease 2568 Bells Run Road Shinglehouse, PA 16748-3030	Potter County Shinglehouse Borough	Oswayo Creek 16-C	Y

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

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

**NPDES Permit No. PA0021075**, Sewage, **Borough of Myerstown**, 101 East Washington Avenue, Myerstown, PA 17067-1142. This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to the Tulpehocken Creek in Watershed 3-C.

**WQM Permit No. PA0260142**, Sewage, **Thomasville Land, LP**, 240 Bender Road, Hanover, PA 17331. This proposed facility is located in Jackson Township, **York County**.

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

**WQM Permit No. PA0053054**, Sewage, **Shahida Chaudhry, Allahdin Corporation**, 9648 Old Route 126, Worfordsburg, PA 17267. This proposed facility is located in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization for Transfer of Permit.

**NPDES Permit No. PA0011371**, Industrial Waste, **Baldwin Hardware Corporation**, 841 East Wyomissing Boulevard, Reading, PA 19611. This proposed facility is located in Reading City, **Berks County**.

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

**NPDES Permit No. PA0009253**, Sewage/Industrial Waste, **BAE Systems Land & Armaments, LP, Ground Systems Division**, P. O. Box 15512, York, PA 17405-1512. This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Codorus Creek and UNTs thereto in Watershed 7-H.

**NPDES Permit No. PA0260100**, Sewage, **James Lyons**, 9 Mathias Road, Littlestown, PA 17340. This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Piney Creek in Watershed 13-D.

**NPDES Permit No. PA0248592**, CAFO, **Roy Shank, Shank's Hen Houses**, 4640 Lighthouse Road. This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to operate a 851-AEU layer operation located in Watershed 13-C.

**NPDES Permit No. PA0259896**, CAFO, **Flintrock Corporation, Flintrock Farms**, 16 East Brubaker Valley Road, Lititz, PA 17543. This proposed facility is located in Elizabeth Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 510-AEU broiler and horse operation in Watershed 7-J.

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

**NPDES Permit No. PA0021792**, Sewage Amendment No.1, **Edinboro Borough**, 124 Meadville Street, Edinboro, PA 16412. This proposed facility is located in Edinboro Borough, **Erie County**.

Description of Proposed Action/Activity: Removal of the total copper effluent limitation from NPDES permit.

---

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

---

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

**WQM Permit No. 1506410**, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Londonberry Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant and spray irrigation system.

**WQM Permit No. 0907401**, Sewerage, **Villa Building Company, Inc.**, 3720 Skipview Lane, Collegeville, PA 19426. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a single-residence small flow treatment plant.

**WQM Permit No. 0907402**, Sewerage, **Villa Building Company, Inc.**, 3720 Skipview Lane, Collegeville, PA 19426. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a single-residence small flow treatment plant.

**WQM Permit No. 0907403**, Sewerage, **Villa Building Company, Inc.**, 3720 Skipview Lane, Collegeville, PA 19426. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a single-residence small flow treatment plant.

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

**WQM Permit No. 0690411 Amendment 06-1**, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611. This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of Grit Disposal-Vortex grit separator, dewatering screw, building and related appurtenances; Scum Handling-pumps, holding tank and related appurtenances; Sludge Handling-centrifuge, polymer system, drying system, odor control system, conveyors and related appurtenances; Maintenance and garage building.

**WQM Permit No. 0606405**, Sewage, **Birdsboro Municipal Authority**, 202 East Main Street, Birdsboro, PA 19508. This proposed facility is located in Birdsboro Borough, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction/modification of sewerage facilities consisting of an addition of two new raw sewage pumps with 16-inch diameter force main, one new primary clarifier, two aeration basins utilizing the vertical loop process, two circular clarifiers, final clarifiers, conversion of the existing final clarifiers and chlorine contact tanks to chlorine and post aeration basins respectively, replace the existing outfall with a new outfall, conversion of the existing anaerobic digesters to the aerobic digestion process and the addition of a centrifuge.

**WQM Permit No. 2807402**, Sewage, **David Flaud**, 15853 Burnt Mill Road, Newburg, PA 17240. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of a small flow system meeting the requirements of the Small Flow Treatment Facilities Manual for a subsurface sand filter. Treatment units are a dual compartment 1,250-gallon septic tank, 500-gallon dosing tank and pump, 750 square feet (15' by 50') lined sand filter and 415-gallon chlorine contact tank with tablet chlorinator.

**WQM Permit No. 2182405 Amendment No. 06-1**, Sewage, **Newburg Hopewell Joint Authority**, P. O. Box 128, Newburg, PA 17240. This proposed facility is located in Hopewell Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction/operation of sewerage facilities consisting of a rerating of the organic capacity from 101 lbs BOD<sub>5</sub>/day to 144 lbs BOD<sub>5</sub>/day. The previous chlorine contact tank is modified with additional aeration for use as an aerobic digester/biosolids storage tank.

**WQM Permit No. 3806406**, Sewage, **Borough of Myerstown**, 101 East Washington Street, Myerstown, PA 17067. This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of a headworks building containing unit processes for grinding, grit removal, flow metering and raw sewage pumping. A three-channel oxidation ditch process with eight rotors to supply oxygen, three circular final clarifiers, a UV disinfection system, a post aeration tank with an effluent meter, conversion of existing primary clarifier to sludge thickener and conversion of anaerobic digesters to aerobic digesters, dewatering building housing a centrifuge, chemical addition facility and sludge pumps and new QA outfall sewer.

**WQM Permit No. 3106403**, Sewage, **Petersburg Borough Sewer Authority**, P. O. Box 6, Petersburg, PA 16669. This proposed facility is located in Logan Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the refurbishing of the influent pump station with dual 180 gpm submersible pump and the installation of a mechanically cleaned fine screening unit.

**WQM Permit No. 0503407 Transfer No. 1**, Sewage, **Craig Roland**, 237 Whitetail Lane, Manns Choice, PA 15550. This proposed facility is located in Juniata Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of a 1,500-gallon three-compartment septic tank, a 600-ft<sup>2</sup> buried sand filter, tablet chlorinator and a 300-gallon chlorine contact tank.

**WQM Permit No. 6707401**, Sewage, **Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of the installation of two hydro cyclone grit removal units each rated at 35 mgd to replace the existing system.

**WQM Permit No. 6776415 Amendment 07-1**, Sewage, **Thomasville Land, LP**, 240 Bender Road, Hanover, PA 17331. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the transfer of operation from Pfaltzgraff to Thomasville Land, LP.

**WQM Permit No. 4405401**, Sewage, **Derry Township Sanitary Sewer Authority Mifflin County**, P. O. Box 465, Yeagertown, PA 17099. This proposed facility is located in Derry Township, **Mifflin County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a sewage collection system consisting of 6-inch to 12-inch PVC gravity sewers, two 10-inch Ductile Iron Pipe Force mains and two pump stations.

**WQM Permit No. 2806401**, Sewage, **Waynesboro Borough Authority**, 57 East Main Street, P. O. Box 310, Waynesboro, PA 17268. This proposed facility is located in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of replacement of the West Penn Pump Station.

**WQM Permit No. 2198404, Transfer 1**, Sewage, **Gregory and Melissa Blades**, 635 Mohawk Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 0106403**, Sewage, **James Lyons**, 9 Mathias Drive, Littlestown, PA 17340. This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Permit Approval for the construction of sewerage facilities consisting of a single-family residence sewage treatment facility with one 1,000-gallon septic tank, a 500-gallon pump tank, Ecoflo peat filter and UV disinfection.

**WQM Permit No. 6790204, Amendment 06-1**, Sewage, **BAE Systems Land & Armaments, LP, Ground Systems Division**, 1100 Bairs Road, York, PA 17405. This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Permit Approval for the modifications of sewerage and industrial wastewater facilities consisting of using the existing DAF unit and carbon filters (as needed) to pretreat industrial wastewater prior to sending it to the sanitary wastewater treatment plant.

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

**WQM Permit No. WQG018526**, Sewage, **Charles T. Osborne**, 1099 Linn-Tyro Road, Hadley, PA 16130-2831. This proposed facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: A Single-residence Sewage Treatment Plant.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024005001	DCNR, Bureau of Facility Design & Construction P. O. Box 8451 Harrisburg, PA 17105-8451	Luzerne	Fairmount Township	Kitchen Creek HQ-CWF
PAI024806023	Windrift Real Estate Associates 179 Mikron Road Bethlehem, PA 18017	Northampton	Bethlehem City	Nancy Run HQ-CWF, MF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407003	Edward Walker Laurel Ridge, Lot 26 1008 Stratford Court State College, PA 16801	Centre	Harris Township	Spring Creek HQ-CWF
PAS10F106(2) Revision No. 50	Ian Salada PSU East Campus/Computer Building Addition Penn State University 101P Physical Plant Building University Park, PA 16802	Centre	State College Borough	Thompson Run HQ-CWF

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

*Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051106001	Raeger Mountain, LP 912 Greengate North Plaza Greensburg, PA 15601-2012	Cambria	Jackson and West Taylor Townships	Laurel Run HQ-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 Non-Exceptional 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-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Sadsbury Township Chester County	PAG2001506082	Mast Stoltzfus 875 Zook Road Atglen, PA 19344	Pine Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Darby Township Delaware County	PAG2002307002	State and Lansdowne Associates 234 Mall Boulevard King of Prussia, PA 19406	Cobbs Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Prospect Park Delaware County	PAG2002306031	Kerry Wiley 205 East Glenolden Avenue Glenolden, PA 19036	UNT Darby Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106066	Temple East Real Estate 3509 North Broad Street 9th Floor—TUCMC Philadelphia, PA 19140	Delaware River/Estuary WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107006	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Mt. Bethel Township Northampton Co.	PAG2004805025	Richard Krasley, V. P. CMC Development Corp. 4511 Falmer Drive Bethlehem, PA 18020	Little Martins Creek Martins/Jacoby Creek Watershed CWF	Northampton Co. Cons. Dist. (610) 746-1971
New Milford Township Susquehanna County	PAR106401R	Ireno and Mary Monteforte R. R. No. 2, Box 34 New Milford, PA 18834	Tributary to Nine Partners Creek CWF	Susquehanna Co. Cons. Dist. (570) 278-4600
City of Scranton Lackawanna County	PAG2003507007	Daniel Santaniello Fidelity Deposit & Discount Bank 338 North Washington Avenue Scranton, PA 18503	Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Snyder County Penn Township	PAG2005506012	James L. Lyons 610 University Avenue Selinsgrove, PA 17870	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Penn Township	PAG2005506013	George Heim 166 Broad Street Montgomery, PA 17752	Rolling Green Run WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Centre Township	PAG2005506014	Ken Zechman 66 Walnut Hollow Road Middleburg, PA 17842	UNT to Middle Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Snyder County Penn Township	PAG2005506015	Kurt Kissinger P. O. Box 10 104 South Susquehanna Trail Shamokin Dam, PA 17876	UNT to Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Penn Township	PAG2005506018	Ryan Housekeeper 3723 Fairview Industrial Drive Suite 270 Salem, OR 97302	Penns Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Monroe Township	PAG2005507001	Nathan Allison 200 South Broad Street Philadelphia, PA 19102-3803	Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Beaver County Chippewa Township	PAG2000407001	Christopher Cofiero Pennmark Management Co. 1050 Germantown Pike Suite A-2 Plymouth Meeting, PA 19462	Bradys Run TSF	Beaver County CD (724) 378-1701
Indiana County White Township	PAG20032050171	John Pappal Indiana High School 501 East Pike Indiana, PA 15701	Marsh Run CWF	Indiana County CD (724) 463-8547
Washington County Burgettstown Borough Smith Township	PAG2006307019	Washington County Commissioners 100 West Beau Street Suite 701 Washington, PA 15301	Burgetts Branch Raccoon Creek WWF	Washington County CD (724) 228-6774
Westmoreland County Penn Township	PAG2006506013	Tony G. Berardi 1424 Lincoln Way North Versailles, PA 15137	UNT to Bushy Run TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Upper Burrell Township	PAG2006506037	A. Richard Kacin, Inc. 3875 Old William Penn Highway Murrysville, PA 15668	UNT to Pucketa Creek TSF	Westmoreland County CD (724) 837-5271
Westmoreland County City of Lower Burrell	PAG2006506048	Steven Arciuolo Crossroads Plaza Limited Partnership 508 Allegheny River Boulevard Oakmont, PA 15139	Little Pucketa Creek TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006506049	John F. Curtin Tractor Supply Center 250 Grandview Drive Ft. Mitchell, KY 41017	UNIT to Monongahela River WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006507002	Diocese of Greensburg 901 Armory Drive Greensburg, PA 15601	Jacks Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006507007	David G. Galloni Charleroi Federal 101 McKean Avenue Charleroi, PA 15022	Tributary to Pollock Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Murrysville	PAG2006507008	John Curtin 250 Grandview Avenue Fort Mitchell, KY 41017	Turtle Creek TSF	Westmoreland County CD (724) 837-5271

## NOTICES

1531

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler County Adams Township	PAR10E152R	Adams Pointe Square Ridge Development, LP 3468 Brodhead Road Monaca, PA 1506	UNT Kaufman Run WWF	Butler Conservation District (724) 284-5270
Butler County Cranberry Township	PAR10E180R	Ehrman Farms, LP 11700 North Highland Avenue Suite 302 Pittsburgh, PA 15241	Wolfe Run CWF	Butler Conservation District (724) 284-5270
Erie County Harborcreek Township	PAG2002506024	Lakehaven Estates Salvatore R. Sellaro 8850 East Lake Road Erie, PA 16511	UNT Lake Erie CWF, MF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002506040	John Maleno Maleno Family, LP 2236 West 38th Street Erie, PA 16506	UNT Mill Creek WWF, MF	Erie Conservation District (814) 825-6403
Erie County Edinboro Borough	PAG2002507003	Edinboro University of PA Gordon Harbst 219 Meadville Street Edinboro, PA 16444	UNT Conneautee Creek TSF	Erie Conservation District (814) 825-6403
Venango County City of Oil City	PAG006107003	Christopher Reber Clarion University Venango Campus 1801 West First Street Oil City, PA 16301	UNT Allegheny River WWF	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Heidelberg Township	PAR123552	Nutcracker Brands, Inc. d/b/a Linette Quality Chocolates 336 Hill Road Womelsdorf, PA 19567	UNT Tulpehocken Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Donegal Township	PAR123554	Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570	UNT to Donegal Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
West Mead Township Crawford County	PAR208311	Meadville Forging Company, LP P. O. Box 4590 Meadville, PA 16335-9803	UNT to French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAR608338	Frank R. Crash 480 Mercer Road Greenville, PA 16125	Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Young Township Jefferson County	PAR118337	FEMCO Machine Company 754 South Main Street Punxsutawney, PA 15767	UNT to Mahoning Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Rockhill Township Bucks County	PAG040065	Gerhart Subdivision Lot No. 3 Villa Building Company, Inc. 3720 Skipview Lane Collegeville, PA 19426	UNT to East Branch of Perkiomen Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
West Rockhill Township Bucks County	PAG040066	Gerhart Subdivision Lot No. 4 Villa Building Company, Inc. 3720 Skipview Lane Collegeville, PA 19426	UNT to East Branch of Perkiomen Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
West Rockhill Township Bucks County	PAG040067	Gerhart Subdivision Lot No. 5 Villa Building Company, Inc. 3720 Skipview Lane Collegeville, PA 19426	UNT to East Branch of Perkiomen Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Sandy Creek Township Mercer County	PAG049325	County Line Café 3808 Perry Highway Hadley, PA 16130 Attn: Renee J. Rice	UNT to Sandy Creek 16-G	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Mercer County	PAG049321	Charles T. Osborne 1079 Linn-Tyro Road Hadley, PA 16130-2831	Little Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Farmington Township Warren County	PAG048324	William G. Quatse R. D. 3, Box 334 Valentine Run Road Russell, PA 16345	UNT to Rhine Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Worth Township Mercer County	PAG048427	Gerald C. Fleet 1066 Jackson Center Polk Road Stoneboro, PA 16153-3204	UNT to South Sandy Creek 16-G	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Dickinson Township Cumberland County	PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013	John Mckeehan Route 81 Farm Dickinson Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
South Annville Township Lebanon County	PAG083520 PAG083583	South Londonderry Township Municipal Authority 20 West Market Street Campbelltown, PA 17010	Algers-Louser Road Farm South Annville Township Lebanon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

**Operations Permit No. 1507502** issued to **Pennsylvania American Water Company**, 4 Wellington Boulevard, Wyomissing, PA 19601, (PWSID No. 1150166) East Vincent Township, **Chester County** issued on March 16, 2007, for the operation of facilities approved under construction permit no. 1505508, for the East Vincent Pump Station Modification.

**Operations Permit No. 0907504** issued to **Buckingham Water Department**, P. O. Box 413, Buckingham, PA 18912, (PWSID No. 1090159) Buckingham Township, **Bucks County** issued on March 16, 2007, for the operation of facilities approved under construction permit no. 0905505, for the newly constructed Wells F6 and F7, a storage tank and pump station for the Furlong Water System.

**Operations Permit No. 4607501** issued to **Audubon Water Company**, 2650 Eisenhower Drive, Suite 104A, Norristown, PA 19403, (PWSID No. 1460055) Lower Providence Township, **Montgomery County** issued on March 20, 2007, for the operation of facilities approved

under construction permit no. 4606505, for the newly constructed Well No. AWC-15 to replace the existing Well No. 10.

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

**Canton Borough Authority (Public Water Supply), Bradford County:** The Source Water Protection (SWP) report for Canton Borough Authority has been approved on March 26, 2007. Canton Borough Authority is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

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

**Operations Permit issued to Aiken Water Company**, PWSID #6420010, Keating Township, **McKean County**. Permit Number 4297502-MA1, issued March 23, 2007, for the operation of the gas chlorination system, as approved under construction permit 4297502-MA1, dated June 27, 2006.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Conewago Township	3279 Old Hershey Road Elizabethtown, PA 17022	Lebanon

*Plan Description:* Approval of a revision to the Official Sewage Plan of Conewago Township, Lebanon County. The proposed Aberdeen Mills subdivision, DEP Code No. B3-22910-148-2 consists of seven residential lots served by individual onlot sewage disposal. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

##### Plan Location:

Borough or Township	Borough or Township Address	County
Newville Borough	Four West Street Newville, PA 17241	Cumberland
West Pennsboro Township	2150 Newville Road Carlisle, PA 17013	Cumberland
Penn Township	1301 Centerville Road Newville, PA 17241	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of Newville Borough, Cumberland County. The approved plan provides for the extension of the sewer line along Route 233 tributary to the Newville Borough Wastewater Treatment Plant. The extension starts approximately 1 mile south of Newville Borough in West

Pennsboro Township, and runs approximately 20,000 linear feet to the site of the proposed Key Logistics property in Penn Township, approximately 3/4 mile south of Route 81. The extension includes two pump stations, force mains and gravity sewers. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Newville Borough Water and Sewer Authority.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Winslow Township	177 Yellow Brick Road Reynoldsville, PA 15851-4356	Jefferson

*Plan Description:* The approved plan provides for the construction of a collection and conveyance system to serve the sewage disposal needs of the Village of Soldier. Wastewater will be conveyed to and treated at the Sykesville Borough STP. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:* Located on Irvin Drive, Tippetts Drive and Edwards Drive, Montgomery Township, Franklin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Montgomery Township	12868 Fort Loudon Road Mercersburg, PA 17236	Franklin County

*Plan Description:* The Minor Act 537 Update Revision, entitled Lenwood Heights Sewer Extension, proposing a sewer extension of Mercersburg Sewer Authority facilities to serve 37 existing single-family dwellings and 31 existing undeveloped lots, was disapproved because the Minor Update Revision failed to adequately provide for the existing needs in the area. The Revision also failed to provide for the administrative organization and legal authority necessary for plan implementation in accordance with 25 Pa. Code § 71.21(a)(5)(vi)(D) in that it failed to include an intermunicipal agreement to establish operation, maintenance and repair responsibilities and ordinances necessary to implement the Township's plan. Finally, the Minor Update Revision failed to provide an adequate implementation schedule in accordance with 25 Pa. Code § 71.21(a)(7)(iv). The dates for completion of the listed milestones have already passed in most cases.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Carlton Snack Foods**, Heidelberg Township, **York County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 383, Lititz, PA 17543-0384, on behalf of Jeffrey Carl, 725 Oakwood Drive, Red Lion, PA 17356, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site groundwater contaminated with gasoline. The report and plan intend to document remediation of the site to the Site-Specific Standard.

**Penn State Fruit Research and Extension Center**, Butler Township, **Adams County**. EPSYS Corporation, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Penn State University, 6 Eisenhower Parking Deck, University Park, PA 16802, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline released from an unregu-

lated underground storage tank. The report is intended to document remediation of the site to the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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 Chevron Facility/Sinking Springs Bulk Storage Facility**, Spring Township, **Berks County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Reading Terminals, P. O. Box 2621, Harrisburg, PA 17105 and CRL Holdings, LP c/o Apple Hill Business Advisors, Inc., 33 North 2nd Street, Harrisburg, PA 17101, submitted a Final Report concerning remediation of site soils contaminated from four removed unregulated underground storage tanks. The final report demonstrated attainment of the Nonresidential Statewide Health Standard, and was approved by the Department on March 19, 2007.

**Former Marietta AFS Fire Training Pit**, East Donegal Township, **Lancaster County**. United States Army Corps of Engineers, 10 South Howard Street, Baltimore, MD 21203 on behalf of United States General Services Administration, Project Management Division, The Strawbridge Building, 20 North 8th Street, 9th Floor, Philadelphia, PA 19107-3191, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils contaminated with metals, SVOCs and VOCs. The final report demonstrated attainment of the Nonresidential Statewide Health and Non-residential Site-Specific Standards and was approved by the Department on March 22, 2007.

### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Renewed*

**Nortru, Inc.**, 1701 E. Matzinger Road, Toledo, OH 43612. License No. PA-AH 0451. Effective February 8, 2007.

**Brenntag Northeast, Inc.**, P. O. Box 13788, Reading, PA 19612. License No. PA-AH 0082. Effective February 8, 2007.

**Allstate O.R.C., Inc.**, 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective February 9, 2007.

**Reserve Environmental Services, Inc.**, P. O. Box 1038, Ashtabula, OH 44005-1038. License No. PA-AH 0678. Effective February 12, 2007.

**Lionetti Oil Recovery, Inc. d/b/a Lorco**, 450 S. Front Street, Elizabeth, NJ 07202. License No. PA-AH 0567. Effective February 13, 2007.

**Cambridge Chemical Cleaning, Inc.**, P. O. Box 4220, 1250 W. Elizabeth Avenue, Linden, NJ 07036. License No. PA-AH 0356. Effective February 13, 2007.

**HMHTTC Response, Inc.**, 400 Vallery Road, Suite 303, Mount Arlington, NJ 07856. License No. PA-AH 0554. Effective February 22, 2007.

**Envirotran, Inc.**, 387 Gore Road, Conneaut, OH 44030. License No. PA-AH 0543. Effective February 23, 2007.

**Laidlaw Carriers Tank Group, Inc.**, 1179 Ridgeway Road, Woodstock, ON N4S 8P6. License No. PA-AH 0704. Effective February 23, 2007.

**Laidlaw Carriers Bulk Group, Inc.**, 1179 Ridgeway Road, Woodstock, ON N4S 8P6. License No. PA-AH 0703. Effective February 23, 2007.

**Bethlehem Apparatus Company, Inc.**, P. O. Box Y, 890 Front Street, Hellertown, PA 18055. License No. PA-AH 0681. Effective February 26, 2007.

**Clean Harbors Environmental Services**, 42 Longwater Drive, Norwell, MA 02061. License No. PA-AH 0312. Effective February 27, 2007.

**Elliott Truck Line, Inc.**, P. O. Box 1, 532 South Wilson Street, Vinita, OK 74301. License No. PA-AH 0355. Effective March 2, 2007.

**MCF Systems Atlanta, Inc.**, 5353 Snappfinger Woods Drive, Decatur, GA 30035. License No. PA-AH S240. Effective March 5, 2007.

**Providence Environmental, Inc.**, 312 Sharpe Road, Columbia, SC 29203. License No. PA-AH 0695. Effective March 16, 2007.

**Wade Salvage, Inc.**, 382 Jackson Road, Atco, NJ 08004. License No. PA-AH S246. Effective March 19, 2007.

**Hukill Chemical Corporation**, 7013 Krick Road, Beford, OH 44146. License No. PA-AH 0625. Effective March 19, 2007.

**Joseph Moving And Storage Company**, P. O. Box 5, Woodland, PA 16881. License No. PA-AH 0390. Effective March 19, 2007.

**Triad Transport, Inc.**, P. O. Box 818, McAlester, OK 74502. License No. PA-AH 0392. Effective March 19, 2007.

**Monarch Transport, Inc.**, P. O. Box 330, Woodstown, NJ 08098. License No. PA-AH 0558. Effective March 21, 2007.

*Hazardous Waste Transporter License Issued*

**Commercial Environmental Solutions, Inc.**, 1809 Jester Drive, Corsicana, TX 75109. License No. PA-AH 0731. Effective March 15, 2007.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**S-J Transportation Company, Inc.**, P. O. Box 169, Woodstown, NJ 08098. License No. PA-HC 0031. Effective February 22, 2007.

**Bio-Team Mobile, LLC**, 6 East Kendig Road, Willow Street, PA 17584. License No. PA-HC 0225. Effective March 7, 2007.

**Stericycle, Inc.**, 1525 Chestnut Hill Road, Morgantown, PA 19543. License No. PA-HC 0196. Effective March 7, 2007.

*Infectious and Chemotherapeutic Waste Transporter License Issued*

**Environmental Products & Services, Inc.**, 2 Flynn Avenue, Burlington, VT 05401. License No. PA-HC 0230. Effective February 15, 2007.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 101532. Weavertown Transport Leasing, Inc.**, 201 South Johnson Road, Houston, PA 15342. Weavertown Transport Leasing, Inc., SR 50, Box 411, Cecil, PA 15321. A major permit modification for processing residual waste at a municipal waste transfer facility in Cecil Township, **Washington County** was issued in the Regional Office on March 23, 2007.

**AIR QUALITY**

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

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

**48-310-067GP3: Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042) on March 20, 2007, to construct and operate a portable stone crushing operation and associated air cleaning device at Island Park Road Dairy Farm in Williams Township, **Northampton County**.

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

**GP11-36-03164A: The Berg Corp.** (2519 Wilkens Avenue, Baltimore, MD 21223-3333) on March 26, 2007, for Nonroad Engines under GP11 in Manheim Borough, **Lancaster County**.

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

**GP5-65-00816: Power Gas Marketing and Transmission, Inc.** (33 North Wickliffe Circle, Youngstown, OH 44515) on March 20, 2006, to operate a rich burn natural gas-fired Compressor Engine and a natural gas glycol dehydrator at their Silvis Compressor Station in Hempfield Township, **Westmoreland County**.

**GP5-32-00381: Power Gas Marketing and Transmission, Inc.** (33 North Wickliffe Circle, Youngstown, OH 44515) on March 20, 2006, to operate a lean burn natural gas-fired Compressor Engine at their Pineton Compressor Station in Montgomery Township, **Indiana County**.

**GP5-32-00324: Power Gas Marketing and Transmission, Inc.** (33 North Wickliffe Circle, Youngstown, OH 44515) on March 20, 2006, to operate a rich burn natural gas-fired Compressor Engine at their Myers Compressor Station in Montgomery Township, **Indiana County**.

**GP5-32-00325: Power Gas Marketing and Transmission, Inc.** (33 North Wickliffe Circle, Youngstown, OH 44515) on March 20, 2006, to operate a rich burn natural gas-fired Compressor Engine and a natural gas glycol dehydrator at their Wandin Compressor Station in Green Township, **Indiana County**.

**GP5-32-00326: Power Gas Marketing and Transmission, Inc.** (33 North Wickliffe Circle, Youngstown, OH 44515) on March 20, 2006, to operate a lean burn natural gas-fired Compressor Engine and a natural gas glycol dehydrator at their Rhea Compressor Station in Cherry Hill Township, **Indiana 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, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-05093C: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on March 22, 2007, to install a replacement recycled asphalt paving system at the company's Denver asphalt plant in East Cocalico Township, **Lancaster County**.

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

**26-00451D: CONSOL Docks, Inc.** (1800 Washington Road, Pittsburgh, PA 15241) on March 20, 2007, to construct a clean bituminous coal transfer facility in Luzerne Township, **Fayette County**.

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

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

**23-0001W: Sunoco, Inc.—R&M** (P. O. Box 426, Marcus Hook, PA 19061-0426) on March 24, 2007, to operate a desulphurize gasoline (tier II) in Marcus Hook Borough, **Delaware County**.

**46-0037Q: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on March 21, 2007, to operate a wet dust collector in Douglass Township, **Montgomery County**.

**46-0155: Sermatech International, Inc.** (159 South Limerick Road, Royersford, PA 19468) on March 21, 2007, to operate three paint spray booths in Limerick Township, **Montgomery County**.

**46-0155C: Sermatech International, Inc.** (159 South Limerick Road, Royersford, PA 19468) on March 21, 2007, to operate a binder mix tank in Limerick Township, **Montgomery County**.

**46-0037V: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on March 21, 2007, to operate a gemco dryer in Building 19 in Douglass Township, **Montgomery County**.

**46-0180: Transicoil Corp.** (9 Iron Bridge Drive, Collegeville, PA 19426) on March 27, 2007, to operate three solvert vapor degreasers in Perkiomen Township, **Montgomery County**.

**46-0180A: Transicoil Corp.** (9 Iron Bridge Drive, Collegeville, PA 19426) on March 27, 2007, to operate a methanol glass cleaning operation in Perkiomen Township, **Montgomery County**.

**15-0078B: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on March 26, 2007, to operate two natural gas fired boilers in East Whiteland Township, **Chester County**.

**46-0035B: SmithKline Beecham—d/b/a Glaxo-SmithKline** (709 Swedeland Road, King of Prussia, PA 19406) on March 26, 2007, to operate an emergency electric generator in Upper Merion Township, **Montgomery County**.

**15-0078C: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on March 26, 2007, to operate two emergency generators in East Whiteland Township, **Chester County**.

**09-0134C: Reed Materials** (P. O. Box 8888, Camp Hill, PA 17001) on March 26, 2007, to operate a replacement dust collector in Falls Township, **Bucks County**.

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

**PA06-03124: James Hardie Building Products, Inc.—Excelsior Industrial Park** (318 June Avenue, Blandon, PA 19510) on April 6, 2007, to install a surface coating (painting) line in Maiden Creek Township, **Berks County**. This plan approval was extended.

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

**41-327-003A: PMF Industries, Inc.** (2601 Reach Road, Williamsport, PA 17701) on March 20, 2007, to allow the use of n-propyl bromide solvents in a vapor degreaser in place of trichloroethylene in the City of Williamsport, **Lycoming County**.

**47-399-016: Augusta Fiberglass Coatings, Inc.** (86 Lake Cynthia Road, Blackville, SC 29817) on March 23, 2007, to operate a fiberglass stack liner manufacturing operation on a temporary basis until July 21, 2007, at the PPL Montour Steam Electric Station in Derry Township, **Montour County**. The plan approval has been extended.

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

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

**58-00008: Pennfield Corp.** (Box 222 Mill Street, South Montrose, PA 18843) on March 23, 2007, to operate a grain processing mill and associated air cleaning devices at their facility in Bridgewater Township, **Susquehanna County**.

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

**06-003132: Ernst Cabinet Works, Inc.** (51 Primrose Street, Hamburg, PA 19526) on March 21, 2007, to

operate a wooden furniture manufacturing facility in Hamburg Borough, **Berks County**.

**21-03027: Lafferty and Co., Inc.** (1100 Hummel Avenue, Lemoyne, PA 17043-1700) on March 20, 2007, for a wood fired boiler and wood working dust collection system silo in Lemoyne Borough, **Cumberland County**. This is a renewal of the State-only operating permit.

**28-05041: Jerr Dan Corp.** (1080 Hykes Road, Greencastle, PA 17225-9647) on March 20, 2007, to construct two coating booths and three natural gas fired curing ovens of combined 7.5 mmBtu/hr rated heat input in Antrim Township, **Franklin County**.

**36-05064: Skyline Corp.** (465 North Reading Road, Ephrata, PA 17522-9606) on March 20, 2007, to operate their modular home manufacturing facility in Ephrata Borough, **Lancaster County**. This is a renewal of their State-only operating permit.

**36-05065: Skyline Corp.** (99 Horseshoe Road, Leola, PA 17540-1763) on March 20, 2007, to operate their modular home manufacturing facility in Ephrata Borough, **Lancaster County**. This is a renewal of their State-only operating permit.

**36-05145: Craig Manufacturing Corp.** (P. O. Box 901, Adamstown, PA 19501) on March 19, 2007, to operate their utility box manufacturing process at their facility in West Cocalico Township, **Lancaster County**.

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

**03-00202: Dominion Peoples—Roaring Run Station** (1201 Pitt Street, Pittsburgh, PA, 15221-2029) on March 21, 2007, the facility's major sources of emissions include a compressor engine for natural gas transmission, an auxiliary power generating engine, a parts washer and fugitive VOC emissions in Kiskiminetas Township, **Armstrong County**.

**32-00365: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on March 21, 2007, for a State-only operating permit to operate the Dutch Run Mine Coal Preparation Plant in Washington Township, **Indiana County**.

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

**25-00891: Corry Contract, Inc.** (21 Maple Avenue, Corry, PA 16407) on March 22, 2007, to reissue a Synthetic Minor Permit to operate an office furniture manufacturing facility in City of Corry, **Erie County**. The facility's major emission sources include miscellaneous natural gas usage, boiler, third floor paint booth (5), three touch-up booths, batch oven touch up, cure oven, pyrolysis oven, five paint booths in plant II, plant II curing oven and degreaser unit. The facility has taken a restriction on VOC emission from the facility not more than 49.9 tpy to maintain the status of synthetic minor.

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

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

**67-03094: Rocher, Inc.—d/b/a Del-Wood Kitchens, Inc.** (1856 Dubs Church Road, Hanover, PA 17331-8581) on March 22, 2007, to operate a wood kitchen cabinetmaking facility in Manheim Township, **York County**. This operating permit was administratively amended due to a change of ownership. This is revision No. 1.

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

**14-00008: Bolton Metal Products, Ltd.** (P. O. Box 388, Bellefonte, PA 16823) on March 20, 2007, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to authorize the discontinuation of use of a scrubber on a pickling vat, to remove several sources from the permit which no longer exist at the facility and to identify all of the facility's pickling vats in the permit in Spring Township, **Centre County**.

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

**62-00162: Elkhorn Gas Processing, LLC** (Box 60B, Kinzua Road, Warren, PA 16365) on March 23, 2007, for an administrative amendment to the facility's Natural Minor Operating Permit 1 mile south of the City of Warren along Zimmerman Hill Road, in Pleasant Township, **Warren County**. The facility is permitted to operate a process which removes moisture from a natural gas pipeline and separates out propane and butane. This amendment was for a change of ownership.

**42-00181: Elkhorn Gas Processing, LLC—Lewis Run Facility** (371 South Avenue, Bradford, PA 16701) on March 23, 2007, to incorporate a change of ownership in Bradford Township, **McKean County**. The Department administratively amended Natural Minor Operating Permit Number.

**62-00148: Elkhorn Gas Processing, LLC—Roystone Facility** (Route 6, Sheffield, PA 16347) on March 23, 2007, for an administrative amendment to a Natural Minor Operating Permit to incorporate a change of ownership in **Warren County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**Permit No. 56841328 and NPDES Permit No. PA0033677. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-9642). To revise the permit for the Mine 78 (known as Windber Mine No. 78) in Paint Township, **Somerset County** to change the operation name and add surface and subsidence control plan area acres to reopen the mine. Surface Acres Proposed 25.0, Subsidence Control Plan Acres Proposed 2,570.0, Receiving streams: Paint Creek, classified for the following use: CWF and UNT to Paint Creek, classified for the following use CWF. Application received: December 14, 2005. Permit issued: March 21, 2007.

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

**56050108 and NPDES No. PA0249874. Hoffman Mining, Inc.**, (P. O. Box 130, 118 Runway Road, Friedens, PA 15541). Revision of an existing bituminous surface and auger mine to add 3 acres for extraction of coal and an additional 5 acres including support facilities for a total of 8 acres. Total SMP acres goes to 247.9. Receiving streams: Shade Creek and UNTs to/and Spruce Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Border Dam of Cambria/Somerset Authority. Application received: October 10, 2006. Permit issued: March 14, 2007.

**56823143 and NPDES No. PA0605841. Croner, Inc.**, (P. O. Box 260, Friedens, PA 15541). Permit renewal for the continued operation and restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 202.0 acres. Receiving streams: UNTs to Beaverdam Creek and Beaverdam Creek classified for the following use: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority, Stonycreek River. Application received: January 17, 2007. Permit issued: March 20, 2007.

**32050104 and NPDES Permit No. PA0249742. Mears Energy, LLC**, (225 Rich Hill Road, Penn Run, PA 15765). Transfer of an existing bituminous surface and auger mine from Short Brothers, Inc., 15 Rayne Run Road, Marion Center, PA 15759, located in West Mahoning Township, **Indiana County**, affecting 126.0 acres. Receiving stream: Carr Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 6, 2006. Permit issued: March 19, 2007.

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

**26010102 and NPDES Permit No. PA0203009. Amerikohl Mining, Inc.**, (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Saltlick Township, **Fayette County**, affecting 131.9 acres. Receiving streams: UNTs to Little Champion Creek to Little Champion Creek to Indian Creek. Application received: January 4, 2007. Reclamation-only renewal issued: March 20, 2007.

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

**40-305-002GP12. Stockton Anthracite, Inc.**, (P. O. Box 546, Hazleton, PA 18201). General operating permit

to operate a coal preparation plant (on SMP No. 40041601) in Hazle Township, **Luzerne County**. Application received: August 14, 2006. Permit issued: January 31, 2007.

**40-305-003GP12. Mammoth Anthracite, LLC**, (P. O. Box Q, Milnesville, PA 18239). General operating permit to operate a coal preparation plant (on SMP No. 40930102) in Hazle Township, **Luzerne County**. Application received: August 14, 2006. Permit issued: November 7, 2006.

**49861303T and R4. Bear Gap Coal Company**, (P. O. Box 64, Spring Glen, PA 17978). Transfer and renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 2.8 acres, receiving stream: none. Applications received: November 20, 2006. Transfer and Renewal issued: March 20, 2007.

**54-305-001GP12. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948). General operating permit to operate a coal preparation plant (on SMP No. 54830207) in Mahanoy Township, **Schuylkill County**. Application received: February 21, 2007. Permit issued: March 21, 2007.

**54733020R4 and NPDES Permit No. PA0012360. Lehigh Coal & Navigation Company**, (P. O. Box 311, Tamaqua, PA 18252). Renewal of an existing anthracite surface mine, coal refuse disposal, coal preparation plant and coal ash utilization operation and NPDES Permit for discharge of treated mine drainage in Tamaqua, Coaldale, Lansford, Summit Hill and Nesquehoning Boroughs, **Schuylkill and Carbon Counties** affecting 7596.4 acres, receiving stream: Little Schuylkill River. Application received: February 28, 2005. Renewal issued: March 22, 2007.

**40850102R3. Northeast Energy Company**, (254 Johnson Street, Wilkes-Barre, PA 18702). Renewal of an existing anthracite surface mine operation in Laurel Run Borough, **Luzerne County** affecting 111.1 acres, receiving stream: none. Application received: August 14, 2006. Renewal issued: March 23, 2007.

*Noncoal Permits Actions*

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

**20062806. William J. and Sue A. Thompson**, (16521 Phelps Road, Linesville, PA 16424). Commencement, operation and restoration of a small noncoal sand and gravel operation in Conneaut Township, **Crawford County** affecting 7.0 acres. Receiving streams: UNT to Black Jack Creek. Application received: November 17, 2006. Permit issued: March 15, 2007.

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

**08060815. Stephen L. Walter** (R. R. 1, Box 39B, Sugar Run, PA 18846). Commencement, operation and restoration of a small noncoal (flagstone and shale) permit located in Stevens Township, **Bradford County** affecting 3.0 acres. Receiving streams: UNT to Cold Creek. Application received: November 13, 2006. Permit issued: March 13, 2007.

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

**58070803. John Vandermark**, (R. R. 7, Box 7298, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving

stream: none. Application received: January 5, 2007. Permit issued: March 20, 2007.

**5273SM1C2. Haines & Kibblehouse, Inc.,** (P. O. Box 196, Skippack, PA 19474). Correction to an existing quarry operation in Aston Township, **Delaware County** affecting 50.02 acres, receiving stream: Chester Creek. Application received: November 15, 2006. Correction issued: March 21, 2007.

#### 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.*

**21074123. T. J. Angelozzi, Inc.,** (7845 Kabik Court, Woodbine, MD 21797-9149). Blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 8, 2008. Permit issued: March 12, 2007.

**21074124. M & J Explosives, Inc.,** (P. O. Box 608, Carlisle, PA 17013-0608). Blasting activity permit issued for residential development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is March 31, 2008. Permit issued: March 12, 2007.

**21074125. M & J Explosives, Inc.,** (P. O. Box 608, Carlisle, PA 17013-0608). Blasting activity permit issued for residential development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is March 31, 2008. Permit issued: March 16, 2007.

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

**45074117. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431). Construction blasting for The Estates at Tannersville in Pocono Township, **Monroe County** with an expiration date of March 31, 2008. Permit issued: March 19, 2007.

**45074118. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431). Construction blasting for Leisure Lands Development in Middle Smithfield Township, **Monroe County** with an expiration date of March 31, 2008. Permit issued: March 19, 2007.

**45074121. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for Timber Hills Development in Price and Paradise Townships, **Monroe County** with an expiration date of March 31, 2008. Permit issued: March 19, 2007.

**45074122. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Timber Hills Development in Price and Paradise Townships, **Monroe County** with an expiration date of March 31, 2008. Permit issued: March 19, 2007.

**52074104. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for a single dwelling in Delaware Township, **Pike County** with an expiration date of August 30, 2007. Permit issued: March 19, 2007.

**52074106. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for Pocono Mt. Lake Estates in Dingman, Delaware and Lehman Townships, **Pike County** with an expiration date of March 20, 2008. Permit issued: March 19, 2007.

**52074108. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for Sugar Mountain in Lackawaxen Township, **Pike County** with an expiration date of March 15, 2008. Permit issued: March 19, 2007.

**64074102. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for Wallenpaupack Lake Estates in Paupack Township, **Wayne County** with an expiration date of March 31, 2008. Permit issued: March 19, 2007.

**35074001. Dyna Tec Drilling and Blasting, LLC,** (17 Deerfield Drive, Spring Brook, PA 18444). Construction blasting at Spring Brook Township Fire Hall in Spring Brook Township, **Lackawanna County** with an expiration date of December 31, 2007. Permit issued: March 20, 2007.

**40074001. Mazzuca Enterprises, Inc.,** (P. O. Box 443, 510 North 14th Street, Pottsville, PA 17901). Construction blasting for Municipal Authority of Hazle Township Southside Area Sewer Project in Hazle Township, **Luzerne County** with an expiration date of February 1, 2008. Permit issued: March 20, 2007.

**15074104. Horst Drilling & Blasting, Inc.,** (141 Ranck's Church Road, New Holland, PA 17557). Construction blasting for Brandywine Hill in Wallace Township, **Chester County** with an expiration date of March 1, 2008. Permit issued: March 22, 2007.

**23074101. Horst Drilling & Blasting, Inc.,** (141 Ranck's Church Road, New Holland, PA 17557). Construction blasting for Traymore Development in Rose Valley Borough, **Delaware County** with an expiration date of March 30, 2008. Permit issued: March 22, 2007.

**35074104. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for Valley View Business Park in Jessup Borough, **Lackawanna County** with an expiration date of March 25, 2008. Permit issued: March 22, 2007.

**36074128. Keystone Blasting Service,** (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for manure storage facility in Caernarvon Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued: March 22, 2007.

**45074123. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431). Construction blasting for Ivy Ridge in Smithfield Township, **Monroe County** with an expiration date of April 30, 2008. Permit issued: March 22, 2007.

**45074124. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Greenwood Acres in Tunkhannock Township, **Monroe County** with an expiration date of April 30, 2008. Permit issued: March 22, 2007.

**46074108. Rock Work, Inc.,** (1257 DeKalb Pike, Blue Bell, PA 19422). Construction blasting for Wooded Ridge in Marlborough Township, **Montgomery County** with an expiration date of April 1, 2008. Permit issued: March 22, 2007.

**52074107. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for commercial development in Palmyra Township,

**Pike County** with an expiration date of March 20, 2008. Permit issued: March 22, 2007.

**52074109. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431). Construction blasting for commercial development in Palmyra Township, **Pike County** with an expiration date of March 1, 2008. Permit issued: March 22, 2007.

**52074110. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Pocono Ranch Lands in Lehman Township, **Pike County** with an expiration date of April 30, 2008. Permit issued: March 22, 2007.

**67074117. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344). Construction blasting for Newberry Township Salt Shed in Newberry Township, **York County** with an expiration date of March 20, 2008. Permit issued: March 22, 2007.

**23074102. Allan A. Myers, Inc. d/b/a Independence Construction Materials**, (P. O. Box 98, Worcester, PA 19490). Construction blasting for Maris Grove in Concord Township, **Delaware County** with an expiration date of March 22, 2008. Permit issued: March 23, 2007.

**36074129. Horst Drilling & Blasting, Inc.**, (141 Ranc's Church Road, New Holland, PA 17557). Construction blasting for Strasburg Commons in Strasburg Borough, **Lancaster County** with an expiration date of March 26, 2007. Permit issued: March 23, 2007.

**36074130. Gerlach's Drilling & Blasting**, (172 Bender Mill Road, Lancaster, PA 17603). Construction blasting for Crossgates in Millersville Borough and Manor Township, **Lancaster County** with an expiration date of April 1, 2008. Permit issued: March 23, 2007.

**47074102. DC Guelich Explosives, Inc.**, (R. R. 3, Box 125A, Clearfield, PA 16830). Construction blasting for Woods of Welsch in Mahoning, Valley and Mayberry Townships, **Montour County** with an expiration date of March 21, 2008. Permit issued: March 23, 2007.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

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

**E53-413. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Dominion Transmission Cove Point TL-453 EXT1 Expansion Project, Bingham, Genesee and Harrison Townships, **Potter County**, ACOE Pittsburgh District (Ellisburg, PA Quadrangle N: 9.19 inches; W: 2.37 inches).

To construct, operate and maintain a 24-inch diameter gas pipeline, designated TL-453 EXT1, over 11.6 miles within a 75-foot right-of-way for the transmission of natural gas. Construction, operation and maintenance of the TL-453 EXT1 will require 15 stream and 23 wetland crossings that are as follows:

<i>Crossing Identification</i>	<i>Crossing Disturbance</i>	<i>Aquatic Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
SPA-KDR-023	75.0 feet	UNT	HQ-CWF	41° 56' 30.47"	77° 53' 10.92"
SPA-KDR-024	87.0 feet	UNT	HQ-CWF	41° 55' 30.43"	77° 53' 10.80"
SPA-KDR-026	77.0 feet	Middle Branch Genesee	HQ-CWF	41° 55' 58.76"	77° 51' 02.58"
SPA-SCR-001	78.5 feet	UNT	CWF	41° 56' 19.08"	77° 49' 47.71"
SPA-SCR-012	78.0 feet	Genesee River	CWF	41° 56' 26.91"	77° 48' 51.85"

<i>Crossing Identification</i>	<i>Crossing Disturbance</i>	<i>Aquatic Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
SPA-SCR-011	111.5 feet	UNT	CWF	41° 56' 49.10"	77° 46' 22.87"
SPA-SCR-010	77.0 feet	UNT	CWF	41° 56' 53.70"	77° 48' 17.01"
SPA-SCR-009	89.0 feet	UNT	CWF	41° 56' 59.92"	77° 46' 09.10"
SPA-SCR-008	94.0 feet	UNT	CWF	41° 57' 02.46"	77° 46' 05.91"
SPA-SCR-007	78.0 feet	UNT	CWF	41° 57' 47.65"	77° 44' 19.74"
SPA-SCR-006	78.0 feet	UNT	CWF	41° 57' 48.23"	77° 44' 18.44"
SPA-SCR-005B	143.0 feet	UNT	CWF	41° 58' 15.10"	77° 43' 11.86"
SPA-SCR-013	84.0 feet	Marsh Creek	CWF	41° 58' 01.47"	78° 05' 19.28"
SPA-KDR-025	50.0 feet	UNT	HQ-CWF	41° 56' 36.90"	77° 53' 11.30"
SPA-SCR-002	50.0 feet	North Branch Cowanesque	CWF	41° 58' 39.82"	77° 41' 06.03"
WPA-KDR-025	270.0 feet	Wetland	CWF	41° 55' 58.54"	77° 51' 01.47"
WPA-SCR-001	82.0 feet	Wetland	CWF	41° 55' 29.37"	77° 48' 52.83"
WPA-SCR-032	53.0 feet	Wetland	CWF	41° 56' 30.14"	77° 48' 51.26"
WPA-SCR-040	43.0 feet	Wetland	CWF	41° 56' 33.44"	77° 48' 43.63"
WPA-SCR-030	27.0 feet	Wetland	CWF	41° 56' 53.97"	77° 46' 17.25"
WPA-SCR-029	288.0 feet	Wetland	CWF	41° 56' 55.87"	77° 46' 13.83"
WPA-SCR-028	194.0 feet	Wetland	CWF	41° 56' 59.81"	77° 46' 09.17"
WPA-SCR-027	92.0 feet	Wetland	CWF	41° 57' 02.36"	77° 46' 05.29"
WPA-SCR-026	43.0 feet	Wetland	CWF	41° 57' 07.23"	77° 46' 00.22"
WPA-SCR-022	148.0 feet	Wetland	CWF	41° 57' 26.67"	77° 45' 19.03"
WPA-SCR-021	35.0 feet	Wetland	CWF	41° 57' 28.04"	77° 45' 16.05"
WPA-SCR-020	17.0 feet	Wetland	CWF	41° 57' 29.19"	77° 25' 14.55"
WPA-SCR-017	21.0 feet	Wetland	CWF	41° 58' 12.94"	77° 43' 19.84"
WPA-SCR-035	301.0 feet	Wetland	CWF	41° 58' 15.10"	77° 43' 11.18"
WPA-SCR-033	20.0 feet	Wetland	CWF	41° 58' 17.00"	77° 43' 03.66"
WPA-SCR-013	155.0 feet	Wetland	CWF	41° 58' 29.92"	77° 42' 37.25"
WPA-SCR-012	37.0 feet	Wetland	CWF	41° 58' 24.72"	77° 42' 33.06"
WPA-SCR-010	330.0 feet	Wetland	CWF	41° 58' 25.52"	77° 42' 27.90"
WPA-SCR-009	24.0 feet	Wetland	CWF	41° 58' 27.62"	77° 42' 21.50"
WPA-SCR-008	19.0 feet	Wetland	CWF	41° 58' 27.18"	77° 42' 19.76"
WPA-SCR-002	11.0 feet	Wetland	CWF	41° 58' 33.41"	77° 41' 46.29"
WPA-SCR-003	243.0 feet	Wetland	CWF	41° 58' 32.47"	77° 41' 40.79"
WPA-SCR-003	111.0 feet	Wetland	CWF	41° 58' 36.53"	77° 41' 17.56"

All gas transmission lines under streambeds shall be constructed so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. The western terminus of TL-453 EXT1 is located along the eastern right-of-way of SR 0244 approximately 1,950 feet south of Genesee Township Road No. 410 and SR 0244 intersection. This permit also will authorize construction, operation, maintenance and removal of temporary construction crossings, causeways, stream diversions and cofferdams. All temporary structures shall be constructed of clean rock that is free of fines; and upon completion of construction activities, all temporary structures shall be removed with disturbed areas being restored to original contours and elevations. If upon investigation, the Department determines the gas transmission line and/or in-stream struc-

tures approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. Construction of the gas pipelines will permanently impact 1.63 acres of wetland, for which the permittee has agreed to replace 1.0 acre, enhance 0.1 acre and preserve 5.1 acres of wetlands for mitigating the permanent wetland impacts authorized by this permit.

**E53-416. Dominic DiFilippo and Gino J. DiFilippo**, 192 New Garden Road, Avondale, PA 19311. DiFilippo Private Bridges and Streambank Stabilization Project in Abbott Township, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle Latitude: 41° 38' 53"; Longitude: 77° 39' 29").

The applicant proposes to: (1) remove an existing streambank retaining wall along Germania Branch-Kettle

Creek and a residential dwelling within the floodway of the same waterway; (2) repair, operate and maintain 200 feet of streambank retaining wall; (3) repair, operate and maintain two existing footbridges across Germania Branch; and (4) construct, operate and maintain two private vehicular bridges across Germania Branch to provide access to private properties and existing residential dwellings. Repair of the existing streambank retaining wall will be limited to a poured concrete and/or concrete blocks that shall be constructed during stream low flow and dry work conditions by dam and pumping or diverting stream flow around the work area. The two vehicular bridges shall be constructed by complete spans of the stream channel providing for a maximum waterway opening. The project is located along the northern right-of-way of Rauch Road approximately 1,050 feet east of SR 0144 and Rauch Road intersection. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-481. Emory Cook**, 2119 Armstrong Valley Road, Halifax, PA 17032. Water Obstruction and Encroachment Joint Permit Application in Westfield Borough, **Tioga County**, ACOE Susquehanna River Basin District (Potter Brook, PA Quadrangle N: 41° 54' 25"; W: 77° 32' 2").

To construct and maintain a 50-foot long by 14-foot wide bridge, having an average underclearance of 5 feet on a skew of 90° over Mill Creek (CWF). The project is located along SR 0349 approximately 1 mile south of the intersection with SR 0049 in Westfield Borough, Tioga County. This project does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E02-1515. Riverlife Task Force**, 425 Sixth Avenue, Pittsburgh, PA 15219. To construct a new boat ramp and pedestrian path in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 11.35 inches; W: 0.70 and Latitude: 40° 26' 15", Longitude: 80° 01' 17"). To remove the existing boat ramp and to construct and maintain a new boat ramp, to construct and maintain a new pedestrian recreation path, concrete box planters, improvements to the bulkhead of the existing wall and replacing existing asphalt along the right bank of the Monongahela River (WWF) for the purpose of improving the existing Monongahela Wharf. The project is located approximately 1,500.0 feet upstream from the Fort Pitt Bridge, and will impact 2,017.0 linear feet of stream channel.

**E32-479. Department of Transportation**, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. To construct numerous culverts in the Conemaugh River in East and West Wheatfield Townships, **Indiana County**, Pittsburgh ACOE District (beginning from Bolivar, PA Quadrangle, N: 7.08 inches and W: 1.02 inches and Latitude 40° 27' 12"; Longitude 79° 8' 38"; and ending New Florence, PA Quadrangle, N: 6.87 inches and W: 3.64 inches and Latitude 40° 26' 58"; Longitude 79° 2' 58"). To construct and maintain: a 250 ft. long 36-inch diameter culvert, a 290-ft. long 30-inch diameter culvert, a 236-ft. long 36-inch diameter culvert and a 360-ft. long 36-inch diameter culvert in UNTs to the Conemaugh River; an 84-ft. long 24-inch diameter culvert and a 272-ft. long 36-inch diameter culvert in

UNTs to Blacklick Creek; a 260-ft. long 30-inch diameter culvert in a UNT to the West Branch Richards Run; a 128-ft. long 24-inch diameter culvert in a UNT to the East Branch Richards Run; a 184-ft. long 30-inch diameter culvert in a UNT to Ramsey Run; a 139-ft. long 48-inch diameter extension to an existing 197-ft. long 3-ft. by 3-ft. box culvert in a UNT to Blacklick Creek; a 135-ft. long 42 inch diameter extension to an existing 130-ft. long 4-ft. by 3-ft. box culvert in a UNT to the West Branch of Richards Run; 810-ft. of stream relocation to a UNT of Blacklick Creek; and 170-ft. of stream relocation in a UNT of West Branch Richards Run. In addition 0.38 acre of wetlands will be filled and maintained; 340-ft. of existing culverted stream channel will be opened in a UNT to Blacklick Creek; 170-ft. of existing culverted stream will be opened in a UNT to West Branch Richards Run; and construction and maintenance of road associated stormwater outfalls. All streams are Chapter 93 CWF and all drainage areas are less than 37 acres. Replacement wetlands have already been constructed at the AMD and Art Demonstration Project in Vintondale. Stream mitigation includes completed stream bank and crossing fencing at various farms. This project is associated with the larger, phased SR 0022 relocation and improvement work with this section (Section 494) starting approximately 5 miles east of Blairsville and extending east 4.5 miles located in West Wheatfield and East Wheatfield Townships.

**E63-586. Tanger Factory Outlet**, 3200 Northline Avenue, Greensboro, NC 27408. To construct a bridge in South Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 16.7"; W: 12.06"; Latitude: 40° 13' 09"; Longitude: 80° 12' 13"). To construct and maintain a 150-ft. of 20-ft. by 9-ft. concrete arch bridge in a UNT to Chartiers Creek (WWF) and fill in 0.27 acre of nearby wetland (PEM), to provide access (Tanger Boulevard) to a proposed commercial outlet center (Tanger Outlets at Victory Centre). In addition, another 605-ft. of various UNTs to Chartiers Creek (WWF) will be cumulatively filled, in association with the proposed development. The project is located off Race Track Road (SR 1041), approximately 0.2 mile east of this roadway's interchange with I-79. To compensate for these environmental impacts, the permittee will construct 0.58 acre of replacement wetland (0.34 acre PEM/0.24 acre PSS), restore 907-ft. Tributary 1 and reconstruct 197-ft. of Tributary 3. In additional three utility line stream crossings and associated temporary road crossings will be constructed. In addition, the permittee will restore 450-ft. of Tributary 6, to compensate for previously unauthorized activities.

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

**E20-544. Robert E. Thompson, Chairperson, Beaver Township Supervisors**, 3298 Parker Road, Springboro, PA 16435. T-338 Maples Road Bridge Replacement, in Beaver Township, **Crawford County**, ACOE Pittsburgh District (Beaver Center, PA Quadrangle N: 5.3 inches; W: 10.0 inches).

The applicant proposes to remove the existing bridge and to construct and maintain a stream crossing on T-338 (Maples Road) consisting of three HDPE plastic culvert pipes having a diameter of 4 feet and a length of 30 feet in the East Branch of Conneaut Creek approximately 1.1 mile North of the intersection of SR 198 and T-338 (Maples Road). Project includes wingwalls consisting of 2-foot by 2-foot by 6-foot concrete blocks and removal of a gravel deposit/channel realignment having a length of

approximately 50 feet. The existing structure was severely deteriorated and the proposed crossing has already been constructed under Emergency Permit No. EP2005605. East Branch of Conneaut Creek is a perennial stream classified as a CWF and a migratory fishery. The project proposes to directly impact approximately 100 feet of stream.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA 14-005. United States Fish and Wildlife Service**, 315 South Allen Street, State College, PA 16801. State College Elks Club Stream Restoration Project, Harris Township, **Centre County**. ACOE Baltimore District (State College, PA Quadrangle Latitude 40° 46' 45.89"; Longitude 77° 45' 39.69"). To restore 668 linear feet of stream on a UNT to Spring Creek (CWF). The project involves the installation of eight mounds, four water jacks, two rock vanes and one log vane. The floodplain will be raised to bankfull height on the right bank and two existing sand traps will be converted to wetlands. Approval of an Environmental Assessment is requested in conjunction with § 105.12(a)(16), Dam Safety and Waterway Management, regarding restoration activities.

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-008. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Allegheny Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,500 linear feet of dangerous highwall. The project will include the backfilling of 0.26 acre of PEM wetland that have developed within the open surface mine pit. 0.33 acre of replacement wetland will be constructed with the project. (Sunbury Quadrangle N: 7.25 inches; W: 10.5 inches).

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

**EA28-003CO. Dirk Schenk**, 10204 Amsterdam Road, Waynesboro, PA 17268, Washington Township, **Franklin County**, ACOE Baltimore District. To repair the embankment and remove accumulated sediment from an existing nonjurisdictional dam adjacent to a UNT to Red Run (CWF). The dam is located approximately 900 feet west of the intersection of Old Mill Road and Amsterdam Road (Smithsburg, MD-PA Quadrangle, Latitude 39° 44' 03"; Longitude: 77° 33' 08"). The project will impact 0.025-acre of PEM wetland. The wetland impact is considered de minimis, therefore replacement is not required.

---

#### Special Notice

---

#### Sewage Facilities Act Special Notice

---

#### Special Notice Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

---

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

#### Project Location:

Borough or Township	Borough or Township Address	County
Washington Township	11800 Edinboro Road Edinboro, PA 16412	Erie

*Project Description:* On March 22, 2007, the Department of Environmental Protection entered into a Consent Order and Agreement with Washington Township and the Washington Township Sewer Authority to, among other things, settle two separate EHB appeals, violations of The Clean Streams Law and address Washington's existing and future sewage flows in order to achieve compliance with The Clean Streams Law, the Sewage Facilities Act and all applicable Regulations by May 31, 2009.

[Pa.B. Doc. No. 07-603. Filed for public inspection April 6, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Wednesday, June 6, 2007, from 9:30 a.m. to 2:30 p.m. in the Commonwealth Keystone Building, Commonwealth Avenue and Forster Streets, Plaza Level, 125N Training Room A, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program (Program), Division of Newborn Screening and Genetics at (717) 783-8143.

Persons with a disability and who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Newborn Hearing Screening Program at (717) 783-8143 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-604. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.17 and 205.6(a) (relating to location; and function of building).

Pine Run Health Center  
777 Ferry Road  
Doylestown, PA 18901  
Facility ID 680502

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 Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotope, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-605. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Metabolic Screening Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program (Program), established under the Newborn Child Testing Act (35 P.S. §§ 621—625) will hold a public meeting on Wednesday, April 18, 2007, 10 a.m. to 3:30 p.m. at the Dixon University Center, Conference Room C, 2986 North Second Street, Harrisburg, PA.

For additional information, contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Disease Prevention and Identification at (717) 783-8143.

Persons with a disability and who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Program at (717) 783-8143 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-606. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization and terms and conditions of participation) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

### Maximum Allowable Prices

#### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Effective April 1, 2007, through June 30, 2007, the maximum allowable prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.25
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.46
4 oz. Kosher Infant Juice	\$0.65
8 oz. Kosher Infant Cereal	\$1.74
1 doz. Grade A Eggs	\$1.84
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.56
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.88
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.98
4 oz. Gerber Infant Juice	\$0.65
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.72
16 oz. Alimentum Advance Powder Formula	\$24.96
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.36
13 oz. Isomil Advance Concentrate Formula	\$4.51
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.55
12.9 oz. Isomil Advance Powder Formula	\$13.68
12.9 oz. Isomil 2 Advance Powder Formula	\$13.17
13 oz. Isomil with Iron Concentrate Formula	\$5.21
12.9 oz. Isomil with Iron Powder Formula	\$12.76
32 oz. Isomil DF Ready-to-Feed Formula	\$6.65
13 oz. Nutramigen Lipil Concentrate Formula	\$6.71
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.31
16 oz. Nutramigen Lipil Powder Formula	\$24.26
8 oz. Pediasure Ready-to-Feed Formula	\$1.82
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.88

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Advance Concentrate Formula	\$4.11
32 oz. Similac Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Similac Advance Powder Formula	\$12.70
12.9 oz. Similac 2 Advance Powder Formula	\$12.08
13 oz. Similac with Iron Concentrate Formula	\$3.82
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.08
12.9 oz. Similac with Iron Powder Formula	\$12.24
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.56
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.67
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.75
12.8 oz. Similac Neosure Advance Powder Formula	\$14.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.08
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.91
16 oz. Dry Milk	\$5.44
1 doz. Grade A Eggs	\$1.77
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.86
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.36
1 oz. Adult WIC Cereal	\$0.28
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.65

<i>Description</i>	<i>Competitive Prices</i>
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.90
4 oz. Gerber Infant Juice	\$0.65
13 oz. Isomil Advance Concentrate Formula	\$4.51
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.55
12.9 oz. Isomil Advance Powder Formula	\$13.68
13 oz. Similac Advance Concentrate Formula	\$4.11
32 oz. Similac Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Similac Advance Powder Formula	\$12.70

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective April 1, 2007, through June 30, 2007, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.25
12 oz. Evaporated Milk	\$1.06
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.46
4 oz. Kosher Infant Juice	\$0.67
8 oz. Kosher Infant Cereal	\$1.85
1 doz. Grade A Eggs	\$1.90
1 lb. Fresh Carrots	\$1.15
14 to 16 oz. Canned Carrots	\$1.15
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.76
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.99
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.67
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.89
16 oz. Alimentum Advance Powder Formula	\$25.38

<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Competitive Prices</i>
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.74	1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.08
13 oz. Isomil Advance Concentrate Formula	\$4.82	1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.49	12 oz. Evaporated Milk	\$1.00
12.9 oz. Isomil Advance Powder Formula	\$14.40	16 oz. Dry Milk	\$5.54
12.9 oz. Isomil 2 Advance Powder Formula	\$14.45	1 doz. Grade A Eggs	\$1.83
13 oz. Isomil with Iron Concentrate Formula	\$5.49	1 lb. Fresh Carrots	\$1.12
12.9 oz. Isomil with Iron Powder Formula	\$13.70	14 to 16 oz. Canned Carrots	\$1.12
32 oz. Isomil DF Ready-to-Feed Formula	\$6.65	1 lb. Cheese	\$5.93
13 oz. Nutramigen Lipil Concentrate Formula	\$7.02	1 lb. Kosher Cheese	\$8.67
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.67	1 lb. Dry Beans or Peas	\$1.53
16 oz. Nutramigen Lipil Powder Formula	\$25.46	1 oz. Adult WIC Cereal	\$0.31
8 oz. Pediasure Ready-to-Feed Formula	\$2.00	8 oz. Gerber Infant Cereal	\$1.85
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.08	15 to 18 oz. Peanut Butter	\$2.56
13 oz. Similac Advance Concentrate Formula	\$4.47	46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.75
32 oz. Similac Advance Ready-to-Feed Formula	\$6.56	6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
12.9 oz. Similac Advance Powder Formula	\$13.50	4 oz. Gerber Infant Juice	\$0.67
12.9 oz. Similac 2 Advance Powder Formula	\$12.85	13 oz. Isomil Advance Concentrate Formula	\$4.82
13 oz. Similac with Iron Concentrate Formula	\$4.29	32 oz. Isomil Advance Ready-to-Feed Formula	\$6.49
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.04	12.9 oz. Isomil Advance Powder Formula	\$14.40
12.9 oz. Similac with Iron Powder Formula	\$12.94	13 oz. Similac Advance Concentrate Formula	\$4.47
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.82	32 oz. Similac Advance Ready-to-Feed Formula	\$6.56
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.34	12.9 oz. Similac Advance Powder Formula	\$13.50
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.35		
12.8 oz. Similac Neosure Advance Powder Formula	\$15.49		

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective April 1, 2007, through June 30, 2007, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.25
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.30
1/2 gal. Kosher Milk	\$2.46
4 oz. Kosher Infant Juice	\$0.70
8 oz. Kosher Infant Cereal	\$1.96
1 doz. Grade A Eggs	\$1.90

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.76
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.99
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.70
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.05
16 oz. Alimentum Advance Powder Formula	\$26.24
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.13
13 oz. Isomil Advance Concentrate Formula	\$5.21
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.11
12.9 oz. Isomil 2 Advance Powder Formula	\$15.74
13 oz. Isomil with Iron Concentrate Formula	\$5.76
12.9 oz. Isomil with Iron Powder Formula	\$14.64
32 oz. Isomil DF Ready-to-Feed Formula	\$6.65
13 oz. Nutramigen Lipil Concentrate Formula	\$7.34
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.25
16 oz. Nutramigen Lipil Powder Formula	\$26.11
8 oz. Pediasure Ready-to-Feed Formula	\$2.11
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.30
13 oz. Similac Advance Concentrate Formula	\$4.87
32 oz. Similac Advance Ready-to-Feed Formula	\$7.39
12.9 oz. Similac Advance Powder Formula	\$14.29
12.9 oz. Similac 2 Advance Powder Formula	\$14.10
13 oz. Similac with Iron Concentrate Formula	\$4.83
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.02
12.9 oz. Similac with Iron Powder Formula	\$13.81
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.21
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.14

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.10
12.8 oz. Similac Neosure Advance Powder Formula	\$16.95

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.08
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.54
1 doz. Grade A Eggs	\$1.83
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$5.93
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.75
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
4 oz. Gerber Infant Juice	\$0.70
13 oz. Isomil Advance Concentrate Formula	\$5.21
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.11
13 oz. Similac Advance Concentrate Formula	\$4.87
32 oz. Similac Advance Ready-to-Feed Formula	\$7.39
12.9 oz. Similac Advance Powder Formula	\$14.29

### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of

the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

### Maximum Allowable Prices

Effective April 1, 2007, through June 30, 2007, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.28
12 oz. Evaporated Milk	\$1.04
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.46
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.93
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.70
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.85
16 oz. Alimentum Advance Powder Formula	\$25.18
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.65
13 oz. Isomil Advance Concentrate Formula	\$4.72
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65
12.9 oz. Isomil Advance Powder Formula	\$14.49
12.9 oz. Isomil 2 Advance Powder Formula	\$13.95
13 oz. Isomil with Iron Concentrate Formula	\$5.61
12.9 oz. Isomil with Iron Powder Formula	\$13.25
32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
13 oz. Nutramigen Lipil Concentrate Formula	\$6.76
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.47
16 oz. Nutramigen Lipil Powder Formula	\$25.14
8 oz. Pediasure Ready-to-Feed Formula	\$2.05
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.01

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15
12.9 oz. Similac Advance Powder Formula	\$13.77
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
13 oz. Similac with Iron Concentrate Formula	\$4.22
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.46
12.9 oz. Similac with Iron Powder Formula	\$13.28
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.33
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.12
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.85
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.96
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.46
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.85

<i>Description</i>	<i>Competitive Prices</i>	<i>Description</i>	<i>Maximum Allowable Price</i>
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.03	12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.59
4 oz. Gerber Infant Juice	\$0.68	13 oz. Isomil Advance Concentrate Formula	\$5.09
13 oz. Isomil Advance Concentrate Formula	\$4.72	32 oz. Isomil Advance Ready-to-Feed Formula	\$7.29
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65	12.9 oz. Isomil Advance Powder Formula	\$15.10
12.9 oz. Isomil Advance Powder Formula	\$14.49	12.9 oz. Isomil 2 Advance Powder Formula	\$14.83
13 oz. Similac Advance Concentrate Formula	\$4.40	13 oz. Isomil with Iron Concentrate Formula	\$5.80
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15	12.9 oz. Isomil with Iron Powder Formula	\$13.94
12.9 oz. Similac Advance Powder Formula	\$13.77	32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
<b>Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties</b>			
Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.			
<b>Maximum Allowable Prices</b>			
Effective April 1, 2007, through June 30, 2007, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:			
<i>Description</i>	<i>Maximum Allowable Price</i>		
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.31	13 oz. Nutramigen Lipil Concentrate Formula	\$7.19
12 oz. Evaporated Milk	\$1.09	32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.03
16 oz. Dry Milk	\$5.90	16 oz. Nutramigen Lipil Powder Formula	\$25.95
1 qt. Lactose Reduced Milk	\$2.23	8 oz. Pediasure Ready-to-Feed Formula	\$2.11
1/2 gal. Kosher Milk	\$2.73	8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.16
4 oz. Kosher Infant Juice	\$0.71	13 oz. Similac Advance Concentrate Formula	\$4.75
8 oz. Kosher Infant Cereal	\$1.92	32 oz. Similac Advance Ready-to-Feed Formula	\$6.95
1 doz. Grade A Eggs	\$1.95	12.9 oz. Similac Advance Powder Formula	\$14.27
1 lb. Fresh Carrots	\$1.15	12.9 oz. Similac 2 Advance Powder Formula	\$13.76
14 to 16 oz. Canned Carrots	\$1.15	13 oz. Similac with Iron Concentrate Formula	\$4.64
1 lb. Cheese	\$6.64	32 oz. Similac with Iron Ready-to-Feed Formula	\$6.41
1 lb. Kosher Cheese	\$8.90	12.9 oz. Similac with Iron Powder Formula	\$13.66
1 lb. Dry Beans or Peas	\$1.76	13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.11
1 oz. Adult WIC Cereal	\$0.33	32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.89
8 oz. Gerber Infant Cereal	\$1.92	12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.02
15 to 18 oz. Peanut Butter	\$3.30	12.8 oz. Similac Neosure Advance Powder Formula	\$16.54
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15		
6 oz. Cans Juice	\$1.46	A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.	
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15	<b>Competitive Prices</b>	
4 oz. Gerber Infant Juice	\$0.71	To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:	
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.29		
16 oz. Alimentum Advance Powder Formula	\$26.48		

<i>Description</i>	<i>Competitive Prices</i>	<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.12	1 lb. Fresh Carrots	\$1.16
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.68	14 to 16 oz. Canned Carrots	\$1.16
12 oz. Evaporated Milk	\$1.03	1 lb. Cheese	\$6.64
16 oz. Dry Milk	\$5.68	1 lb. Kosher Cheese	\$8.90
1 doz. Grade A Eggs	\$1.90	1 lb. Dry Beans or Peas	\$1.76
1 lb. Fresh Carrots	\$1.12	1 oz. Adult WIC Cereal	\$0.36
14 to 16 oz. Canned Carrots	\$1.12	8 oz. Gerber Infant Cereal	\$2.06
1 lb. Cheese	\$5.82	15 to 18 oz. Peanut Butter	\$3.30
1 lb. Kosher Cheese	\$8.67	46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
1 lb. Dry Beans or Peas	\$1.53	6 oz. Cans Juice	\$1.46
1 oz. Adult WIC Cereal	\$0.33	6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
8 oz. Gerber Infant Cereal	\$1.92	4 oz. Gerber Infant Juice	\$0.74
15 to 18 oz. Peanut Butter	\$2.89	32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.74
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.86	16 oz. Alimentum Advance Powder Formula	\$27.77
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.05	12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$15.53
4 oz. Gerber Infant Juice	\$0.71	13 oz. Isomil Advance Concentrate Formula	\$5.52
13 oz. Isomil Advance Concentrate Formula	\$5.09	32 oz. Isomil Advance Ready-to-Feed Formula	\$7.93
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.29	12.9 oz. Isomil Advance Powder Formula	\$16.03
12.9 oz. Isomil Advance Powder Formula	\$15.10	12.9 oz. Isomil 2 Advance Powder Formula	\$16.11
13 oz. Similac Advance Concentrate Formula	\$4.75	13 oz. Isomil with Iron Concentrate Formula	\$5.98
32 oz. Similac Advance Ready-to-Feed Formula	\$6.95	12.9 oz. Isomil with Iron Powder Formula	\$15.12
12.9 oz. Similac Advance Powder Formula	\$14.27	32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
<b>Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties</b>			
Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.			
<b>Maximum Allowable Prices</b>			
Effective April 1, 2007, through June 30, 2007, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:			
<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.33	13 oz. Similac with Iron Concentrate Formula	\$5.10
12 oz. Evaporated Milk	\$1.13	32 oz. Similac with Iron Ready-to-Feed Formula	\$7.36
16 oz. Dry Milk	\$5.90	12.9 oz. Similac with Iron Powder Formula	\$14.51
1 qt. Lactose Reduced Milk	\$2.30	13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.56
1/2 gal. Kosher Milk	\$3.00	32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.51
4 oz. Kosher Infant Juice	\$0.74		
8 oz. Kosher Infant Cereal	\$2.06		
1 doz. Grade A Eggs	\$1.97		

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$16.08
12.8 oz. Similac Neosure Advance Powder Formula	\$17.84

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

#### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.31
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.92
12 oz. Evaporated Milk	\$1.11
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.95
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.06
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.87
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.07
4 oz. Gerber Infant Juice	\$0.74
13 oz. Isomil Advance Concentrate Formula	\$5.52
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.93
12.9 oz. Isomil Advance Powder Formula	\$16.03
13 oz. Similac Advance Concentrate Formula	\$5.16
32 oz. Similac Advance Ready-to-Feed Formula	\$7.74
12.9 oz. Similac Advance Powder Formula	\$15.11

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA

17120 or for speech or hearing impaired persons, the Pennsylvania AT&T Relay Services at (800) 654-5984 or V/TT (717) 783-6514.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-607. Filed for public inspection April 6, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania 7-11-21 '07 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 7-11-21 '07.

2. *Price:* The price of a Pennsylvania 7-11-21 '07 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania 7-11-21 '07 instant lottery game ticket features a play area and a "PRIZE" area. The play area will contain "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 12 (TWLV), 13 (THRNTN), 14 (FORTN) and 15 (FIFTN).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$11\$ (ELEVN), \$20\$ (TWENTY), \$21\$ (TWY ONE), \$40\$ (FORTY), \$100 (ONE HUN), \$210 (TWOHUNTEN) and \$2,100 (TWYONE HUN).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$5, \$7, \$10, \$11, \$20, \$21, \$40, \$100, \$210 and \$2,100. The player can win up to 3 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania 7-11-21 '07 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$2,100 (TWYONEHUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2,100.

(b) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$210 (TWOHUNTEN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$210.

(c) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$21\$ (TWY ONE) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$21.

(f) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$11\$ (ELEVN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$11.

(h) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$7.

(j) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(m) Holders of tickets where the three play symbols total 7, 11 or 21 in the same "GAME" and a prize symbol of FREE (TICKET) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania 7-11-21 '07 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:

*Add Your Numbers for Games 1-4. When the Total Is 7, 11 or 21 In Any Game, Win With Prizes of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
FREE TICKET	TICKET	12	1,000,000
\$1	\$1	60	200,000
\$1 × 2	\$2	30	400,000
\$2	\$2	30	400,000
(\$2 × 2) + \$1	\$5	100	120,000
\$5	\$5	75	160,000
\$2 + \$5	\$7	150	80,000
\$7	\$7	200	60,000
\$5 × 2	\$10	600	20,000
\$10	\$10	600	20,000
\$11	\$11	300	40,000
\$10 × 2	\$20	1,000	12,000
\$20	\$20	1,500	8,000
\$7 × 3	\$21	3,000	4,000
(\$10 × 2) + \$1	\$21	3,000	4,000
\$10 + \$11	\$21	3,000	4,000
\$21	\$21	1,500	8,000
(\$10 × 2) + \$20	\$40	4,800	2,500
\$20 × 2	\$40	4,800	2,500
\$40	\$40	4,800	2,500
(\$40 × 2) + \$20	\$100	17,143	700
\$100	\$100	17,143	700
(\$100 × 2) + \$10	\$210	60,000	200
\$210	\$210	60,000	200
\$2,100	\$2,100	1,200,000	10

Each GAME is played separately.

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 7-11-21 '07 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 7-11-21 '07, prize money from winning Pennsylvania 7-11-21 '07 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 7-11-21 '07 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 7-11-21 '07 or through normal communications methods.

THOMAS W. WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 07-608. Filed for public inspection April 6, 2007, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Environmental Quality Board Meeting Cancellation

The April 17, 2007, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Wednesday, May 16, 2007, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the meeting will be available on the Department of Environmental Protection's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "EQB").

Questions concerning the Board's next scheduled meeting may be directed to Natasha Harley at (717) 783-8727 or [nharley@state.pa.us](mailto:nharley@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-609. Filed for public inspection April 6, 2007, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Reg. No.	Agency/Title	Close of	
		the Public	IRRC
		Comments	Comments
		Period	Issued
125-54	Pennsylvania Gaming Control Commission Compulsive and Problem Gambling; Self-Exclusion	2/26/07	3/28/07

### Pennsylvania Gaming Control Board Regulation #125-54 (IRRC #2589)

#### Compulsive and Problem Gambling; Self Exclusion March 28, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the January 27, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

#### 1. Section 501a.1. Definitions.—Protection of the public health, safety and welfare; Clarity.

##### *Compulsive and problem gambling and compulsive and problem gambler*

The terms are used throughout this rulemaking but are not defined. The Board has explained that there is a difference between "compulsive gambling" and "problem gambling." We recommend that the terms "compulsive gambling" and "problem gambling" be defined. This would assist the regulated community with the development, administration and enforcement of the required compulsive and problem gambling plans and self-exclusion lists contained in this rulemaking.

##### *Qualified treatment professional*

Representative Paul Clymer, Republican Chairman of the House Gaming Oversight Committee, has expressed concern with this definition. He believes the definition lacks clarity because it does not specify the type of training a qualified treatment professional should have to treat a compulsive gambler. The National Association of

Social Workers, Pennsylvania Chapter, and the Pennsylvania Psychological Association have expressed similar concerns.

We agree with these commentators. In order to protect compulsive or problem gamblers from being referred to or treated by unqualified treatment professionals, we recommend that the final-form regulation contain the criteria or process whereby a person is recognized as a "qualified treatment professional." The regulation should identify the specific types of certification, licensure or degrees, or experience necessary. The regulation could also set forth specific training, education, professional or vocational standards for the professionals that will treat compulsive and problem gamblers.

There are additional references to treatment professionals or organizations elsewhere in the regulation. For example, Section 501a.2(c)(3)(v) includes the term: "qualified treatment professionals, including mental health, behavioral health and other professions and to community compulsive gambling organizations." Section 501a.3(a)(5) refers to "community, public and private treatment services." Sections 501a.3(b) and (g) include the term "person with specialized knowledge, skill, training or experience in responsible gaming employee training programs." Rather than using different terms within the substantive provisions of the regulation, the final-form regulation should use the defined term "qualified treatment professional." In addition, the definition of "qualified treatment professional" should specify the different types of practitioners and programs that are encompassed by this term.

**2. Section 501a.2. Compulsive and problem gambling plan.—Statutory authority; Legislative intent; Protection of the public health, safety and welfare; Reasonableness; Implementation procedures; Clarity.**

Subsection (a) states that a slot machine licensee must submit a compulsive and problem gambling plan when it submits its application for a license and cannot commence operations until the plan is approved by the Board. How does the Board notify a licensee of its approval or disapproval? If the plan is disapproved, does the licensee have an opportunity to provide additional information or amend its plan to secure approval? These procedures should be included in the final-form regulation.

Subsection (c)(3) states that a "compulsive and problem gambling plan" must contain "policies and procedures" that include a list of items. It is unclear how licensees would write and implement "policies and procedures" for some of the items in the list.

For example, Subsection (c)(3)(iii) reads: "The responsibility of patrons with respect to responsible gambling." What types of policies and procedures would be written for this? How and when would licensees implement "policies and procedures" concerning their "patrons" and "responsible gambling"?

Under Subsection (c)(3)(vi), a licensee's plan must include procedures for referral of suspected or known compulsive and problem gamblers to qualified treatment professionals. This subsection states that this provision does not "create a duty for licensed facilities or its employees to refer compulsive and problem gamblers to qualified treatment professionals." We note that Section 1102 of the Pennsylvania Race Horse Development and Gaming Act (Act) (4 Pa.C.S. §§ 1101—1904) lists the public policy purposes and objectives of the General Assembly pertaining to the Act. Section 1102(10) states the following:

The public interest of the citizens of this Commonwealth and the social effect of gaming shall be taken into consideration in any decision or order made pursuant to this part.

How is the public adequately protected from the negative social effects of gaming if a licensee is not required to refer suspected or known compulsive and problem gamblers to qualified treatment professionals? The Board should explain how this subsection meets the legislative intent of the General Assembly.

In Subsection (c)(11), what is the intent of the reference to an "outreach program"?

Subsection (c)(12) references "Board-approved signs." How will the Board approve the signs? Are there any prerequisites for the signs? What criteria will be used to determine if the signs are acceptable and legible? This information should be included in the final-form regulation.

Subsection (c)(13) states that a plan must include, "Other policies and procedures to encourage responsible gambling." We have two concerns. First, what other policies or procedures would be acceptable? Second, if the Board keeps this provision in the final-form regulation, we recommend that it be amended to read: "Other policies and procedures to *prevent compulsive and problem gambling*." We believe this language is more consistent with the intent of the plan.

Subsection (e) requires a slot machine licensee to submit amendments to the plan to the Board for review and approval prior to implementation of the plan. The timeframes associated with the submittal by the licensee and review by the Board should be included in the final-form regulation.

**3. Section 501a.3. Employee training program.—Implementation procedures; Clarity.**

Subsection (a)(10) requires training to include procedures to prevent self-excluded persons from receiving any advertisement, promotion or target mailing after 90 days of a receiving notice from the Board that the person has been placed on the self-exclusion list. We have two questions. First, what is the basis for the 90-day period? Second, why isn't the 90-day period referenced in Section 503a.4, which relates to duties of slot machine licensees?

Subsection (b) requires permanent employees to be trained "within timetables approved by the Board for the completion of the training." We recommend that the timetables be included in the final-form regulation.

Subsection (d) requires certain employees to receive "periodic" reinforcement training that must be "reported in a manner prescribed by the Board." These requirements are vague. A specific time period for reinforcement training and the manner for reporting it should be included in the final-form regulation.

What procedures will the Board use to review and approve a slot machine licensee's Internet-based training program under Subsection (g)? This should be included in the final-form regulation. In addition, why is Board approval necessary for Internet programs but not for "in-house" programs?

**4. Section 501a.5. Liability.—Statutory authority; Legislative intent; Protection of the public health, safety and welfare.**

Under this section, a slot machine licensee or an employee of the licensee will not be liable for damages in any civil action, which is based on one of the following:

(1) Failure to include any of the requirements of this chapter in its compulsive and problem gambling plan under this chapter;

(2) Compliance or noncompliance with this section or a plan adopted under this chapter;

(3) An action or failure to take action under this chapter or a plan adopted under this chapter;

(4) Failure to withhold gambling privileges from an individual; and

(5) Permitting an individual to gamble.

Section 1516(c) of the Act provides that gaming entities or employees are not liable in any judicial proceedings that arise as a result of certain instances that relate only to self-excluded persons. However, this regulatory provision far exceeds the statutory limitations.

We have two questions. First, what is the Board's statutory authority for extending immunity to and limiting the liability of licensees beyond instances involving self-excluded persons? Second, how is this immunity consistent with the legislative intent of Section 1102(10) of the Act?

**5. Section 501a.6. Signage requirements.—Implementation procedures; Clarity.**

Subsection (a) and (b) pertain to text that must be included on signage posted in slot machine licensed facilities and on marketing or advertising material of licensed facilities and junket licensees. Both subsections note that the text to be included "will be determined by the Board." Will the text differ for each facility or licensee? How will the Board inform the licensees of the correct standards or legibility requirements? This information should be included in the final-form regulation.

**6. Section 501a.7. Check cashing.—Legislative intent; Implementation procedures; Clarity.**

Subsection (a) prohibits certain parties involved with gaming from cashing certain types of checks payable to an individual. Examples of the types of checks include Social Security and disability payment. This subsection concludes with the phrase, "to enable the individual to take part in gaming." How would a party be able to determine what the individual will do with the cash from the check? In order to meet the legislative intent of the Act as noted in Section 1102(10), we recommend that the listed parties in this subsection be prohibited from cashing any of the types of checks listed.

**7. Section 503a.2. Request for self-exclusion.—Statutory authority; Legislative intent; Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

This section does not inform a person where they must go to have their name placed on the self-exclusion list. The Board's form entitled "Request for Voluntary Self-Exclusion from Gaming Activities" states that a person can place their name on the list by filing the form, in person, with the Board. The location listed for the Board is in Harrisburg, PA. As Representative Clymer noted, this requirement would be burdensome to a compulsive gambler. In order to assist potential compulsive and problem gamblers with filing these forms, we recommend that the regulation be amended to indicate that persons may apply to have their names placed on the self-exclusion list at any of the Board's offices located at licensees' facilities across the Commonwealth. We believe that allowing individuals to self-exclude at a slot machine licensed facility will be less burdensome on individuals

that choose to self-exclude and help the Board meet the legislative intent of Section 1102(10) of the Act.

The phrase "form and manner prescribed by the Board" is used in Sections 503a.2(a) and 503a.4(f). The phrase "form prescribed by the Board" is used in Section 503a.5(b). These sections lack details that would allow the regulated community to comply with the regulation. These sections also fail to provide the criteria that the Board will use to evaluate a particular action or request. The Board should either delete the vague phrases or add the needed detail that would allow the regulated community to know what they are expected to do and how the Board will evaluate their actions.

If the information originally provided to the Board by an individual changes, Subsection (d) requires that individual to update the Board within 30 days. How and where would an individual update that information? This information should be included in the final-form regulation.

Subsection (f)(3) uses the term "problem gambler." Is there a reason the term "compulsive and problem gambler" is not used?

Section (f)(6) releases the Commonwealth, the Board and all slot machine licensees from certain liabilities under four enumerated circumstances. The circumstances listed in Subsections (f)(6)(i) and (ii) can be found in Section 1516(c) of the Act. We have two concerns. First, similar to our comment on Section 501a.5, what is the Board's statutory authority for including the circumstances contained in Subsection (f)(6)(iii), which pertains to disclosure by a slot machine licensee of information regarding a self-excluded person to any person or group and Subsection (f)(6)(iv), which pertains to disclosure of information regarding a self-excluded person by the Board?

Second, people that may be considering self-exclusion need to know that any information provided to either a slot machine licensee or the Board will remain confidential. If those people do not have that sense of security, they may decide not to self-exclude. How do the provisions contained in Subsections (f)(6)(iii) and (iv) adequately protect the citizens of this Commonwealth from the potential negative effects of gaming? How is this immunity consistent with the legislative intent of Section 1102(10) of the Act?

**8. Section 503a.3. Self-exclusion list.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

Subsection (a) requires the Board to maintain the official self-exclusion list and to notify each slot machine licensee of any changes to the list by either first class mail or electronic means. How soon after the Board becomes aware of a change will it notify the licensees? Failure to notify the licensees in an expeditious manner could be problematic for the compulsive or problem gambler. We recommend that the final-form regulation be amended to require immediate or 24-hour notification.

The phrase "gaming activity" is used in Subsection (g). What is meant by this phrase? We recommend that this term be defined. The phrase "gaming activities" is also used in Section 503a.4(f).

**9. Section 503a.4. Duties of slot machine licensees.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

Under Subsection (a)(1)(ii), who are "designated representatives of the Board" and how will licensees be

required to contact them? How quickly must the notification take place? This information should be included in the final-form regulation.

Subsection (b) states, in part, the following: "If the Board does not object to the procedures or amendments thereto, the procedures or amendments shall be deemed to be approved." What is the deadline for the Board to act? When will the licensee be notified that the training procedures and materials or amendments have been approved?

Signs stating that a person who is on the self-exclusion list may be subject to arrest for trespassing must be posted at all entries to a licensed facility under Subsection (c). We have two questions. First, similar to the provisions found in Section 501a.6, pertaining to signage requirements, is Board approval of the signs required? If it is, we recommend that the procedures for Board approval be included in the final-form regulation. Second, if Board approval of the signs is not required, are there any size or legibility prerequisites for the signs? If so, they should be included in the final-form regulation.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-610. Filed for public inspection April 6, 2007, 9:00 a.m.]

The proposed effective date is July 1, 2007. The filing will impact approximately 4,500 members and will result in additional revenue of approximately \$5.2 million.

Unless formal administrative action is taken prior to June 20, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-612. Filed for public inspection April 6, 2007, 9:00 a.m.]

**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of a 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.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-68	Department of Labor and Industry Qualifications for Vocational Experts	3/23/07	5/3/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-611. Filed for public inspection April 6, 2007, 9:00 a.m.]

**Application for Merger**

An application has been received requesting approval of the merger of Significa Insurance Group, Inc., an admitted stock life insurance company organized under the laws of the Commonwealth, with and into Peninsular Life Insurance Company, an admitted stock life insurance company organized under the laws of the State of Florida. An application was previously filed by Peninsular Life requesting approval for the redomestication from the State of Florida to the Commonwealth. The application for redomestication is currently under review by the Insurance Department (Department). The initial filing was received on March 23, 2007, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P.S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Department within 7 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [cbybee@state.pa.us](mailto:cbybee@state.pa.us).

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-613. Filed for public inspection April 6, 2007, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Aetna Health, Inc.; Individual Advantage Plans—  
Superior and Standard; Rate Filing**

On March 26, 2007, the Insurance Department (Department) received from Aetna Health, Inc. a filing requesting to increase the Individual Advantage Plan (Superior and Standard) rates by 22.5%.

### Application and Request for a Certificate of Authority

Homewood at Martinsburg PA, Inc. has applied for a Certificate of Authority to operate a continuing care retirement community at Homewood in Martinsburg PA, Inc. in Martinsburg, PA. The filing was received on March 26, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-614. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Children's Health Insurance Program Advisory Council Meeting

The Insurance Department (Department) has scheduled a meeting of the Children's Health Advisory Council (Council) on Wednesday, April 25, 2007, at 1 p.m. in the Independent Regulatory Review Commission's Conference Room, 14th Floor, 333 Market Street, Harrisburg, PA 17120. The Children's Health Care Act (40 P. S. §§ 991.2301—991.2361) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in the Children's Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Barb Seiler, Insurance Department, 1300 Strawberry Square, Harrisburg, PA 17120, (717) 787-4298, at least 24 hours in advance so that arrangements can be made.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-615. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Workers' Compensation Security Fund Assessment; Notice No. 2007-01

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund).

Section 5(1) of the Workers' Compensation Security Fund Act (act) (77 P. S. § 1059(1)) states ". . . If, due to payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the Department shall require contributions to maintain the actuarial soundness

of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of the evaluation date of December 31, 2006, the balance of the fund was \$514,274,543.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2007.

The act may be viewed at [www.ncigf.org](http://www.ncigf.org) under Guaranty Fund Laws and the rules and regulations may be viewed at [www.pacode.com](http://www.pacode.com) Title 31, Chapter 165. Additional information regarding the Fund is located on the Department's website under Liquidations, Rehabilitations, and Special Funds at [www.ins.state.pa.us](http://www.ins.state.pa.us).

No acknowledgement of this notice is required.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-616. Filed for public inspection April 6, 2007, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Allegheny County, Wine & Spirits Shoppe #0288, 530-A Castle Village SC, Pittsburgh, PA 15236.

*Lease Expiration Date:* January 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment within 3/4 mile of the intersection of Weyman and Baptist Roads in Whitehall.

*Proposals due:* April 27, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Cambria County, Wine & Spirits Shoppe #1106, 881 Hills Plaza Drive, Ebensburg, PA 15931.

*Lease Expiration Date:* February 29, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in a shopping center environment along Route 22 outside of Ebensburg.

*Proposals due:* April 27, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2520, 9135 Ridge Avenue, Girard, PA 16417.

*Lease Expiration Date:* February 29, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center

environment along Route 20 serving Girard and Fairview.  
*Proposals due:* April 27, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

McKean County, Wine & Spirits Shoppe #4202, 124 Fraley Street, Kane, PA 16735.

*Lease Expiration Date:* January 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space in Kane.

*Proposals due:* April 27, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6515, 2509 Leechburg Road, Lower Burrell, PA 15068.

*Lease Expiration Date:* January 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 4,500 net useable square feet of new or existing retail commercial space within a 1/2 mile of the intersection of Leechburg and Tarentum Roads in Lower Burrell.

*Proposals due:* April 27, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

PARTICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 07-617. Filed for public inspection April 6, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 30. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00123585. Executive Car & Limousine Service, Inc.** (1009 Hearthstone Way, Lewisburg, Union County, PA 17837), a corporation of the Commonwealth—persons in limousine service, from points in the Counties of Union and Lycoming, to points in Pennsylvania, and return. *Attorney:* Fred P. Rinaldi, P. O. Box 826, Scranton, PA 18501.

**A-00123588. Concorde Limousine, Inc.** (900 Route 33, Freehold, NJ 07728), a corporation of the State of New Jersey—persons, in limousine service, between points in Pennsylvania.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-00123594. F2. DM Fuhrer, LLC.** (450 Butler Street, Pittsburgh, Allegheny County, PA 15223), a limited liability company of the Commonwealth—household goods in use: (1) between points in the City of Pittsburgh, Allegheny County; (2) from points in the City of Pittsburgh, Allegheny County, to points within 30 miles by the usually traveled highways of the limits of the said city and vice versa; which is to be a transfer of all the rights authorized under the certificate issued to Advanced Transfer, Inc., at A-00101795, subject to the same limitations and conditions. *Attorney:* Ray F. Middleman, 117 VIP Drive, Wexford, PA 15090.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00111389. John D'Allura** (326 Lewis Road, Broomall, Delaware County, PA 19008)—discontinuance of service—(1) funeral accessories, between points in the City and County of Philadelphia and within an airline radius of 30 miles of City Hall in said city; (2) persons in limousine service, attending funerals and flowers for funerals between points in the City and County of Philadelphia and within an airline distance of 30 miles of City Hall in said city; and (3) persons in limousine service, attending weddings or christening parties to or from homes of weddings or christening parties and churches or places at which marriage ceremonies or christening services are performed in the City and County of Philadelphia.

**A-00118527. Houston H. Pincham t/a H. H. Pincham Moving Co.** (810 Mahoning Avenue, Youngstown, Mahoning County, OH 44502)—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier, household goods in use, for Mercer County Housing Authority, between points in the County of Mercer and from points in said county, to points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-618. Filed for public inspection April 6, 2007, 9:00 a.m.]

## Telecommunications

**A-310651F7014. Buffalo Valley Telephone Company and Service Electric Telephone Company, LLC.** Joint petition of Buffalo Valley Telephone Company and Service Electric Telephone Company, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Buffalo Valley Telephone Company and Service Electric Telephone Company, LLC, by its counsel, filed on March 20, 2007, 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 Buffalo Valley Telephone Company and Service Electric Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-619. Filed for public inspection April 6, 2007, 9:00 a.m.]

## Telecommunications

**A-310651F7015. Conestoga Telephone and Telegraph Company and Service Electric Telephone Company, LLC.** Joint petition of Conestoga Telephone and Telegraph Company and Service Electric Telephone Company, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Conestoga Telephone and Telegraph Company and Service Electric Telephone Company, LLC, by its counsel, filed on March 20, 2007, 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 Conestoga Telephone and Telegraph Company and Service Electric Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-620. Filed for public inspection April 6, 2007, 9:00 a.m.]

## Telecommunications

**A-310651F7006. Denver and Ephrata Telephone and Telegraph Company and Service Electric Telephone Company, LLC.** Joint petition of Denver and Ephrata Telephone and Telegraph Company and Service Electric Telephone Company, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Denver and Ephrata Telephone and Telegraph Company and Service Electric Telephone Company, LLC, by its counsel, filed on March 20, 2007, 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 Denver and Ephrata Telephone and Telegraph Company and Service Electric Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-621. Filed for public inspection April 6, 2007, 9:00 a.m.]

## Telecommunications Service

**A-311444F0002AMA. Infinite Communication, LLC.** Application of Infinite Communication, LLC, for approval to offer, render, furnish or supply telecommunications services as a facilities-based UNE-P reseller of competitive local exchange to the public in the service territory of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania.

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 April 23, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Infinite Communication, LLC

*Through and By Counsel:* Melissa Conway, Esquire, Kelley Drye and Warren, LLP, 3050 K Street, NW Suite 400, Washington, DC 20007.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-622. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Telecommunications Service

**A-310183F0002AMD; A-310183F0002AME; A-310183F0002AMF; A-310183F0002AMG; A-310183F0002AMH; A-310183F0002AMI; A-310183F0002AMJ and A-310183F0002AMK. Sprint Communications Company, LP.** Application of Sprint Communications Company, LP, for approval to offer, render, furnish or supply telecommunications services as a facilities-based competitive local exchange carrier to the public in the service territories of Citizens Telecommunications Company of New York, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, Frontier Communications of Pennsylvania, LLC, Lackawaxen Telecommunications Services, Inc. and Pymatuning Independent Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 23, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Sprint Communications Company, LP

*Through and By Counsel:* Jennifer A. Duane, Esquire, State Regulatory Attorney, 2001 Edmund Halley Drive, Second Floor, Reston, VA 20191.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-623. Filed for public inspection April 6, 2007, 9:00 a.m.]

### Water Service

**A-212955F0020. Superior Water Company.** Application of Superior Water Company for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of Colebrookdale Township, Berks County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 23, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Superior Water Company, Inc.

*Through and By Counsel:* Louise A. Knight, Esquire, David P. Zambito, Esquire, Reger, Rizzo, Kavulich and Darnall, LLP, 20 North Market Square, Suite 300, Harrisburg, PA 17101-1632.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-624. Filed for public inspection April 6, 2007, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #07-035.P, Miscellaneous Concrete Supplies, until 2 p.m. on Thursday, April 19, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 10, 2007. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 07-625. Filed for public inspection April 6, 2007, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Terrance E. Brown; Doc. Nos. 0290-51-07, 0289-51-07 and 0288-51-07

On February 15, 2007, Terrance E. Brown, license no. PN105102L, of Weshampton, NJ, was suspended under the order of the Court of Common Pleas of Philadelphia County dated February 6, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Herbert Abramson, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

MARY E. BOWEN, R. N., CRNP,  
*Chairperson*

[Pa.B. Doc. No. 07-626. Filed for public inspection April 6, 2007, 9:00 a.m.]



# NOTICES

## PENNSYLVANIA GAMING CONTROL BOARD

### Classification System

The Pennsylvania Gaming Control Board, under 4 Pa.C.S. § 1202(a)(4) and (5) (relating to general and specific powers), is required to establish a system of classification of its employees and to publish its employee classification system in the *Pennsylvania Bulletin*.

At Board's March 15, 2007, public meeting, the Board adopted the following employee classification system.

THOMAS A. DECKER,  
*Chairperson*

### PENNSYLVANIA GAMING CONTROL BOARD CLASSIFICATION SYSTEM

#### *Executive Offices*

**EXECUTIVE DIRECTOR**  
**CHIEF FINANCIAL OFFICER**  
**BUDGET MANAGER**  
**BUDGET ANALYST**  
**DIRECTOR OF COMPULSIVE GAMING  
ENFORCEMENT**  
**DIRECTOR FOR THE OFFICE OF  
PROFESSIONAL RESPONSIBILITY**  
**DIRECTOR OF COMMUNICATIONS**  
**DIRECTOR OF MEDIA RELATIONS**  
**BOARD SECRETARY**  
**LEGISLATIVE LIAISON**  
**LEGISLATIVE ASSISTANT**

#### *Office of Chief Counsel*

**CHIEF COUNSEL**  
**DEPUTY CHIEF COUNSEL**  
**DIRECTOR OF RACETRACK GAMING  
GAMING OPERATIONS LIASON**  
**DIRECTOR OF REGULATORY REVIEW**  
**DEPUTY DIRECTOR OF REGULATORY REVIEW**  
**SENIOR COUNSEL**  
**ASSISTANT CHIEF COUNSEL 3**  
**ASSISTANT CHIEF COUNSEL 2**  
**ASSISTANT CHIEF COUNSEL 1**  
**LAW CLERK**  
**PARALEGAL**  
**LEGAL INTERN**  
**SENIOR HEARING OFFICER**  
**HEARING OFFICER**  
**CLERK TO THE OFFICE OF HEARINGS AND  
APPEALS**

#### *Bureau of Administration*

**DIRECTOR OF ADMINISTRATION**  
**DIRECTOR OF HUMAN RESOURCES**  
**PERSONNEL AND PLACEMENT SPECIALIST**  
**HUMAN RESOURCE ANALYST**  
**HUMAN RESOURCE ASSISTANT**  
**DIRECTOR OF INFORMATION TECHNOLOGY**  
**APPLICATIONS DEVELOPER**  
**INFORMATION TECHNOLOGY SUPPORT  
SPECIALIST**  
**PROCUREMENT SPECIALIST**  
**TRAVEL SPECIALIST**

#### *Bureau of Corporate Compliance and Internal Controls*

**DIRECTOR OF CORPORATE COMPLIANCE**  
**BUREAU OF CORPORATE COMPLIANCE AND  
INTERNAL CONTROLS MANAGER**  
**COMPLIANCE EXAMINER**

#### *Bureau of Investigations and Enforcement*

**DIRECTOR OF INVESTIGATIONS AND  
ENFORCEMENT**  
**DEPUTY DIRECTOR FOR ENFORCEMENT**  
**CASINO ENFORCEMENT AGENT**  
**INTERNAL CONTROL EXAMINER I**  
**INTERNAL CONTROL EXAMINER II**  
**CHIEF ENFORCEMENT COUNSEL**  
**DEPUTY CHIEF ENFORCEMENT COUNSEL**  
**ASSISTANT ENFORCEMENT COUNSEL**  
**DEPUTY DIRECTOR FOR INVESTIGATIONS**  
**INVESTIGATIVE INTAKE MANAGER**  
**REGIONAL DIRECTOR IN THE BUREAU OF  
INVESTIGATIONS AND ENFORCEMENT**  
**INVESTIGATOR SUPERVISOR**  
**INVESTIGATOR**  
**INVESTIGATIVE ANALYST**

#### *Bureau of Gaming Laboratory Operations*

**DIRECTOR OF GAMING LABORATORY  
OPERATIONS**  
**GAMING LABORATORY MANAGER**  
**ELECTRONICS ENGINEER**  
**STATISTICIAN**  
**GAMING LABORATORY TRAINEE**

#### *Bureau of Licensing*

**DIRECTOR OF LICENSING**  
**LICENSING MANAGER**  
**LICENSING ANALYST**  
**LICENSING TECHNICIAN**

#### *Administrative Staff*

**EXECUTIVE SECRETARY**  
**ADMINISTRATIVE ASSISTANT**  
**CLERICAL SUPPORT SPECIALIST**

#### *Pay Ranges*

### **Executive Offices**

#### **EXECUTIVE DIRECTOR**

#### **Class Summary:**

The Executive Director is the Chief Executive Officer and is responsible for planning, directing, executing, and coordinating all activities relating to the regulation of gaming in Pennsylvania. Work involves assuming the leadership in the development and direction of the operations of the Pennsylvania Gaming Control Board (PGCB). The Executive Director is also responsible for establishing and maintaining effective working relationships with other state agencies and legislative bodies. In addition, the Executive Director is responsible for developing procedures for the day to day administration and management of the agency to achieve stated objectives and priorities.

This position reports to the Board which oversees the agency's operations. Work is performed with a high degree of independent judgment within the framework of policies and regulations established by the Board and Act 71, as amended.

**Examples of Work May Include but Are Not Limited To:**

Coordinates Board activities and requirements with the staff, legal counsel and representatives of the industry; receives, processes, and formulates responses for documents filed for action before the Board, such as, disciplinary complaints, emergency orders, work permit appeals, and amendment or repeal of regulations;

Attends and participates in all Board meetings; formulates correspondence to all gaming license applicants, licensees, and other concerned parties reflecting the official action by the Board and formulates a disposition of action taken for dissemination to law enforcement agencies;

Directs the general content and emphasis of policy recommendations for the Board.

Directs the preparation of and reviews drafts of proposed rules, policies, and regulations.

Speaks to interested individuals, groups and the public to explain organizational goals and engender support for the programs of the Board.

Performs the full range of supervisory duties.

Performs related work as required.

**Minimum Experience, Education and Training:**

Ten years of related gaming experience and; eight years of supervisory experience; and a professional degree;

Or an equivalent combination of experience and training.

U CODE: U7009

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: NA

**CHIEF FINANCIAL OFFICER****Class Summary:**

The Chief Financial Officer (CFO) is responsible for overseeing and directing all activities within the Office of Financial Management. The CFO is responsible for developing and managing the agency's annual budget and to supervise Budget Managers, Budget Analysts, and administrative staff.

The Chief Financial Officer reports directly to the Executive Director.

**Examples of Work Performed but Are Not Limited To:**

Plans and directs the work of budget analysts in reviewing and analyzing the operations and fiscal needs of the Pennsylvania Gaming Control Board (PGCB); reviews, appraises and adjusts budget requests; correlates budget needs with fiscal conditions, and the relative need for funds among bureaus and functions.

Supervises the administration of departmental budgets; authorizes transfers of funds; makes recommendations concerning personnel staffing and other matters resulting from altered fiscal conditions.

Confers with fiscal and operating officials on budgetary problems; works out policy changes and adjusts budgetary requirements.

Provides technical staff services to agency officials in the preparation of budgets.

Develops instructions for the preparation, analysis, and control of the agency budget.

Attends budget hearings; directs the review and analysis of appropriation bills, the maintenance of historical cost data, and the preparation of charts, graphs, and reports in relation to the agency budget.

Supervises a staff of professional and support personnel within the Office of Financial Management.

Performs related work as required.

**Minimum Experience, Education and Training:**

Ten years of progressively responsible experience in technical budget administration work, including three years of experience in an administrative or supervisory capacity; and a bachelor's degree;

Or an equivalent combination of experience and training.

U CODE: U7041

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: K

**BUDGET MANAGER****Class Summary:**

The Budget Manager is responsible for assisting in directing activities of the financial office of the Pennsylvania Gaming Control Board (PGCB). Work involves the development of standards and procedures for the formulation and analysis of budgetary documents within policy limits. Work includes contacts with fiscal and operating officials to coordinate the implementation of solutions to budgetary problems. Employees collaborate with accounting, management analysis, and personnel staff units in seeking and instituting ways of effecting greater economy and efficiency of operation, and in rendering advice to operating officials on administrative and staffing problems. Supervision is exercised over a staff of budget analysts and clerical employees.

The Budget Manager reports to the Chief Financial Officer.

**Examples of Work Include but Are Not Limited To:**

Assists in directing the activities of the activities of the financial office of the PGCB.

Responsible for the examination of the PGCB budget requests and the preparation of budget documents.

Reviews reports and recommendations on the PGCB budget requests and budget revisions, and indicates tentative approval or disapproval based on established administrative and legislative policies and practices; submits findings and recommendations to a superior.

Establishes work schedules and directs the compilation of data relative to the details of organization and costs, and utilizes such information in budget preparation and administration.

Supervises and participates in the maintenance of historical cost data; directs the preparation and assembly of charts, graphs, and reports for use in budget hearings.

Provides advisory service to agency officials on management and budgetary problems of unusual difficulty.

Develops instructions for the preparation, analysis, and control of the PGCB budget.

Performs related work as required.

**Minimum Experience, Education and Training:**

Five years of progressively responsible experience in technical budget administration work, including two

years of experience in an administrative or supervisory capacity; and a bachelor's degree;

Or an equivalent combination of experience and training.

U CODE: U7049

Unemployment Compensation Coverage: No

Compensatory Time Eligibility: No

Pay Range: G

### ***BUDGET ANALYST***

#### **Class Summary:**

A Budget Analyst is responsible for compiling and analyzing budgetary information. Work involves contacts with fiscal and operating officials to obtain information or to explain well established policies, procedures, principles, and precedents. Employees are expected to carry out work assignments within established procedures and precedents, and work is checked occasionally during process by supervisor for conformance with established procedures and precedents.

A Budget Analyst reports to a Budget Manager or directly to the Chief Financial Officer.

#### **Examples of Work Include but Are Not Limited To:**

Examines budget estimates for completeness, accuracy, and conformance with procedures and regulations.

Examines requests for budget revisions; recommends approval or denial; drafts correspondence to explain why budget revisions are being altered or denied.

Analyzes monthly Pennsylvania Gaming Control Board (PGCB) budgeting and accounting reports for the purpose of maintaining expenditure controls.

Provides technical assistance to agency officials in the preparation and management of PGCB budgets.

Assembles fiscal and statistical data for use in budgetary evaluations, and maintains files of budgetary information.

Prepares account reconciliations for the purpose of balance budgetary accounts maintained in SAP and Agency databases.

Performs related work as required.

#### **Minimum Experience, Education and Training:**

One year of experience in technical budget administration work; and a bachelor's degree;

Or any equivalent combination of experience and training.

U CODE: U7042

Unemployment Compensation Coverage: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

### ***DIRECTOR OF COMPULSIVE GAMING ENFORCEMENT***

#### **Class Summary:**

The Director of Compulsive Gaming Enforcement serves as the head of the Office of Compulsive Gaming Enforcement and will be the agency's chief administrator of all programs designed to prevent and treat compulsive gaming in the Commonwealth, in compliance with the Pennsylvania Race Horse and Development Act (Act 71), 4 Pa.Cons.Stat. §§ 1101—1904, and the regulations promulgated thereunder.

The Director of Compulsive Gaming Enforcement reports directly to the Executive Director.

#### **Examples of Work May Include but Are Not Limited To:**

Reviews the compulsive gaming programs of all entities that have submitted slot machine applications with the Pennsylvania Gaming Control Board (PGCB) or have been granted licensure with the PGCB, to ensure that the applicant/licensee:

- Has made responsible gaming an integral part of its daily operations.

- Is in full compliance with 58 Pa. Code § 503 (relating to Self Exclusion) and 58 Pa. Code § 511 (relating to Persons Required to be Excluded).

Maintains contact with management of each licensee on a regular basis to ensure that they are properly implementing compulsive gaming programs and are acting in full compliance with the American Gaming Association's Responsible Gaming Code of Conduct.

Collaborates with the Bureau of Investigation and Enforcement and licensed gaming facilities to ensure the maintenance of Self Exclusion and Excluded Persons lists, in compliance with 58 Pa. Code §§ 503, 511.

Collaborates with the Department of Health and the Pennsylvania Council on Problem Gambling to implement the provisions of 4 Pa.Cons.Stat. § 1509 (relating to Compulsive and Problem Gambling Program).

Ensures that all licensed gaming facilities provide notice of the availability of assistance to compulsive gamblers, in compliance with 4 Pa.Cons.Stat. § 1509 (C).

Maintains an understanding of the addiction of pathological gambling and related studies.

Oversees funding for Compulsive and Problem Gambling Programs.

#### **Minimum Experience, Education and Training:**

Bachelor's degree and a Professional degree required;

Or an equivalent combination of education and experience.

U CODE: U7074

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

### ***DIRECTOR FOR THE OFFICE OF PROFESSIONAL RESPONSIBILITY***

#### **Class Summary:**

The Director for the Office of Professional Responsibility (OPR) directs and controls the overall performance of OPR in the Pennsylvania Gaming Control Board (PGCB). The OPR is responsible for all background investigations for prospective employees and for other investigations as directed by the Executive Director. This position provides overall command, administration and direction to investigators and support staff within OPR.

Work includes administration, control, direction, inspection, planning, organization and supervision of staff within OPR. Work requires coordination with the Board, Executive Director, Office of Chief Counsel, and Director of Administration as well as interaction with other Directors and Managers of other bureaus within the PGCB. Supervision is received from the Executive Director.

#### **Examples of Work May Include but Are Not Limited To:**

Supervises employees of the Office of Professional Responsibility.

Assigns investigations and monitor day to day tasks.  
Manages employee records and regulatory compliance as appropriate.

Completes and files all required reports.

Serves as agency liaison with other governmental agencies during background investigations.

Attends meetings of the Board as requested.

Keeps the Executive Director and Chief Counsel informed as to the operation of the Office of Professional Responsibility.

Administer OPR's employee leave, benefits, and reports programs.

**Minimum Experience, Education and Training:**

Minimum 10 years law enforcement experience or gaming enforcement experience with progressive supervisory and management responsibilities;

Bachelor's degree in law enforcement, or business related field;

Or an equivalent combination of experience and training.

U CODE: U7020

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***DIRECTOR OF COMMUNICATIONS***

**Class Summary:**

This is professional public relations work directing the communications, media relations, public information and education, and external community relations functions in the Pennsylvania Gaming Control Board.

The Director of Communications is responsible for planning, organizing, and coordinating the internal and external communications including public information, external liaison, and promotional functions of the public relations program in the Pennsylvania Gaming Control Board. Work involves directing the preparation and transmittal, through all communications and public relations media, of information concerning the programs, services, policies, and accomplishments of the Board. Work also involves providing advisory and consultative services to the Executive Director and agency officials. In addition the employee directs, and may participate in, the writing of speeches and other public presentations for the Executive Director and other officials. The Director of Communications supervises a professional and technical staff engaged in public informational and educational activities. Work is under the general direction of the Executive Director, who evaluates work for timeliness, responsiveness and effectiveness of results.

**Examples of Work May Include but Are Not Limited To:**

Plans, organizes, directs, and coordinates the agency public relations program, including communications, public information, external liaison, and promotional functions within the PGCB.

Serves as media consultant and principal advisor to the Executive Director on communications and public relations matters, including the public relations implications of the Pennsylvania Gaming Control Board's programs and policies.

Directs and may participate in writing of speeches for the Executive Director or other top Pennsylvania Gaming

Control Board officials; reviews and edits speeches, and other material to be used by the Pennsylvania Gaming Control Board officials in contact with the public.

Establishes and maintains effective working relationships with departmental officials and serves in a liaison capacity between bureaus and between the Pennsylvania Gaming Control Board, along with groups, organizations, and individuals in communications, public relations, and public education matters.

Directs the preparation of correspondence dealing directly with communications, public relations, and public education matters.

Analyzes and evaluates the public relations impact of proposed or existing the Pennsylvania Gaming Control Board programs and policies and provides input to the Executive Director and the Pennsylvania Gaming Control Board officials in the formulations or modification of programs of policies indicated by such analyses.

Performs related work as required.

**Minimum Experience, Education and Training:**

Six years of professional experience in the field of communications or public relations, including three years in a responsible administrative or supervisory capacity; and a bachelor's degree with major course work in public relations, communications, political or social science, or closely related fields;

Or an equivalent combination of experience and training.

U CODE: U7004

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***DIRECTOR OF MEDIA RELATIONS***

**Class Summary:**

This is professional public relations work supporting the media relations and public information functions in the Pennsylvania Gaming Control Board (PGCB).

The Director of Media Relations provides support for planning, organizing, and directing media relations in the PGCB. Work involves directing and participating in the preparation and transmittal to the media of policies and accomplishments of the PGCB. Work also involves providing advisory and consultative services to the Executive Director and agency officials as their official spokesperson as well as representing the PGCB as official spokesperson. Employee may supervise a small professional, technical, and clerical staff. Work is under the general direction of the Executive Director, who evaluates work timeliness, responsiveness, and effectiveness of results.

**Examples of Work May Include but Are Not Limited To:**

Plans, organizes, directs, and coordinates the PGCB media relations and public information.

Helps direct the work of a professional and technical staff in arranging and scheduling interviews between the PGCB personnel and the news media and in selecting and preparing a variety of informational material to be presented through a diversity of media.

Prepares or directs the preparation of news releases, television, radio, and film scripts; brochures, pamphlets, reports, publications, and similar written and graphic public information and promotional material.

Writes, or directs the writing of news releases, television and radio scripts, and other material to be used by the PGCB officials.

Makes speeches and otherwise serves as spokesperson for the PGCB on request of the Executive Director.

Establishes and maintains effective working relationships with the PGCB officials and serves in a liaison capacity between the PGCB and the media in communications matters.

Performs related work as required.

**Minimum Experience, Education and Training:**

Four years of professional experience in the field of communications, including three years in a responsible administrative or supervisory capacity; and a bachelor's degree with major course work in communications, public relations, English communications, political or social science, or a closely related field;

Or an equivalent combination of experience and training.

U CODE: U7088

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***BOARD SECRETARY***

**Class Summary:**

The Board Secretary assists the Board members and the Executive Director to ensure the efficient and effective operation of the Board. Responsibilities include coordinating the preparations for bimonthly Board meetings, finalizing the meeting agenda, coordinating the Board schedule and keeping the agency staff informed of the Board's activities. This is administrative and professional work supporting the executives within the Pennsylvania Gaming Control Board (PGCB).

The Board Secretary reports directly to the Executive Director.

**Examples of Work May Include but Are Not Limited To:**

Sets the agenda for public meetings, hearings and executive sessions in conjunction with members of the Board, the Executive Director and bureau directors.

Prepares minutes for public meetings, maintain the Board's official minute books and distribute copies as required by the Act.

Signs official Board documents as appropriate and affix the agency seal.

Maintains an efficient document management system for official Board actions, including orders, resolution and motions.

Completes special projects as requested by Board members or the Executive Director.

**Minimum Experience, Education and Training:**

A Bachelor's degree in public administration, communications or a similar course of study and two years of relevant work experience;

Or an equivalent combination of experience and training.

U CODE: U7037

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***LEGISLATIVE LIAISON***

**Class Summary:**

This is professional liaison and legislative analysis work in facilitating the review and advocacy of legislative initiatives for the Pennsylvania Gaming Control Board (PGCB).

A Legislative Liaison is responsible for planning, organizing and coordinating an integrated program of legislation review, legislation development, and legislative information and advocacy in cooperation and consultation with the Board. Work involves the gathering and analysis of program and legislative data; coordinating the development of proposed legislation; providing information to the General Assembly on proposed legislation and recommending legislative strategies to the Executive Director and members of the Board. Work also involves representing the agency at legislative committee meetings and hearings. Work is performed under the general direction of the Executive Director who evaluates the work for effectiveness and adherence to agency goals.

**Examples of Work May Include but Are Not Limited To:**

Plans, organizes and coordinates a legislative analysis and liaison program.

Advises the Executive Director of state and federal legislative issues which affect agency programs, and develops agency legislative initiatives to attain goals and objectives.

Analyzes the impacts of proposed legislation on agency programs and goals, and recommends advocacy strategies or alternatives for the consideration of top management in cooperation and consultation with the Board.

Provides information and liaison between the agency and the General Assembly to explain agency goals and initiatives, including the development of position papers and representing the agency at legislative committee meetings and hearings.

Confers with Executive Staff, special interest groups, other state agencies, and local government officials to discuss legislative initiatives and coordinate support activities.

Researches and directs the research of issues affecting agency operations which require legislative mandate for implementation.

Performs related duties as required.

**Minimum Experience, Education and Training:**

Three years of professional governmental experience which included at least two years of work in legislative or policy analysis; and a bachelor's degree;

Or an equivalent combination of experience and training.

U CODE: U7036

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***LEGISLATIVE ASSISTANT***

**Class Summary:**

This is technical work assisting in the analysis and evaluation of legislation having fiscal, program or legal implications on the functions of the Pennsylvania Gaming Control Board (PGCB).

A Legislative Assistant functions as a staff assistant to the agency Legislative Liaison and Legislative Specialists through the analysis of data, statistical program research, interviews of program managers, and summaries of comments from interest groups, publications and officials of other states and the Federal Government. Work involves interpreting the cost and program implication of legislation, assisting in drafting bills, conducting and assisting in the conduct of statistical and program effectiveness studies, and assisting the agency Legislative Liaison in communicating information and agency comments to members of the Legislature and their staffs. Work includes the review, compilation, and evaluation of legislative comments from program and administrative personnel. Work is distinguished from the Legislative Specialist classes by the supervision received during the conduct of studies, the technical direction provided by the Legislative Liaison, and the limited interpretation of study data and conclusions. Work is reviewed by the Legislative Liaison through conferences and reports for soundness of study methodology, effective writing, and comprehensive coverage of the issue.

**Examples of Work May Include but Are Not Limited To:**

Performs legislative liaison work as a staff assistant to the Legislative Liaison on legislation having fiscal, program or legal implications on the functions of the PGCB.

Analyzes and reports on proposed and enacted legislation with fiscal, program or legal effects to determine legislative intent, consistency, impact on existing functions, estimated cost, and predicted future legislative action.

Assists in drafting bills for the PGCB.

Maintains controls on legislation, as directed by the agency Legislative Liaison, through close observation of the Legislative Calendar and meetings with members of the House and Senate, and their staffs.

Maintains close contact with the House and Senate to ascertain the status of legislation, to answer questions from the legislative committees on proposed legislation and to answer questions from the legislature on the fiscal, program and legal implications of bills.

Reviews comments from PGCB program and administrative personnel and writes reports and draft position papers for the signature of the Legislative Liaison.

Performs related work as required.

**Minimum Experience, Education and Training:**

One year of professional governmental experience, including one year of work directly related to legislative analysis,

Or a bachelor's degree in political science, public administration, business administration or a related field.

Or an equivalent combination of experience and training.

U CODE: U7060

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

**Office of Chief Counsel**

**CHIEF COUNSEL**

**Class Summary:**

The Chief Counsel serves as the chief legal advisor to the Board and Executive Director. Responsibilities include

overseeing and supervising the legal staff and the performance of all legal functions for, and on behalf of, the Board.

The Chief Counsel reports directly to the Executive Director.

**Examples of Work May Include but Are Not Limited To:**

Provides overall direction and guidance to subordinate attorneys.

Supervises the work of attorneys and other staff in the Office of Chief Counsel.

Responsible for drafting formal opinions.

Renders opinions to directors, bureau chiefs and management utilized in interpreting and applying applicable laws and regulations.

Reviews proposed legislation, regulations and policies pertaining to gaming in the Commonwealth and other jurisdictions.

Reviews and responds to licensees regarding applicable laws, regulations and policy considerations.

Participates in the initiation and development of new and revised departmental policies and procedures.

Provides advice on complex labor and employment law issues.

Responsible for the provision of legal support staff to the Bureau of Licensing, Bureau of Corporate Compliance and Internal Controls and the Director of Administration.

Participates in staff conferences held by the Board or the Executive Director.

Supervises and coordinates the preparation of briefs and other activities incidental to litigation and court work.

Examines and analyzes contracts, leases, bonds, and claims in order to determine legal sufficiency.

Responsible for designing and implementing strategies which maximize employee potential and fosters progressive standards in meeting the organization's vision, mission and goals.

Serves on the agency's Personnel Committee

Serves as the agency's Ethics Officer.

Performs related work as required.

**Minimum Experience, Education and Training:**

Graduation from an accredited school of law, admission to the Bar of the Supreme Court of Pennsylvania and eight years of progressively responsible experience in professional legal work;

Or an equivalent combination of experience and training.

U CODE: U7029

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: L

**DEPUTY CHIEF COUNSEL**

**Class Summary:**

This is supervisory professional and administrative legal work of the highest degree of professional and administrative responsibility.

A Deputy Chief Counsel performs functions and duties characterized by significant legal problems, which are

particularly specialized and unusually difficult, and are of paramount interest to the Chief Counsel. This class may also be used for positions which direct the legal program within a regional office, where unusually difficult and complex legal problems may arise. Supervision is exercised through supervising attorneys and includes assigning work, evaluating performance, resolving complaints and grievances, interpreting labor agreements, and assuring staff development. Work is performed with wide latitude for independent judgment, and is subject to the general supervision of the Chief Counsel. Analyzing, appraising, and organizing facts, evidence, and precedents concerned in difficult and complex cases and in presenting such material in clear and logical form for oral or written presentation, such as in briefs, opinions, orders, or decisions.

**Examples of Work May Include but Are Not Limited To:**

Analyzing legal documents and instruments.

Drafting legal instruments and proposed legislation.

Plan and coordinate an extensive program of preparation for and conduct of litigation.

Deal tactfully and effectively with state administrative local government and court officials, and with the general public.

Plan, assign, and review the work of subordinate attorneys and clerical employees.

**Minimum Experience, Education and Training:**

Six years of progressively responsible experience in professional legal work, with experience at the highest degree of professional and administrative responsibility and difficulty, and/or a combination of other relevant professional experience, graduation from an accredited school of law, and possession of a certificate of admission to the Bar of the Supreme Court of Pennsylvania;

U CODE: U7008

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

***DIRECTOR OF RACETRACK GAMING***

**Class Summary:**

The Director of Racetrack Gaming is responsible for coordinating the overall development and implementation of policies and procedures designed to accomplish the intent of Act 71 as it relates to racetrack gaming. The employee is the Pennsylvania Gaming Control Board's (PGCB) liaison to the Pennsylvania State Harness Racing Commission and the Pennsylvania State Horse Racing Commission. The employee works closely with representatives of the horsemen's organization at each licensed racing facility. The employee works in conjunction with other PGCB Directors and the Office of Chief Counsel to ensure that Category 1 licensees demonstrate to the satisfaction of the Board, a plan for use of backside maintenance and improvements to racetracks. The employee is also responsible for implementation and monitoring of each licensed racetrack's plan for distribution of funds from the Pennsylvania Race Horse Development Fund.

**Examples of Work May Include but Are Not Limited To:**

Monitoring the management of the portion of gross profits from Pennsylvania slot machine earnings earmarked for use by horsemen for health insurance, pensions and other benefits.

Monitoring background checks to determine the suitability of those responsible for handling the horsemen's funds.

Monitoring the backside improvements of new racetracks and related areas of the facilities for compliance with the statutory scheme of Act 71.

Working with the Department of Revenue to establish and maintain an appropriate process for the transfer of funds for purses.

Ability to convey analysis and information orally through negotiations, briefings, consultations and other presentations.

Excellent writing skills and ability to compile data for inclusion in suitability reports.

Analyzing legal documents and instruments.

Excellent case management skills.

Ability to effectively present issues and matters to the Board, other agencies and outside entities.

**Minimum Experience, Education and Training:**

Five years of progressively responsible experience in the development of racetrack gaming, with experience at the highest degree of professional and administrative responsibility and difficulty and/or a combination of other relevant professional experience. Graduate degree or a law degree from an accredited school of law;

Or an equivalent combination of experience and training.

U CODE: U7052

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

***GAMING OPERATIONS LIAISON***

**Class Summary:**

The Gaming Operations Liaison acts as a liaison between slot machine license applicants and/or licensees and the Pennsylvania Gaming Control Board (PGCB) on issues related to slot machine operations including, but not limited to, security, surveillance, slot facility design and accounting and internal controls. Primary focus is to communicate to slot machine license applicants and/or licensees the Board's expectations with regard to statutory and regulatory requirements and to facilitate compliance therewith. This is a position which requires a significant level of gaming operations experience and the ability to function independently. Direction is sought or received from the Deputy Chief Counsel for Gaming Operations on legal or operational issues of unusual complexity, sensitivity or importance.

**Examples of Work May Include but Are Not Limited To:**

Regular contact with management for each applicant or licensee to ascertain the operational status of each proposed or existing slot facility and its compliance with Act 71 and all applicable regulatory and technical requirements.

Tracking of all prerequisites to the commencement of actual slot operations pursuant to Chapter 467, Commencement of Slot Operations.

Review and evaluation of submissions related to security & surveillance minimum staffing, emergency & evacuation procedures, contingency plans for surveillance and security system malfunctions and shutdowns, surveil-

lance camera system specifications and configurations, money movement routes, slot cash storage box pick-up routes and alarm, key control and access systems.

Review and evaluate proposed gaming floor plans including, but not limited to, cashiers' cage, count room and armored car bay layouts, slot machine configurations, surveillance and security zones and on-site Board office requirements.

Consult with Bureau of Investigations and Enforcement (BIE), the Bureau of Corporate Compliance and Internal Controls (BCCCIC) and other PGCB bureaus on operational issues.

Liaison with Pennsylvania State Police (PSP) to ensure effective exchange of information and harmonious working relationship.

Develop and coordinate PGCB training requests with regard to operating procedures. Develop, coordinate and implement on-site, pre-opening compliance inspection procedures and checklists.

Develop, train and supervise pre-opening evaluations teams.

Coordinate security, surveillance and facility issues with counterparts at Horse and Harness Commissions.

Regular reporting of status information to the Deputy Chief Counsel for Gaming Operations.

**Minimum Experience, Education and Training:**

10 years experience in gaming operations in a supervisory capacity or as a consultant with emphasis on security, surveillance, facility design and internal controls. Working knowledge of Pennsylvania statutory and regulatory requirements and gaming industry best practices; and

BA/BS from an accredited college or university.

Or an equivalent combination of education and training.

U CODE: U7069

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: G

***DIRECTOR OF REGULATORY REVIEW***

**Class Summary:**

This is a supervisory professional position that encompasses the highest degree of professional and administrative responsibility related to the development and promulgation of the Board's regulations.

The Director of Regulatory Review is responsible for coordinating the overall development of policies and regulations designed to implement the provisions and intent of Act 71 and the promulgation of regulations consistent with the requirements of the Commonwealth Documents Law and the Regulatory Review Act. This involves working closely with agency staff, the Legislative Reference Bureau, the House and Senate Standing Committees and the Independent Regulatory Review Commission.

This position is also responsible for the supervision of the Deputy Director of Regulatory Review and the Administrative Assistant including assigning work, evaluating performance, resolving complaints and grievances, interpreting labor agreements and facilitating staff development.

Work is performed with wide latitude for independent judgment, and is subject to the general supervision of the Chief Counsel.

**Examples of Work May Include but Are Not Limited To:**

Analyzes, develops and organizes regulatory issues.

Presents regulatory issues orally and in writing to develop policies or regulations to implement the Board's regulatory responsibilities under Act 71.

Develops and analyzes competing regulatory options.

Analyzes and writes regulations.

Presents issues and matters to the Board, other agencies and outside entities.

Plans and coordinates the development and promulgation of Board policies and regulations.

Deals tactfully and effectively with Board staff, legislative staff, staff of other agencies, applicants and licensees, and members of the general public.

**Minimum Experience, Education and Training:**

Five years of progressively responsible experience in the development of public policy at least three of which involve development of regulations; and

A graduate degree in public policy, public administration or similar area or a law degree from an accredited school of law;

Or an equivalent combination of education and experience.

U CODE: U7053

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

***DEPUTY DIRECTOR OF REGULATORY REVIEW***

**Class Summary:**

This is a professional position that involves the development, drafting, editing and promulgation of the Board's regulations. This position works closely with and reports to the Director of Regulatory Review in the Office of Chief Counsel. The employee will also be required to report to and receive work assignments from the Chief Counsel.

The Deputy Director of Regulatory Review is responsible for the development of policies and drafting regulations designed to implement the provisions and intent of Act 71 and the promulgation of regulations consistent with the requirements of the Commonwealth Documents Law and the Regulatory Review Act. This involves working closely with the other Directors and staff in other Board bureaus, the Legislative Reference Bureau, the House and Senate Standing Committees and the Independent Regulatory Review Commission.

This position is also responsible for the direction of and providing guidance to the Administrative Assistant including assigning work, reviewing work, responding to inquiries and troubleshooting.

Work is performed with wide latitude for independent judgment and the employee is expected to respond to assignments with promptness, efficiency and a thorough examination of all issues.

**Examples of Work May Include but Are Not Limited To:**

Analyzes, develops and organizes regulatory issues.

Present regulatory issues orally and in writing to develop policies or regulations to implement the Board's regulatory responsibilities under Act 71.

Develops and Analyzes competing regulatory options.

Presents issues and matters to the Board, other agencies and outside entities.

Responds to and effectively communicate with Board staff, legislative staff, staff of other agencies, applicants and licensees, and members of the general public.

Analyzes case law and case law developments relevant to the development of regulations both at the State and Federal level.

**Minimum Experience, Education and Training:**

Two years of legal experience or experience in the development of public policy.

Graduate degree in public policy, public administration or similar area or a law degree from an accredited school of law;

Or an equivalent combination of education and training.

U CODE: U7056

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***SENIOR COUNSEL***

**Class Summary:**

This is highly responsible and difficult, non-supervisory, professional legal work.

A Senior Counsel must demonstrate mastery of one or more areas of the law, which are vital to the achievement of the Pennsylvania Gaming Control Board's (PGCB) mission, and must regularly handle the most complex, difficult and novel legal issues for the Board. These legal problems are also characterized by their sensitivity and require innovative and creative ways to resolve them. Employees in this class are recognized by the Board members, the Executive Director, and the Chief Counsel as outstanding practitioners and experts in one or more areas of the law, and are consulted for their opinions on the most difficult and challenging legal problems facing the PGCB. Work is performed with the utmost independence, and general supervision is received from the Chief Counsel or a Deputy Chief Counsel. Positions allocated to this class differ from those allocated to the Attorney III class in the heightened complexity of legal work involved and the very minimal amount of guidance received.

**Examples of Work May Include but Are Not Limited To:**

Analyzing, appraising, and organizing facts, evidence, and precedents concerned in difficult and complex cases and in presenting such material in clear and logical form for oral or written presentation, such as in briefs, opinions, orders, or decisions.

Drafting legal instruments and proposed legislation.

Handle the most difficult and novel legal problems facing the PGCB in creative and innovative ways.

Deal tactfully and effectively with state administrative officials, local governmental officials, employees, court officials, and with the general public.

Plan, assign, and review the work of subordinate attorneys and clerical employees.

**Minimum Experience, Education and Training:**

Five years of progressively responsible professional legal experience, with some experience in legal work of the highest degree of professional responsibility, graduation from an accredited school of law, and possession of a certificate of admission to the Bar of the Supreme Court of Pennsylvania.

U CODE: U7044

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: I

***ASSISTANT CHIEF COUNSEL 3***

**Class Summary:**

This is responsible non-supervisory professional legal work. An Assistant Chief Counsel 3 performs professional legal work, which ranges from moderately difficult to complex. Work involves personal responsibility and accountability for difficult and important legal matters within the Pennsylvania Gaming Control Board (PGCB). Employees function independently, and work is subject to general supervision. Legal advice is sought or received from higher level attorneys on legal issues of unusual complexity, sensitivity, or importance. Positions allocated to this class differ from those allocated to the Assistant Chief Counsel 2 class in the higher complexity of legal work involved and the minimal amount of guidance received.

**Examples of Work May Include but Are Not Limited To:**

Analyzing, appraising, and organizing facts, evidence and precedents concerned in difficult and complex matters and in presenting such material in clear and logical form for oral or written presentations, such as in briefs, opinions, orders, or decisions.

Analyzing legal documents and instruments.

Drafting proposed legislation.

Deal tactfully and effectively with state administrative officials, local government officials, employees, court officials, and with the general public.

**Minimum Experience, Education and Training:**

Three years of progressively responsible professional legal experience, with some experience in highly responsible and complex professional legal work, graduation from an accredited school of law, and possession of a certificate of admission to the Bar of the Supreme Court of Pennsylvania.

U CODE: U7065

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***ASSISTANT CHIEF COUNSEL 2***

**Class Summary:**

This is responsible non-supervisory professional legal work. The Assistant Chief Counsel 2 is responsible for performing legal work at the full professional performance level, often within a specific field of law. A wide variety of legal work is performed, which includes research, drafting opinions and pleadings, performing legal regulatory work, and/or representing the Pennsylvania Gaming Control Board (PGCB) in courts of law. Difficulty of legal problems encountered range from routine to moderately difficult. Positions allocated to this class differ from those allocated to the Assistant Chief Counsel 1

class in the increased complexity of legal work involved and the decreased amount of guidance received.

**Examples of Work May Include but Are Not Limited To:**

Legal research preliminary to the rendering of decisions affecting the PGCB operations, the preparation of documents, or the preparation of cases for trial is done independently, but subject to general supervision by a higher level attorney based on the difficulty of the legal problems encountered.

Analyze and organize facts, evidence, and precedents inherent in moderately complex cases and to present such materials in opinions, orders, or decisions.

Analyze legal documents and instruments.

Deal tactfully and effectively with state administrative officials, local government officials, employees, court officials, and the general public.

Draft legal documents and proposed legislation.

**Minimum Experience, Education and Training:**

Two years of progressively responsible experience in professional legal work, graduation from an accredited school of law, and possession of a certificate of admission to the Bar of the Supreme Court of Pennsylvania.

U CODE: U7064

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: G

***ASSISTANT CHIEF COUNSEL 1***

**Class Summary:**

This is entry level professional legal work. An Assistant Chief Counsel 1 performs legal research confined to one or a few fields. Initially, attorneys in this class spend much of their time learning the techniques and requirements of governmental legal practice in their assigned areas. As they become more experienced in their work, they complete assigned legal tasks of a routine nature with minimum supervision.

**Examples of Work May Include but Are Not Limited To:**

Employees may be assigned legal tasks of a non-routine nature; however, such work is characterized by limited discretion and decision making, and is subject to close review by a higher level attorney.

Supervision is received from a higher level attorney, who is ultimately responsible and accountable for the legal decisions resulting from the legal research done by employees in this class.

Analyze facts, evidence, and precedents and arrive at logical interpretations.

Set forth findings of fact and decisions in written form.

Prepare legal documents and records.

**Minimum Experience, Education and Training:**

Graduation from an accredited school of law and certificate of admission to the Bar of the Supreme Court of Pennsylvania, or preparatory steps to become a member thereof.

Continued employment is conditional upon the obtaining of such certificate of admission.

U CODE: U7002

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: F

***LAW CLERK***

**Class Summary:**

This is an entry level position assisting the legal staff of the Pennsylvania Gaming Control Board (PGCB).

A Law Clerk is responsible for performing routine legal work and assisting attorneys in the performance of varied legal assignments. Work involves conducting legal research participating in the preparation of cases for trial. After a period of training employees are given assignments of limited difficulty to perform independently. Work is subject to review in process and upon completion and assistance is normally available with respect to special problems. Supervision is received by an attorney.

**Examples of Work May Include but Are Not Limited To:**

Assists in the preparation of digests of laws and cases.

Participates in the preparation of cases for trial by drafting briefs and generally assisting an attorney.

Search for, interprets, and applies laws, court decisions, and other legal authorities on points of law involved in the preparation of legal rulings.

Assists in the conduct of studies to determine administrative problems involved in proposed rules or regulations.

Participates in conferences with attorneys, administrative officials and representatives of private groups during which proposed legal rulings are discussed and explained.

Prepares replies to correspondence of a legal nature.

Participates in the review of rules, regulations and bulletins prepared by administrative officers for conformity to law.

Performs related work as required.

**Minimum Experience, Education and Training:**

Graduation from an accredited law school.

U CODE: U7076

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: No

Pay Range: E

***PARALEGAL***

**Class Summary:**

This is technical and highly skilled work in assisting attorneys in the practice of law in Pennsylvania Gaming Control Board (PGCB).

A Paralegal provides support to attorneys in areas such as litigation, appellate proceedings, administrative review and regulation, or transactional law. Work at this level involves independently analyzing and evaluating a wide variety of case or transaction specific facts, claims and issues; performing preliminary investigations and required due diligence; researching, interpreting and determining the applicability of laws, regulations, rulings and precedential opinions; and drafting documents such as investigatory reports, opinions, responses to discovery, contracts or briefs. Duties may include attending depositions, hearings or trials with an attorney, assisting with preparing documentary evidence, tracking and labeling exhibits, and assisting in the preparation of filings or pleadings. Work may also include assisting in the practice

of transactional law through the review, analysis, and preparation of legal documents required in the processing of varied and complex financial transactions such as loan origination and closure, grant and bond issuance, alternative investments, public market offerings, pooled and separate accounts, REITs and real estate acquisition. Work involves handling sensitive and confidential matters consistent with attorney-client privilege. Work is performed independently under the general supervision of an attorney.

**Examples of Work May Include but Are Not Limited To:**

Performs research and drafting of documents for appellate, trial, regulatory, legislative and transactional matters.

Drafts summons, service of process, complaints, bill of particulars, praecipe, writs, motions, interrogatories, subpoenas and case information statements.

Drafts notices of appeal, briefs, and tables of authority for citations and summaries of hearing or trial transcripts.

Drafts legal notices, statements of policy and proposed regulations.

Reviews proposed administrative policies or regulations and conducts research to determine consistency with existing policies, laws, regulations and rulings.

Reviews and prepares subscription agreements, forms of adhesion, side letters and contracts for services.

Responds to discovery motions including interrogatories, requests for production of documents and requests for admissions by evaluating the motions, gathering information and drafting responses for an attorney's review.

Drafts questions for use in depositions and questioning of witnesses in proceedings.

Assists counsel during hearings, trials and settlements.

Maintains case files and ensures that case is properly prepared.

Conducts reviews of cited legal decisions to determine their precedential value.

Drafts correspondence on legal issues.

Performs related work as required.

**Minimum Experience, Education and Training:**

Certification as a Paralegal or Legal Assistant (CP/CLA) by The National Association of Legal Assistants (NALA); or certification as a Registered Paralegal (RP) by The National Federation of Paralegal Associations (NFPA); or advanced certification for legal professionals (PLS) by NALS, The Association for Legal Professionals; and two years performing legal support work;

Or completion of an associate's degree or post baccalaureate certificate in legal, paralegal or legal assistant studies or other related field, and two years performing legal support work;

Or an equivalent combination of experience and training.

U CODE: U7012

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

**LEGAL INTERN**

**Class Summary:**

This is professional legal work of a training nature on the legal staff of the Pennsylvania Gaming Control Board (PGCB).

A Legal Intern is responsible for performing routine legal work and assisting attorneys in the performance of varied legal assignments. Work involves conducting legal research in the preparation of cases for trial. All work is performed under the supervision of a higher-level attorney. Work does not require admission to the bar. Work is subject to review in process and upon completion and assistance is normally available with respect to special problems.

**Examples of Work May Include but are Not Limited To:**

Perform legal research. Complete assigned legal tasks of a routine nature with minimum supervision.

Assist higher-level attorneys with preparing legal documents, briefs, pleadings and opinions.

Assist in preparing cases for trial.

Researches, interprets and applies laws, court decisions, and other legal authorities in preparation of briefs, pleadings and indictments, and other legal papers in conjunction with suits, trials, and other proceedings.

Assist in the preparation of materials pertaining to proposed legislation.

Draft proposed rules and regulations and review rules, regulations, and bulletins prepared by administrative officers for conformity to the law.

Assists in the conduct of studies to determine administrative problems involved in proposed rules or regulations.

Participates in conferences with attorneys, administrative officials and representatives of private groups during which proposed legal rulings are discussed and explained.

Prepares replies to correspondence of a legal nature.

Participates in the review of rules, regulations and bulletins prepared by administrative officers for conformity to law.

Performs related work as required.

**Minimum Experience, Education and Training:**

Current law student at an accredited school of law.

U CODE: U7024

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: NA (\$8.00 - \$18.00/Hr)

**SENIOR HEARING OFFICER**

**Class Summary:**

An employee in this class is responsible for supervising subordinate Hearing Officers. The work involves coordinating and monitoring hearings to ensure that they are conducted in compliance with Pennsylvania Gaming Control Board (PGCB) policies and procedures, providing guidance for Hearing Officers, scheduling work, maintaining statistical reports, reviewing hearing transcripts and decisions made by Hearing Officers pertaining to appeals. Work is performed in accordance with PGCB policies and procedures and is reviewed by the Chief Counsel of the PGCB through individual conferences and/or reports.

**Examples of Work May Include but Are Not Limited To:**

Supervises the work of Hearing Officers and other staff in the Office of Hearings and Appeals.

Coordinates and monitors hearings to ensure that they are conducted in accordance with PGCB policies and procedures.

Interprets PGCB policies and procedures regarding Hearings and Appeals.

Serves as a liaison between Hearing Officers and the Chief Counsel.

Prepares work assignments, reviews work upon completion, prepares performance evaluation reports and recommends action regarding the hiring and termination of employees.

Ability to deal tactfully and effectively with Board staff, legislative staff, applicants and licensees, and members of the general public.

Performs related work as required.

**Minimum Experience, Education and Training:**

Graduation from an accredited law school, admission to the Supreme Court of Pennsylvania and at least six to eight years of specialized attorney experience;

Or an equivalent combination of education and training.

(Specialized experience is defined as experience involving: the application of legal principles, legal analysis, writing, case management, adjudication of complex issues and supervisory experience.)

U CODE: U7077

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

**HEARING OFFICER****Class Summary:**

The Hearing Officer conducts administrative record reviews to render decisions on administrative appeals initiated by appellants contesting adverse Pennsylvania Gaming Control Board (PGCB) decisions.

To render decisions, the Hearing Officer holds face to face or telephonic hearings, which are recorded, schedules and conducts a pre-hearing conference and hearing, hears testimony, rules on motions and objections, reviews documents and considers arguments from appellants. The Hearing Officer considers testimony and evidence from hearings, analyzes and applies relevant statutes and regulations and prepares concise, well-written and easily understood decisions. Decisions and the established official record must pass the scrutiny of administrative and/or judicial reviews. Work is accomplished under strict time deadlines. Supervision is received from the Chief Counsel.

**Examples of Work May Include but Are Not Limited To:**

Expert skill in the professional application of legal principles relating to Act 71.

Expert skill in case management.

Ability to convey analysis and information orally through negotiations, briefings, consultations and other presentations.

Ability to adjudicate complex legal issues; and excellent writing skills and ability to prepare findings, recommendations, decisions and orders.

Ability to effectively present issues and matters to the Board.

Ability to deal tactfully and effectively with Board staff, legislative staff, applicants and licensees, and members of the general public.

**Minimum Experience, Education and Training:**

Graduation from an accredited law school, admission to the Supreme Court of Pennsylvania and at least six years of specialized attorney experience;

Or an equivalent combination of education and training.

(Specialized experience is defined as experience involving: the application of legal principles, legal analysis, writing, case management and adjudication of complex issues.)

U CODE: U7021

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: I

**CLERK TO THE OFFICE OF HEARINGS AND APPEALS****Class Summary:**

This is complex administrative work involving the operations of the Pennsylvania Gaming Control Board (PGCB) Office of Hearings and Appeals and appellate process.

The Clerk to the Office of Hearings and Appeals performs complex administrative work which requires the application of independent judgment. Work involves the responsibility for all aspects of the appellate process in the Office of Hearings and Appeals, as well as the performance of complicated office activities which are control oriented. Work includes activities which are characterized by making choices between different procedures to be followed and determining the appropriateness of the information that is presented for further processing.

Work normally involves making independent decisions concerning the process to be followed, the appropriateness of the information to be processed and the actions to be taken. Work schedules and priorities are subject to unpredictable shifts due to external influences, time frame constraints or self-imposed priority changes. Work is performed with considerable independence and little review, however, changes in operational standards, procedures and work policies are discussed in detail with the Senior Hearing Officer prior to implementation.

**Examples of Work May Include but Are Not Limited To:**

Review of all filings with the PGCB's Office of Hearings and Appeals to insure that information is complete, consistent and adheres to agency rules and regulations.

Review of all correspondence in order to become familiar with the contents and to determine what procedures to pursue in providing the correct information in accordance with applicable administrative and legal constraints.

Responds to written inquiries relating to the status of certain aspects of matters pertaining to public disclosure.

Ability to transfer information from formats which occur in random order and present a modified form according to the rules and procedures of the PGCB.

Ability to use discretion and judgment in dispensing information.

Determines supply needs for the Office of Hearings and Appeals and prepares the supply requisitions.

Insures that mail delivery schedules are punctual and responses to filings are processed in the most efficient and expeditious manner.

Performs related work as required.

**Minimum Experience, Education and Training:**

A bachelor's degree in a discipline appropriate for the position from an accredited college or four years of experience from a government agency or a business entity may be substituted for the required education.

Or an equivalent combination of experience and training.

U CODE: U7051

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: E

**Bureau of Administration**

***DIRECTOR OF ADMINISTRATION***

**Class Summary:**

The Director of Administration is responsible for developing, planning, coordinating and directing a comprehensive Administrative Services program for the Pennsylvania Gaming Control Board (PGCB). This position is responsible for the full array of technical administrative functions including human resources, information technology, procurement, and office services.

The Director of Administration serves as the principal advisor to the Executive Director and the Board on all administrative matters affecting the daily operation of the agency.

This position reports to the Executive Director.

**Examples of Work May Include But Are Not Limited To:**

Develops and implements a comprehensive human resources management program.

Establishes and administers a classification and compensation structure to include a competitive pay structure and appropriate job qualifications.

Establishes and administers policies and procedures that facilitate the attraction and retention of qualified candidates for staff positions.

Establishes and administers a leave entitlement and administration program.

Recommends and advises the Executive Director on an appropriate employee benefits program for the agency, including but not limited to such areas as health insurance; workers compensation; life insurance; safety; employee assistance; unemployment compensation; etc.

Develops and administers an employee relations program, and an employee development and training program.

Recommends and advises the Executive Director on an appropriate human resource and payroll information system.

Recruits, selects, and supervises a Human Resource Director and professional and support staff.

Advises the Executive Director on agency organization structure and staffing.

Directs the development of information systems that support and foster the business needs of the PGCB.

Recommends and advises the Executive Director on the use of information technology employed by the agency.

Recruits, selects and manages Director of Information Technology for the agency.

Controls the purchasing and inventory of supplies, materials, equipment, and services for the agency.

Develops and implements travel and procurement policies and procedures to ensure the strategic and tactical procurement of supplies, materials, and services.

Employs the personnel necessary to conduct procurement work.

Directs the planning and management of the Office Services function to include mail services; leasing of facilities and equipment; reproduction and printing; fleet management; graphic arts; and telecommunications.

Employs the staff necessary to fulfill the Office Service functions.

Serves as the agency Right to Know Officer.

Serves as the Chair of the PGCB Emergency Response Committee.

**Minimum Experience, Education and Training:**

Five years of progressively responsible administrative line or staff experience including three years of supervisory experience in budgeting, accounting, procurement, human resources, or a closely related field; and a Bachelor's degree;

Or an equivalent combination of education and training.

U CODE: U7011

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

***DIRECTOR OF HUMAN RESOURCES***

**Class Summary:**

The Human Resources Director is responsible for directing a fully functioning human resource program, including employee relations, classification, training, employee benefits and human resource systems. Supervision is exercised over professional and clerical staff.

The Director of Human Resources reports to the Director of Administration.

**Examples of Work May Include But Are Not Limited To:**

Directs and performs professional human resource work which is operational and developmental in nature.

Drafts, interprets, applies, and implements human resource policies.

Supervises professional, technical, and clerical staff.

Directs the conduct of position classification reviews and determines the proper classification of positions.

Recommends the proper classification of positions to the Board.

Develops or supervises the development of employee training programs and employee benefit and human resource systems processes to meet agency needs.

Advise supervisors and managers on matters involving employee discipline.

Advise executive management staff on organization issues; prepare comments on requests for Board approval.

Performs related work as required.

**Minimum Experience, Education and Training:**

Four years of professional human resource experience and a bachelor's degree;

Or an equivalent combination of experience and training.

U CODE: U7028

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

***PERSONNEL AND PLACEMENT SPECIALIST***

**Class Summary:**

The Personnel and Placement Specialist is responsible for maintaining the agency resume database and managing the employment placement process to ensure that qualified applicants are considered and recommended for positions with the Pennsylvania Gaming Control Board (PGCB).

The incumbent in this position works with agency management staff to post vacancy announcements and coordinate the interview and selection process. The Specialist develops the agenda for agency personnel meetings to review recommended candidates and works with the Office of Professional Responsibility as candidates complete the background investigation and are considered by the Board for employment.

This position reports to the Director of Human Resources.

**Examples of Work May Include But Are Not Limited To:**

Maintaining the resume database.

Sending out Vacancy Announcements.

Coordinating the posting of Vacancy Announcements on Internet job sites and other state agencies.

Receives and evaluates resumes for qualifications.

Schedules applicant interviews and coordinates interview panel.

Manages the agenda items for weekly Personnel Committee meetings.

Meets with Managers to determine recruitment and placement needs.

Maintains the agency organizational chart.

**Minimum Experience, Education and Training:**

Four years as a Human Resource Assistant;

Or two years of experience in the performance of professional human resource duties and a bachelor's degree;

Or an equivalent combination of experience and training.

U CODE:

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: E

***HUMAN RESOURCE ANALYST***

**Class Summary:**

A Human Resource Analyst is responsible for performing analysis of programs or program processes to draft procedures or facilitate human resource program administration. This is usually accomplished through detailed study of an issue which will result in formal written recommendations for program improvement within an agency, or administration of programs which require professional judgments in Work processes which are not governed by procedure or strict guidelines.

This position reports to the Director of Human Resources.

**Examples of Work May Include But Are Not Limited To:**

Conducts classification desk audits for a variety of clerical, technical, and professional occupations, received as management initiated requests or employee initiated requests, and recommends appropriate classification.

Drafts new or revised class specifications under the direction of a supervisor, including gathering job information, drafting allocation criteria, and preparing implementation plans such as allocation lists, pay range recommendations, and bargaining unit suggestions.

Revises existing training courses or prepares new courses for functional subjects, prepares course outlines, designs course methodology, and performs classroom instruction using visual aides, handouts, and exercises.

Performs related work as required.

**Minimum Experience, Education and Training:**

Three years as a Human Resource Assistant;

Or one year of experience in the performance of professional human resource duties and a bachelor's degree;

Or an equivalent combination of experience and training.

U CODE: U7047

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

***HUMAN RESOURCE ASSISTANT***

**Class Summary:**

A Human Resource Assistant performs technical duties of a technical nature in the field of public human resource work. Work involves performing duties in any or all of the various areas of public human resource work, including classification, compensation, employee benefits and selection, human resource research and evaluation, applicant assessment, employee training, and human resource management systems operations. Assignments usually involve person-to person communication with job applicants, other employees, program officials, and the public, and require the analysis of varied data for formulating recommended action within prescribed guidelines. The Human Resource Assistant may perform varied clerical work incidental to the technical aspects of public human resource work and the majority of duties are performed in the technical aspects of the program.

This position reports to the Director of Human Resources.

**Examples of Work May Include but Are Not Limited To:**

Conducts classification interviews, prepares interview reports, and recommends appropriate classification action

in situations where organizations are relatively stable and classification standards are clear. Writes position descriptions from interview with employees or program officials.

Interviews agency program officials in determining training needs and developing training programs, prepares schedules for training programs, gathers and assembles pertinent literature for use in training programs, participates in role-playing and conducts segments of training sessions, prepares correspondence, and performs other technical and administrative support for both in-house and off-site training programs.

Participates in a variety of human resource program areas such as employee benefits and services, recruitment and placement, manpower planning, human resource rules and procedures development, human resource research, and employee relations by performing duties such as gathering data from publications, files, and interviews, analyzing data, recommending appropriate activity, supporting data to substantiate recommended actions.

Performs related work as required.

**Minimum Experience, Education and Training:**

A high school diploma and two years of clerical or other comparable experience, one year of which involved performance of limited technical duties in the field of human resource work;

Or an equivalent combination of experience and training.

U CODE: U7026

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: B

***DIRECTOR OF INFORMATION TECHNOLOGY***

**Class Summary:**

The Director of Information Technology is responsible for directing the full range of information technology programs in the Pennsylvania Gaming Control Board (PGCB). Work includes formulating information technology objectives and strategic plans, directing planning and developmental activities, assessing hardware and software products, negotiating and managing vendor contracts and coordinating information technology resource acquisition. Critical aspects of the work involve providing expert advice and guidance to the Board and executives on capabilities and limitations of available information technology and providing expertise and leadership in high impact agency-wide initiatives.

Information technology priorities are established in consultation with the Director of Administration. Work is performed independently using initiative and judgment in managing the information technology resources. Work is reviewed for effectiveness through periodic reports, conferences and achievement of organizational objectives.

This position reports to the Director of Administration.

**Examples of Work May Include but Are Not Limited To:**

Plans, organizes and directs the analysis, design, development, implementation and operation of information systems in support of agency needs.

Prepares progress reports to inform management of project development and deviations from objectives, consults with specialist or technical personnel to solve difficult problems.

Consults with agency executives and program managers to determine information systems priorities and requirements and develops data processing objectives to meet user needs.

Provides guidance and assistance to agency officials and program managers on resources capabilities relative to the adaptation of systems to data processing based on resources available.

Formulates information technology objectives and plans in consultation with agency executives and program managers.

Directs research to identify operational requirements related to hardware and software needs, site and systems security and disaster recovery procedures.

Negotiates and manages vendor contracts for equipment, software and maintenance services.

Plans, organizes and directs the analysis, design, development, implementation and operation of information technology resources in support of organization needs.

Directs the establishment of priorities for high impact information technology initiatives and projects, develops cost estimates, determines staffing requirements and, develops work plans and timelines, monitors project status, and oversees implementation.

Serves as project manager for organization-wide systems development efforts, and directs and supports multiple information systems development project teams.

Directs the development of policies and procedures regarding the organization's information technology infrastructure consistent with agency standards.

Directs consultation with users to discuss software and hardware needs, to assess existing hardware and software, and directs surveys of proposed modifications to support the overall departmental information technology infrastructure

Directs the preparation of specifications for the acquisition of hardware, software, and services, and oversees the contractor's work to ensure compliance with contract specifications.

Directs the review of new or expanded information systems, design concepts, specifications, plans, contracts and other documents related to information technology resources.

Directs and coordinates information technology technical support, security, planning, disaster recovery, contracted services, acquisition, implementation, maintenance, training, and operational functions for the agency.

Researches new technologies for enhancement to the agency's information technology infrastructure.

Monitors overall operational efficiency and initiates projects to improve performance.

Directs all information technology support services provided by contracted vendors, maintains coordination, and performs quality assurance measures.

Provides consultative guidance and direction to departmental management on the utilization and capabilities of the departmental information technology resources.

Directs the training of subordinate staff to ensure they are kept up to date with changes in technology.

Performs related work as required.

**Minimum Experience, Education and Training:**

Five (5) years of supervisory experience of highly advanced technical information technology personnel; and a Bachelor's Degree that included or was supplemented by 18 credits in Computer Science; Management, Computer or Business Information Systems; Microcomputer Technology, Information Technology, Desktop Technology or closely related field;

Or, an equivalent combination of experience and training that included five (5) years of supervisory experience and 18 credits in Computer Science; Management, Computer or Business Information Systems; Microcomputer Technology, Information Technology, Desktop Technology or closely related field. Graduate training in computer science or information technology may be substituted for the required experience to a maximum of one (1) year.

U CODE: U7031

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: H

**APPLICATIONS DEVELOPER****Class Summary:**

An Applications Developer is responsible for the analysis, planning, design, development, testing and debugging, maintenance, and documentation of highly complex computer applications to fulfill the needs of the Pennsylvania Gaming Control Board's (PGCB) business systems. Work at this level includes the assignment and accountability for highly complex computer application development projects; or the permanent assignment of lead worker responsibilities for developers performing advanced technical work; or independent application development and maintenance of a major departmental system or group of systems so critical to core business functions that inoperability would significantly impact/impair operations.

Work assignments include responsibility for critical phases of complex applications development projects from their inception as a systems analysis problem to their completion as operational computer applications. Employees work with staff to negotiate, prioritize, and define systems requirements and necessary modifications and complete documentation and procedures for installation and maintenance. Work is assigned in broad outline by an administrative or technical supervisor and is performed independently with initiative and is reviewed upon completion for overall effectiveness in meeting the client and agency needs.

The Applications Developer reports to the Director of Information Technology.

**Examples of Work May Include But Are Not Limited:**

Develops criteria to evaluate complex user applications and determine whether systems can be created using packaged desktop PC software or require traditional application development efforts.

Provides direction and participates in the conduct of detailed studies of current complex systems and PGCB processes, including existing procedures, information flows, and methods of work organization and control to develop logical models of the current systems.

Coordinates with management, program staff, and selected vendors; monitors and reports on project progress; resolves critical development issues; and advises manage-

ment of any delay or problem which would impact adherence to the project completion time frames.

Utilizes and provides guidance to other developers in the use of standard and advanced computer system design techniques, system methodologies, and developmental tools.

Meets with users to determine manual or automated processing inefficiencies or problems, business objectives and operational needs, level of utilization of existing systems, and computer equipment capability to identify information technology alternatives and provide solutions for improving operations.

Uses information modeling and information technology strategic planning methodologies in working with agency managers to develop system applications which align user systems with the agency's mission, including use of computer assisted systems engineering, rapid application development, and shared application development approaches.

Directs and participates in fact-finding studies of pertinent data, problem analysis, and system design using data processing concepts and techniques; conducts time studies; gathers data about current methods, applications, objectives, costs volumes, reports, outside relationships, and similar factors to be taken into account in systems design; and records and analyzes the data.

Identifies and evaluates alternative design options for complex business systems supporting multiple applications, including the technical and economic feasibility of each alternative and develops and presents and advises clients and higher level managers on recommendations for systems parameters, including proposed schedule and projected costs for development.

Meets with users to document processes and reporting requirements of current systems, utilizing appropriate systems documentation methods and processes. Obtains approval of documentation to ensure that all aspects of the current systems are correctly documented.

Develops objectives for proposed complex systems characterized by the existence of multiple functions integrated into single systems, including the logical model for the systems, process logic definitions, critical data elements, and logical system design to meet the user's requirements.

Develops specifications for proposed complex physical systems supporting multiple business applications, including report layouts, screens, input documents and forms file design, forms design, and physical file structure.

Performs system and program coding, testing, and documentation, including analysis of input and output from system tests to ensure that user requirements are being met.

Instructs, develops, and directs applications developers in the planning and development of appropriate quality assurance procedures, including data security, back-up and recovery, and systems controls.

Provides leadership and direction to other information technology personnel in the preparation and maintenance of computer operations documentation, including production control procedures for application productions execution.

Provides and coordinates training to appropriate personnel on newly developed systems. Develops plans to make an orderly transition from the existing system to

the new system; monitors effectiveness of user operations to identify and rectify problems; maintains communication with source agencies, users, data processing personnel, and others involved in the work processes to identify and resolve systems deficiencies.

Meets with users to gain their formal acceptance of new system applications prior to implementation and ensures maximum efficiency in application connectivity, data sharing, and time and space utilization with the agency's business operations. Recommends approval of applications for migration to production, installs and field tests applications, and provides leadership and technical assistance in revising and modifying applications during testing to ensure the applications fulfill client requirements.

Acts as primary contact with users and user management regarding complex and multi-function system operations and new developments, corrections, and enhancements they may require.

Serves as a consultant and technical advisor to users regarding new software and technology that may improve or streamline system operations. Advises on costs and cost effectiveness in making system revisions or changes.

Performs related work as required.

**Minimum Experience, Education and Training:**

Three (3) years of technical information technology experience in applications development and/or business process analysis and an Associates Degree in Computer Science; Management, Computer or Business Information Systems or a closely related field;

Or, five (5) years of technical information technology experience in applications development and/or business process analysis;

Or, one (1) year of technical information technology experience in applications development and/or business process analysis and a Bachelor's Degree that included or was supplemented by 18 credits in Computer Science; Management, Computer or Business Information Systems or a closely related field;

Or, any equivalent combination of experience and training that includes 18 credits in Computer Science; Management, Computer or Business Information Systems or a closely related field; and two (2) years of technical information technology experience in applications development and/or business process analysis. Equivalent clock hours in Computer Science; Management, Computer or Business Information Systems may be substituted for the required credits.

U CODE: U7086

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: F

***INFORMATION TECHNOLOGY SUPPORT  
SPECIALIST***

**Class Summary:**

The Information Technology Support Specialist is responsible for performing a broad range of administrative and highly advanced technical information technology duties in at least two of the following areas: information technology support; centralized management and integration of Pennsylvania Gaming Control Board (PGCB) wide voice and data telecommunications activities; design and configuration of the voice and data systems and networks; and administration services.

Work includes technical and administrative functions: providing project leadership involving information systems and telecommunications in a moderate to very complex technology environment for automation and/or communication systems; independently performing network administration functions in a complex network environment based on the necessity of integrating and managing the network and connectivity with other networks, platforms, and protocols including the communications hardware and software to support connectivity; planning, developing, reviewing, and evaluating statewide systems, equipment, facilities, and services in the PGCB; developing proposals for systems and the preparation of design criteria, design concepts, requests for proposals, and specifications for the purchase or lease of related equipment, networks, and systems; independently managing data resources through the planning, design, and implementation of systems for the PGCB; and performing work of comparable scope and complexity in information technology support and administration services in information technology procurement, user support, planning, security, and/or training.

Work is characterized by independent duties advising staff on capabilities and limitations of available information technology and providing expertise and leadership for all phases of highly complex telecommunications projects. Work may include directing technology projects and assigned staff and leading the need analysis, operations analysis, and systems analysis activities for the operation, implementation, and enhancement of information technology activities of the area. Work may involve contact with representatives of other governmental agencies, telecommunications and service vendors to coordinate activities of the PGCB, telephone companies, contractors, consultants, and others providing telecommunications services and equipment. This work may involve directing the activities of contracted personnel in support of the project/initiative. Work is generally performed in a distributed systems environment and involves applying technology and innovation to enhance complicated business processes. Employees in this class may direct the work of information technology professional and/or technical personnel. Work is assigned in the form of objectives by an administrative or technical superior, is performed independently with initiative, and is reviewed for achievement of objectives and meeting the needs of the organization.

**Examples of Work May Include but Are Not Limited:**

Conducts analysis studies of present methods, applications, objectives and all pertinent data, followed by the design of improved systems, using automated technology equipment and techniques.

Manages and supports connectivity for complex local and wide area systems, a wide variety of hardware and software, and many varied peripherals.

Provides project coordination for information technology and telecommunications projects, including technical expertise and leadership for all phases of development and in the use of technology.

Plans and designs Local Area Network/Wide Area Network (LAN/WAN) systems and voice/data telecommunications systems; analyzes technical requirements, sizing, and performance of network design including the environment, physical wiring plan, connectivity standards, hardware and software requirements and the network operating system.

Administers all LANs/WANs within the agency which includes multiple server connectivity and initiates trouble calls to other agencies to isolate and resolve system or communications related problems.

Installs, maintains, and upgrades all software and hardware related to a complex LAN/WAN.

Provides consultative technical advice and assistance in the design, acquisition, installation, operation, integration, and maintenance of complex networks and voice/data telecommunications.

Directs and consults with vendors, consultants, or contractors providing specific services or functions for establishing and maintaining networks.

Develops and enforces agency and/or enterprise wide information technology security policies and procedures, including physical security, security awareness, and the access and use of network resources in compliance with agency standards.

Provides technical assistance to users in resolving any software, hardware, communications, system resource, security, or application problems.

Supports and develops PGCB Enterprise Business Recovery Planning using specialized recovery software to ensure security issues for highly sensitive and/or critical systems in compliance with agency policies.

Serves as a technical consultant with information technology staff for all aspects of information technology security to ensure security levels are established and maintained in compliance with agency policies.

Responds to special requests for sensitive or confidential information within federal, state, or the PGCB guidelines.

Supports the agency-wide Help Desk facilities to aid the user with issues and problems with hardware, software, and voice/data systems.

Plans and conducts the assessment of capabilities and cost analysis of voice, data, and computer resources to evaluate current conditions to develop planning documents for the operation and expansion or curtailment of PGCB information technology systems and services.

Reviews, evaluates, and reports on the capabilities and limitations of industry technologies relative to the agency's systems environment and participates in developing: network and systems requirements; operational design criteria; requests for proposals; cost estimates; and acceptance testing.

Monitors system resources for availability, efficiency, and cost effectiveness.

Monitors the system message logs for errors and warning messages, looking for existing or potential software, hardware, network, or system problems and addresses and corrects those problems found.

Works with and advises project team members in the proper use of distributed mass storage resources and considers the impact of increased or decreased access upon the central database.

Advises project team members about incorporating appropriate LAN/WAN based system backup/recovery procedures and performance concerns into the systems design specifications.

Evaluates and recommends information technology vendors for contract award.

Performs related work as required.

### **Minimum Experience, Education and Training:**

Three (3) years of technical experience providing information technology user support services in a variety of areas to include: network and desktop PC support services, telecommunications hardware and software installation, operation, and maintenance; and an associate degree in computer science;

Or, five (5) years of technical experience providing information technology user support services in a variety of areas to include: network and desktop PC support, telecommunications hardware and software installation, operation, and maintenance;

Or, one (1) year of technical experience providing information technology user support services in a variety of areas to include: network and desktop PC support services, telecommunications hardware and software installation, operation, and maintenance; and a bachelor's degree including or supplemented by 18 credits in computer science; management, computer or business information systems; microcomputer technology, information technology, desktop technology or closely related field;

Or, an equivalent combination of experience and training that includes 18 credits in computer science; management, computer or business information systems or a closely related field, and two (2) years of experience providing information technology support services in a variety of areas to include: network and desktop PC support services, telecommunications hardware and software installation, operation, and maintenance. Equivalent clock hours in computer science; management, computer or business information systems may be substituted for the required credits.

U CODE: U7048

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: F

### ***PROCUREMENT SPECIALIST***

#### **Class Summary:**

The Procurement Specialist is responsible for the purchasing of supplies, materials, equipment, or services for the Pennsylvania Gaming Control Board. Duties include detailed work involved in purchasing general commodity groups. This includes the review of requisitions, the preparation of bid invitations, the review and award of bids, and the preparation of purchase orders. Work includes occasional contact with vendors and various agency officials concerning purchasing problems.

This position reports to the Director of Administration.

#### **Examples of Work May Include but Are Not Limited To:**

Prepares purchase requests, field limited purchase orders, service purchase contracts, or stock encumbrances for needed supplies.

Inspects material upon receipt for compliance with specifications and inputs receipt of products.

Maintain monthly invoices and receipts from all vendors as well as contracts and bids from vendors.

Prepare invoices, copy and submit for payments to vendors.

Order all supplies and materials for all Pennsylvania Gaming Control Board (PGCB) field offices, this includes maintaining commonwealth VISA purchasing card, signing off on all purchases through the works payment manager system and acquiring all supporting documenta-

tion for audits of purchasing card from the comptroller's office. Reviews specifications used as a basis for bids on all commodities of an assigned category.

Locates sources of supply capable of furnishing required items or services.

Maintains mailing lists of vendors interested in submitting bids on certain commodities; maintains other purchasing records and reference materials such as supply catalogs or state contract schedules; conducts correspondence with vendors regarding bids, delivery, and payment.

Discusses purchase requirements with users and advises on items best suited to individual needs or suggests substitutions for requested items.

Renew all attorney memberships; this also includes registering all attorneys and executive staff for conferences, trainings, and business trips. Maintain all contracts and agreements for leasing of furniture and office space in all regional offices of PGCB.

Maintains parking garages passes internally.

Performs other related duties.

**Minimum Experience, Education and Training:**

One year of purchasing work involving contact with vendors in the procurement of a variety of supplies, materials, equipment, and services; or four years of stores or warehouse experience that included responsibility for maintaining inventory control or requisitioning or ordering supplies. Post-high school instruction may be substituted on a year-for-year basis for purchasing or stores experience to a maximum of two years.

Or an equivalent combination of experience and training.

U CODE: U7045

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: B

***TRAVEL SPECIALIST***

**Class Summary:**

The Travel Specialist is responsible for ensuring that employees' travel reimbursements are processed in accordance with Management Directives, Commonwealth of PA, and agency procedures in a timely manner. In accomplishing this task, the employee serves as Agency Coordinator for the Commonwealth Corporate Card Program, Office of the Budget and PNC Bank. Work involves providing guidance with application submission, processes delinquency reports, writes disciplinary letters and adds support and technical assistance to Pennsylvania Gaming Control Board (PGCB) staff. The employee approves all Purchasing Card transactions in the PNC Bank Works system to be sure we are in compliance with both the Commonwealth and Agency policies and procedures and coding funds are correct, represents PGCB in negotiating contracts with vendors (Hotels/Convention Centers/Universities) in regards to conferences/open forum meetings and Public hearings, communicates with PGCB personnel, other Commonwealth agencies and vendors pertaining to policies, procedures and related payment issues, analyzes the appropriate SAP work flow box to assure that all travel documents are processed on a timely basis, and is the Liaison between the Governor's Office of Administration, Bureau of Payroll and Operations in all matters related to travel and travel policies.

This position reports to the Director of Administration.

**Examples of Work May Include but Are Not Limited To:**

Analyzes information and keeps the agency advised of policy changes and potential impacts.

Provides training and guidance to all employees in ESS, travel expense reimbursement including decision making involving policy interpretation.

Communicates orally and in writing; analyze and interpret data; devise solutions; understand and follow policies, procedures, rules and directives.

Serves as liaison between our department and Bureau of Commonwealth Payroll Operation and Department of Treasury.

Trouble shoots all problems with Bureau of Commonwealth Payroll Operations and Department of Treasury.

Conducts training to employees in the ESS - travel manager system to become travel arrangers.

Secures airline/train travel arrangements for employees and issues hotel orders as necessary.

Serves as Agency Coordinator for PNC Visa Corporate cards & Purchasing Cards.

Processes General Invoices, Purchase Orders, and procures contracts with facilities securing meeting rooms, catering services for meetings and conventions and overnight room accommodations.

Serves as Training Coordinator for all agency employees and coordinates payment for courses, interprets out-service training rules and regulations.

Oversees travel and subsistence reimbursement requests and responds to inquiries by BCPO and employees regarding travel status and subsistence

Serves as the Agency Administrator for PNC Travel Card and the back-up purchasing agent for the agency.

**Minimum Experience, Education and Training:**

A high school diploma and four years of relevant work experience;

Or a bachelor's degree;

Or any equivalent combination of experience and training.

U CODE: U7079

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: C

**Bureau of Corporate Compliance and Internal Controls**

***DIRECTOR OF CORPORATE COMPLIANCE AND INTERNAL CONTROLS***

**Class Summary:**

The Director of the Bureau of Corporate Compliance and Internal Controls (BCCIC) is responsible for the planning, implementation, and administration of a compliance and internal control monitoring program for all licensees in the Commonwealth of Pennsylvania. Work involves providing leadership, management and assignments to the Bureau's staff to specific slot machine facilities in order to monitor accounting and internal controls procedures as set forth in applicable regulations, of the PGCB Rules and Regulations. Duties include working directly with the Board's Bureau of Investigations & Enforcement and Bureau of Licensing and other Bureaus as required.

The Director of BCCIC is also responsible for developing, recommending and implementing policies, standards, and procedures for the supervision and regulation of ACT 71, and current regulations over compliance and internal control procedures. Supervision is exercised over managers, compliance Examiners and administrative staff.

Work is performed independently and under the direction of the Executive Director.

**Examples of Work May Include But Are Not Limited To:**

Prepares or reviews the licensees or applicants internal control submissions.

Reviews and prepares the preparation of deficiency reports and letters summarizing the results of internal control/corporate compliance citing material deficiencies considered necessary to be corrected in order to remain in compliance with appropriate regulations. Determines whether filings by licensees adequately correct deficiencies.

Plans, directs and administers a compliance and internal control monitoring program to interpret rules and regulations and to provide reasonable assurance that licensees are operating in accordance with the regulations set forth in Act 71.

Acts as a liaison between the PGCB and licensees regarding compliance and internal control procedures in accordance with regulations that affect the operations and practices of the licensees. Possesses the ability to interpret and communicate these regulations to slot machine operators.

Recommends, implements, and administers policies, standards, and procedures for regulatory compliance and internal control procedures.

Direct supervision of a staff composed managers, compliance examiners, and administrative staff in order to meet the objectives of the BCCIC.

Directs the review, evaluation, examination and distribution of all reports issued internally by BCCIC.

Directs and supervises efforts to effect remedial action by licensees to correct deficiencies in operations or violations of the rules and regulations as set forth in Act 71.

Directs and participates in the review and acceptance/rejection of proposals or plans from slot machine facilities to correct deficiencies in operations or violations of the rules and regulations as set forth in Act 71 and to protect the integrity of the gaming industry in the Commonwealth of Pennsylvania.

Supervises and coordinates the conduct of the creation of special reports regarding issues concerning compliance and internal control procedures in order to determine trends, problems, and issues in the slot machine facilities.

Coordinates program objectives and activities with other staff within the PGCB concerning issues relating to the integrity and operations of the licensees.

Performs other work as required.

**Minimum Experience, Education and Training:**

Degree in Accounting or Finance; and

Ten years of experience with auditing, analytical analysis, financial statement review, and research capabilities;

Or an equivalent combination of experience and training including 7 years in an administrative or supervisory capacity.

U CODE: U7033

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

***BUREAU OF CORPORATE COMPLIANCE AND INTERNAL CONTROLS MANAGER***

**Class Summary:**

Under the guidance of the Director of Bureau of Corporate Compliance and Internal Controls(BCCIC), the Manager supervises compliance examiners and administrative staff. Carries out responsibilities in accordance with the applicable laws and in support of the goals of the Pennsylvania Gaming Control Board (PGCB).

This position reports to the Director of BCCIC.

**Examples of Work May Include but Are Not Limited To:**

Develops and reviews analyses of activities, costs, operations, and forecast data to determine Bureau progress toward stated goals and objectives.

Review the work product of compliance examiners for completeness and content.

Analyzes work requirements and determines resources needed to accomplish work assignments.

Meets frequently with Director of BCCIC to review issues and provide updates.

Supervises the establishment and maintenance of records and files.

Maintains liaison and cooperative working relationships within and outside the organization.

Conducts appropriate performance evaluations and addresses employee complaints and resolves problems.

Interviews and recommends potential candidates for employment with BCCIC.

Performs other related duties.

**Minimum Experience, Education and Training:**

Bachelor's of Science degree in Business Management or similar field of study and at least 7 years of closely related work experience;

Or an equivalent combination of experience and training.

U CODE: U7038

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: G

***COMPLIANCE EXAMINER***

**Class Summary:**

An employee in this class is assigned to perform comprehensive financial reviews and analysis of various types of filings for registration, renewals and monitoring as well as duties associated with compliance examinations of licensed casinos in order to comply with Act 71 and the rules and regulations of the Pennsylvania Gaming Control Board (PGCB). The objective of this employee is to ensure that filings are complete and accurate and/or that they comply with the financial fitness requirements of the Act and to detect non-compliance with the provisions of applicable laws, regulations and guidelines. These processes are carried out by review of various financial documents required to be submitted and by reviewing and testing internal controls and application document submitted to the PGCB.

The employee works with the Bureau of Licensing, the Bureau of Investigation and Enforcement (BIE), the applicant, the licensed entity, and/or outside auditors to obtain documentation that would ensure full compliance with applicable rules and regulations. The employee will review the filings with Licensing or investigations conducted by BIE in order to recommend the scope of the examination to be conducted. The employee conducts interviews of appropriate personnel of the organization; inspects the books and records; determine the policies and operating procedures in effect; compile data from journals, ledgers and electronic sources; and gather other relevant documents or information. The employee prepares worksheets and schedules, analyzes information, develops findings, and formulates conclusions with respect to the degree of compliance with statutory and regulatory requirements. The employee prepares documentation and written reports in accordance with established standards, presenting the results of the examination and conclusions. In addition, the employee may confirm the amounts transferred to/from various state agencies that are statutorily mandated by the Act.

General supervision is received from a Manager or a higher level Examiner.

**Examples of Work May Include but Are Not Limited To:**

Examines Licensing, Bureau of Investigations and Enforcement and Corporate Compliance files of the licensee in order to determine the specific areas in the examination that should be emphasized.

Performs on-site examination and testing of the licensee, which includes an entrance conference, interviewing company principals, inspecting books and records, compiling information and data, and collecting documents and records.

Reviews Licensee operating procedures and internal control procedures to ensure compliance with the Act.

Drafts written reports of examination, in accordance with standards; evaluates in narrative form; presents compliance with laws and regulations with supportive data; makes preliminary recommendations with regards to disposition, further examination, or other appropriate action.

Assists department's or agency's staff in the performance of examinations, investigations, or related activities involving licensees.

Coordinate multiple financial examinations.

Reviews new applicant information to determine financial fitness.

Reviews 10K, 10Q, 8K, etc. submitted to the SEC by the licensee.

Tracks and review supplier information.

Tracks and review manufacturer information.

Reviews distributions to/from the Pennsylvania Race Horse Development Fund.

Reviews transfers made to the Pennsylvania Gaming and Economic Development Tourism Fund.

Reviews distributions made to the Volunteer Fire Company Grant Program.

Meets with external auditors and review external auditor's reports.

Reviews license renewal financial related information.

Responds to correspondence from licensees, suppliers, and manufacturers.

Reviews licensees' records for payments to vendors to ensure compliance with licensing requirements.

Reviews vendor records to ensure their compliance with applicable rules and regulations.

Perform other duties as assigned.

**Minimum Experience, Education and Training:**

Two years experience in professional accounting, auditing, or financial compliance work; and a Bachelor's Degree;

Or an equivalent combination of experience and training.

U CODE: U7016

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

**Bureau of Investigations and Enforcement**

***DIRECTOR OF INVESTIGATIONS AND ENFORCEMENT***

**Class Summary:**

The Director of the Bureau of Investigations and Enforcement (BIE) who reports to the Executive Director is responsible for the overall management of BIE, including the work of a large professional staff of investigators and casino enforcement agents.

The Director has liaison responsibility with Department of Revenue, Executive Management of Pennsylvania State Police (PSP), major law enforcement agencies and gaming regulators in other gaming jurisdictions.

**Examples of Work May Include but Are Not Limited To:**

Directs the investigative work of the Pennsylvania Gaming Control Board (PGCB) as mandated by Act 71.

Initiates suitability investigations of all gaming applicants/entities, i.e., key employees, key employee qualifiers, waivers, gaming employees, vendors.

Provides the board with all information necessary for licensing decisions.

Initiates investigations concerning violations of Act 71.

Initiates investigations or appropriate actions based upon referrals from the Board.

Refers all criminal violations of Act 71 to PSP and cooperate in the investigation and prosecution of criminal violations of Act 71.

Works with the Chief Financial Officer on all BIE and PSP budgetary issues.

Interacts with all PGCB Directors/Managers insuring a free flow of information among all PGCB Bureaus.

Inspects and examines all premises where slot machine operations are conducted and slot machines are stored.

In conjunction with Gaming Laboratory personnel, inspects all equipment, supplies, and slot machines.

In conjunction with Bureau of Corporate Compliance, inspect, examine, and audit all records, documents pertaining to licensees operation.

During a BIE investigation when necessary, seize, remove, impound, or assume physical control of any book, record, ledger, slot machine, cash box, or other equipment and supplies.

**Minimum Experience, Education and Training:**

Twenty years of law enforcement or gaming regulatory experience; and five years of executive management experience within an investigative organization preferably in law enforcement or in the gaming industry; and a college degree, or

Any equivalent combination of experience and training.

U CODE: U7010

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: L

***DEPUTY DIRECTOR FOR ENFORCEMENT***

**Class Summary:**

The Deputy Director for Enforcement is responsible for maintaining constant communication with the supervisors and lead agents assigned to the Enforcement Section of Bureau of Investigations and Enforcement (BIE). Creating and maintaining a professional relationship with the operators and management staff of the racinos/casinos is critical and imperative. This position is responsible for the supervision of the regulatory enforcement agents, their work product, training, discipline, and all organizational functions of the enforcement section. The position is responsible for the creation, organization and all other duties associated with the enforcement section. The position is responsible for the creation of all necessary job function, necessary forms, and all required reporting systems. Position is responsible for maintaining the proper number of employees necessary to accomplish the duties assigned to the section. Communication with the other Directors and Deputy Directors is a key job function. The overall performance of the Casino Enforcement section is the responsibility of the Deputy Director for Enforcement.

The Deputy Director for Enforcement reports to the Director of the BIE.

**Examples of Work May Include but Are Not Limited To:**

Supervises the daily activities of the Casino Enforcement unit of the BIE.

Responsible for overseeing Casino Enforcement Agents.

Act as the liaison with the Pennsylvania State Police regarding fingerprinting of gaming employees and referring criminal activity within the casino.

Assist with opening of the casinos especially regarding all fingerprinting issues with the gaming and non-gaming employees.

Work closely with BIE attorneys on all enforcement actions.

**Minimum Experience, Education and Training:**

Ten years of supervisory experience; and Bachelor's degree in a related field; and Fifteen years experience in a law enforcement or similar type of agency;

Or an equivalent combination of education and experience.

U CODE: U7022

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: K

***CASINO ENFORCEMENT AGENT***

**Class Summary:**

A Casino Enforcement Agent is responsible for performing specific casino enforcement duties at a licensed gaming facility in Pennsylvania.

This position reports to an Investigator Supervisor or the Deputy Director for Enforcement in the Bureau of Investigations and Enforcement (BIE), Pennsylvania Gaming Control Board (PGCB).

**Examples of Work Include but Are Not Limited To:**

Establishes liaison and working relationships with all levels of law enforcement and casino property management and staff assigned to the casino properties.

Participates in surveillances, searches and seizures when required in order to accomplish investigative needs and maintains the security of gaming facilities.

Regulate activities of gaming at slot machines, within cashier cage areas, count rooms and voucher redemption kiosk areas.

Investigate patron complaints, unusual or suspicious activity on the casino floor or other sensitive casino areas and underage gaming.

Investigate and enforce exclusion and self-exclusion lists.

Notifies of appropriate PGCB personnel assigned to Compliance and Licensing concerning issues that fall under their regulatory control.

Monitor and approve slot machine moves, camera moves and changing of advisory signs.

Regulate the monitor room, access to property, key control, temporary access and casino staffing issues.

Provides testimony before Hearings and Appeals, the PGCB Board members and courts of law or hearing forums.

Performs other related duties.

**Minimum Experience, Education and Training:**

A Bachelor's degree;

Or four years of security or surveillance experience, of a technical level

Or an equivalent combination of experience and training.

U CODE: U7084

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

***INTERNAL CONTROL EXAMINER I***

**Class Summary:**

The Internal Control Examiner I performs the analysis of all financial internal controls at a licensed gaming facility and conducts related financial investigations.

Works under the direction of the Deputy Director of Enforcement within the Bureau of Investigations and Enforcement.

**Examples of Work May Include but Are Not Limited To:**

Review the internal control systems and practices at licensed gaming facilities, as mandated by Act 71 and agency procedures and regulations.

Performs unannounced audits which include testing of Internal Controls, interviews of facility personnel, and review of relevant documents.

Documents results of audit noting any deficiencies in the Internal Control Standards.

Re-audits facilities after a determined period of time to determine if facility has corrected deficiencies.

Testifies in legal proceedings regarding audit results and procedures if facility is found by the Office of Enforcement Counsel to be in violation of Act 71.

Performs other related duties.

**Minimum Experience, Education and Training:**

College degree or an equivalent combination of experience and training.

U CODE:

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

***INTERNAL CONTROL EXAMINER II*****Class Summary:**

The Internal Control Examiner II establishes the framework and process for the analysis of all internal controls at a licensed gaming facility, and provides direction and training on the correct standards and practices for internal controls; and conducts related investigations, including financial investigations. Responsibilities include supervising projects and administrative staff.

Works under the direction of the Deputy Director for Enforcement in the Bureau of Investigations and Enforcement.

**Examples of Work May Include but Are Not Limited To:**

Review the internal control systems and practices at licensed gaming facilities, as mandated by Act 71 and agency procedures and regulations.

Review all investigations done by the Internal Control Examiners I, and expands investigation as is necessary by directing field staff to conduct interviews, analysis and audits.

Working with the Office of Enforcement Counsel and the senior management of BIE, help establish investigation and enforcement standards and practices for use in the field for the conduct of field investigations of economic and financial events.

Internal Control Examiners II will review all financial field investigations for completeness and to determine any additional actions that may be required.

Review and assess investigations to train staff and to improve the training of staff for field investigations.

Work with all bureaus to establish the agency-wide standards for financial investigations and to ensure that all investigations have been completed

Performs other related duties.

**Minimum Experience, Education and Training:**

Ten years of audit, financial analysis or forensic accounting experience.

CPA designation or Masters Degree in a financial discipline.

Or an equivalent combination of experience and training.

U CODE: U7046

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: G

***CHIEF ENFORCEMENT COUNSEL*****Class Summary:**

The Chief Enforcement Counsel acts as the prosecutor in all non-criminal enforcement actions under the Gaming Act. The Chief Enforcement Counsel is solely responsible for initiating proceedings for violations of the Act, as they deem necessary. In the case of a violation, the Chief Enforcement Counsel may seek a settlement that may include fines, penalties or other actions. The Chief Enforcement Counsel is responsible for drafting, negotiating, and enforcing such settlements. The Chief Enforcement Counsel presents proposed settlements to the Board for their consideration.

The Chief Enforcement Counsel is the legal advisor to the Bureau of Investigations and Enforcement (BIE). The Chief Enforcement Counsel responds to questions and issues presented by investigators from the BIE's regional and central offices. In providing legal advice to the Bureau concerning the conduct of background investigations, the release of information or the sufficiency of materials submitted to the Bureau or the Board, the Chief Enforcement Counsel may consult with the Office of Chief Counsel.

Chief Enforcement Counsel makes recommendations and objections to the Board relating to the issuance of licenses, permits, certifications and registrations. Specifically, the Chief Enforcement Counsel is responsible for reviewing and analyzing reports and investigations conducted by the BIE, Pennsylvania State Police (PSP), contract investigators and other Board Bureaus, entity and Key Employee Qualifier applications, and any other document deemed necessary in rendering complete and accurate recommendations and objections. The Chief Enforcement Counsel informs the Office of Chief Counsel and the Bureaus of any potential criminal or civil litigation history, outstanding tax issues, or any other matter that may be of concern to the Bureau or the Board when the Board is determining whether to issue or renew a license, permit, certification or registration.

The Chief Enforcement Counsel is the liaison between the Office of Enforcement Counsel and state and local prosecutors with respect to the investigation and prosecution of criminal violations of the Act.

Supervision is exercised directly and indirectly through supervising attorneys and includes assigning work, evaluating performance, resolving complaints and grievances.

Works cooperatively with the Director of the Bureau of Investigations and Enforcement to set policy for the Bureau of Investigations and Enforcement.

Work is performed through the exercise of independent judgment.

Reports to the Director of BIE.

**Examples of Work May Include But Are Not Limited To:**

- Provide legal services and advice to the BIE.
- Makes recommendations and objections to the issuance of licenses, permits, certifications and registrations.
- Represents the Commonwealth in administrative proceedings before the Board.
- Reviews subordinate attorney recommendations relating to enforcement actions to ensure sufficient evidence exists to initiate enforcement proceedings.
- Initiates regulatory enforcement proceedings.
- Initiates and develops new and revised policies and procedures and oversees their implementation.
- Provides overall direction and guidance to supervising attorneys in the Office of Enforcement Counsel.
- Supervises the work of supervising attorneys in the Office of Enforcement Counsel.
- Calls and conducts staff conferences.
- Supervises the submission of background investigation reports to the Bureau of Licensing.
- Directs background and regulatory enforcement investigations and participate in same.
- Drafts and analyzes legal documents.
- Prepares petitions, complaints, proposed orders, consent agreements and other documents for filing with the Clerk to the Board.
- Performs related work as required.

**Minimum Experience, Education and Training:**

Twelve years of progressively responsible experience in professional legal work, with experience at the highest degree of professional and administrative responsibility and difficulty, graduation from an accredited school of law, and possession of a certificate of admission to the Bar of the Supreme Court of Pennsylvania; and

Prior service as a director or supervising counsel in the legal office of a large state or local agency or as a director or supervising counsel in an agency with a large and active legal office characterized by high impact legal problems;

Or an equivalent combination of experience and training.

U CODE: U7034  
 Unemployment Compensation Covered: No  
 Compensatory Time Eligibility: No  
 Pay Range: K

***DEPUTY CHIEF ENFORCEMENT COUNSEL*****Class Summary:**

Deputy Chief Enforcement Counsel is responsible for supervising one or more Assistant Enforcement Counsels. The incumbent will make recommendations to the Office of Chief Counsel, the Bureau of Licensing, and the Bureau of Investigation and Enforcement (BIE) relating to the issuance of licenses and permits. Specifically, Counsel is responsible for reviewing Pennsylvania State Police (PSP) reports, entity and Key Employee Qualifier applications, and any other document deemed necessary in rendering complete and accurate background investigations.

The Deputy Chief Enforcement Counsel will report to the Chief Enforcement Counsel.

**Examples of Work May Include But Are Not Limited To:**

Counsel informs the Office of Chief Counsel and the Bureaus of any potential criminal or civil litigation history, outstanding tax issues, or any other matter that may be of concern to the Board when issuing a license or permit.

Counsel also operates as the prosecutor in all enforcement actions under the gaming act.

Specifically, Counsel advises the BIE on background investigations, audits and inspections, and the investigation of potential violations of the act.

Counsel responds to questions and issues presented by investigators from the BIE regional office.

Counsel also reviews investigative reports, researches issues, and edits reports to include in applicant's Suitability Reports for the Board's review.

Counsel is responsible for initiating proceedings for violations, as they deem necessary.

In the case of a violation, Counsel may seek a settlement that may include fines, penalties or other actions. Counsel is responsible for drafting, negotiating, and enforcing such settlements.

Other general duties required by Counsel include researching gaming statutes and regulations in other jurisdictions, reviewing the Pennsylvania Gaming Control Board's (PGCB) temporary regulations, and reviewing Category 1, 2 and 3 applicant's deeds and property documents.

Travel throughout the Commonwealth of Pennsylvania is required. Will work closely with the Eastern Regional Director for the BIE.

Other duties as assigned.

**Minimum Experience, Education and Training:**

Licensed to practice law in the Commonwealth of Pennsylvania.

Ten years of experience practicing law and three or more years of supervisory experience;

Or an equivalent combination of experience and training.

U CODE: U7078  
 Unemployment Compensation Covered: No  
 Compensatory Time Eligibility: No  
 Pay Range: J

***ASSISTANT ENFORCEMENT COUNSEL*****Class Summary:**

Assistant Enforcement Counsel serves as counsel with the Office of Enforcement Counsel and counsel to the Bureau of Investigations and Enforcement (BIE). Work involves rendering legal services and advice to their assigned Regional Bureau of Investigations and Enforcement Office on matters of paramount importance, scope and complexity. Work is received via assignment from supervising counsel or policy direction from the Chief Enforcement Counsel and is performed with latitude for independent judgment. Work is reviewed by supervising counsel.

**Examples of Work May Include but Are Not Limited To:**

Serves as counsel with the Office of Enforcement Counsel.

Provide legal services and advice to the assigned Regional BIE Office.

Reviews background investigation reports and makes recommendations to supervising counsel relating to the issuance of licenses, permits, certifications and registrations.

Reviews regulatory investigative reports and makes recommendations to supervising counsel relating to the initiation of regulatory enforcement proceedings, consent agreements, stipulations and other matters relating to enforcement.

Prepares petitions, complaints, proposed orders, consent agreements and other documents for filing with the Clerk to the Office of Hearings and Appeals.

Represents the Commonwealth in administrative proceedings before the Board.

Assists with the coordination of the submission of background investigation reports to the Bureau of Licensing.

Directs background and regulatory enforcement investigations and participate in same.

Drafts and analyzes legal documents.

Conducts legal research.

Answers routine correspondence.

Performs other related duties.

**Minimum Experience, Education and Training:**

Two years of progressively responsible experience in professional legal work, graduation from an accredited school of law, and possession of a certificate of admission to the Bar of the Supreme Court of Pennsylvania;

Or an equivalent combination of experience and training.

U CODE: U7035

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: F

***DEPUTY DIRECTOR FOR INVESTIGATIONS***

**Class Summary:**

The Deputy Director for Investigations is responsible for maintaining a constant communication with all investigative regions within the Bureau of Investigations and Enforcement (BIE). This position is responsible for the supervision of all the regions and making certain that the necessary work product is completed in an efficient and effective manner. The position is responsible for the training, discipline, and all organizational functions of the BIE. Maintaining an appropriate number of employees for the necessary job functions is very important to this position. Evaluating the work product, the employees, and the supervisors is a paramount duty. Communication with the other Directors and executive staff is a key job function.

The Deputy Director for Investigations reports to the Director of BIE.

**Examples of Work May Include but Are Not Limited To:**

Oversees the operations of all regional BIE offices.

Supervises all BIE Regional Directors.

Acts as the liaison with the Pennsylvania State Police (PSP).

Talks daily with all regions and sections within BIE.

Reviews all Suitability Reports for facts and clarity.

Works closely with the BIE attorneys on all matters of mutual interest.

**Minimum Experience, Education and Training:**

Ten years of supervisory experience; and a Bachelor's degree in a related field; and Fifteen years experience in a law enforcement or similar type of agency.

An equivalent combination of education and experience.

U CODE: U7087

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: K

***INVESTIGATIVE INTAKE MANAGER***

**Class Summary:**

The Investigative Intake Manager reports to the Deputy Director for Investigations, and is responsible for planning, researching, coordinating, evaluating, and compiling confidential information from various sources for dissemination to other areas inside and outside the Pennsylvania Gaming Control Board (PGCB).

**Examples of Work May Include but Are Not Limited To:**

Reviews and correlates applications received from the Bureau of Licensing to define the investigative objective and scope of each case.

Manages Bureau of Investigations and Enforcement (BIE) database, release authorizations and political contribution forms.

Plans, directs and assigns background investigation to an appropriate PGCB Region, outsource contractor or Pennsylvania State Police (PSP) to ensure that each case is handled efficiently and in compliance with established PGCB policies.

Approves, prepares and reviews monetary budgets necessary for investigations and prepares correspondence as needed.

Establishes deadlines, monitors background investigations and recommends the redeployment of resources to meet changing investigative priorities.

Reviews investigative product for accuracy and completeness.

Establishes and maintains professional contacts with Law Enforcement, outsource contractors and other Regulatory boards and commissions.

Handles all requests for information from Gaming Regulators in other Gaming jurisdictions and manages the dissemination of their information from BIE files.

Other related duties.

**Minimum Experience, Education and Training:**

Five years of Supervisory Experience; and

A Bachelors Degree in a related field; and

Ten years experience in a law enforcement or similar type of agency;

An equivalent combination of education and experience.

U CODE: U7018

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: F

**REGIONAL DIRECTOR IN THE BUREAU OF  
INVESTIGATIONS AND ENFORCEMENT**

**Class Summary:**

The Regional Director is responsible for managing a Bureau of Investigations and Enforcement (BIE) regional office. Additionally, this position requires the oversight for background investigations regarding the licensing of facilities, manufacturers, suppliers, vendors and junket enterprises.

The Regional Director provides executive leadership over the day to day operations for the assets and personnel within the Regional Office. The Regional Director manages and supports all Region personnel regarding background investigations and other aspects within the Pennsylvania Gaming Control Board (PGCB).

The Regional Director reports to the Deputy Director for Investigations.

**Examples of Work May Include but Are Not Limited To:**

In charge of all administrative aspects of the regional office including the maintenance of records, office space, security, phones, computers, and other equipment.

Reviews monthly automotive activity reports, automotive maintenance and automotive accident reports/cost of repairs for all vehicles assigned to the regional office.

Oversees all personnel matters in the regional office, including hiring, interviewing potential candidates, individual counseling of existing employees and employee performance evaluations.

Approves investigative procedures, letters, forms, and other case related correspondence.

Review investigative reports, time sheet reports, suitability reports, and other work performed by staff in the regional office.

**Minimum Education, Experience and Training:**

Graduation from an accredited college or university with a Bachelor Degree with an advanced degree preferred; and

Ten years experience in a law enforcement agency with investigative experience in background investigations, organized crime, white collar crime, public corruption, narcotics trafficking or money laundering and/or intelligence collection; and

Five years work experience as a mid-level manager or supervisor;

Or an equivalent combination of experience and training.

U CODE: U7023

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: J

**INVESTIGATOR SUPERVISOR**

**Class Summary:**

This is an investigative position that is critical to the efficient and effective operation of the Bureau of Investigation and Enforcement (BIE), Pennsylvania Gaming Control Board (PGCB). The Investigator Supervisor supervises a squad of investigators at the facilities throughout the Commonwealth of Pennsylvania by assigning work, reviewing work performance, preparing and signing

Employee Performance Evaluation reports, approving or disapproving leave requests and insuring the development of staff.

The Investigator Supervisor reports to a Regional Director or a Deputy Director in BIE.

**Examples of Work May Include but Are Not Limited To:**

Reviews reports and expenses submitted by investigators.

Trains and instructs subordinate staff.

Searches and analyzes financial books and records of corporations, private individuals and government agencies to determine business or personal suitability for licensure.

Analyzes data and documents obtained during an investigation.

Conducts interviews of applicants, references, social and business acquaintances.

Establishes liaison and working relationships with law enforcement, business, political and educational communities.

Prepares written reports on investigations that set forth investigative findings.

Provides testimony before Hearings and Appeals, the PGCB Commissioners, and other courts of law or hearing forums.

Uses and understands Public Source information obtained from commercial data base searches, i.e., Lexus Nexus, Choice Point.

Travels extensively within the Commonwealth, the United States and abroad to complete investigative assignments.

Participates in surveillances and searches and seizures when required in order to accomplish investigative needs.

Performs other related duties.

**Minimum Experience, Education and Training:**

A Bachelor's degree and two years experience serving in a supervisory role;

Or ten years of investigative work of a technical nature;

Or an equivalent combination of experience and training.

U CODE: U7030

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: G

**INVESTIGATOR**

**Class Summary:**

An investigator is responsible for performing specific investigative duties relating to suitability investigations for licensure of gaming applicants or applicants for employment with the PGCB. Investigative work includes but is not limited to financial and character suitability, business integrity and alleged violations of Act 71, the PGCB Code of Ethics and other related duties as required.

Works under the direction of a supervisor or Regional Director in the Bureau of Investigations or Enforcement (BIE) or the Director for the Office of Professional Responsibility (OPR) in the Pennsylvania Gaming Control Board (PGCB).

**Examples of Work May Include but Are Not Limited To:**

Searches and analyzes financial books and records of corporations, private individuals and government agencies to determine business or personal suitability for licensure.

Analyzes data and documents obtained during an investigation.

Conducts interviews of applicants, applicants for employment, employees of the PGCB, references, social and business acquaintances.

Conducts internal investigations of alleged employee misconduct and/or violations of work rules as depicted in the PGCB Employee Handbook.

Establishes liaison and working relationships with law enforcement, business, political and educational communities.

Prepares written reports on investigations that set forth investigative findings.

Provides testimony before Hearings and Appeals, the Board and courts of law or hearing forums.

Uses and understands Public Source information obtained from commercial data base searches, i.e., Lexis Nexus, Choicepoint.

Travel is required to complete investigative assignments.

Provides testimony before Chief Counsel, Executive Director and/or the PGCB Board members and courts of law or hearing forums.

Performs other related duties.

**Minimum Experience, Education and Training:**

A Bachelor's degree;

Or four years of law enforcement experience or investigative work of a technical nature;

Or an equivalent combination of experience and training.

U CODE: U7019

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

***INVESTIGATIVE ANALYST*****Class Summary:**

This is technical work in the Bureau of Investigations and Enforcement (BIE) in receiving, analyzing and assessing investigative information of a confidential nature and disseminating the information in keeping the Pennsylvania Gaming Control Board's (PGCB) procedures and regulations.

An employee in this position requests and receives information of a confidential nature and other data and analyzes, correlates, reviews and disseminates information pertaining to analytical products and assessments. Work is performed under the general supervision of the Investigative Intake Manager.

**Examples of Work May Include but Are Not Limited To:**

Receives and analyzes information of a confidential nature, placing pertinent facts in proper relationships; evaluates the information; and prepares comprehensive analytical products and reports based on available data.

Accesses data from a variety of law enforcement and gaming regulators and prepares reports on same to assist in applicants' suitability assessments.

Uses accepted analytical techniques, statistical analysis and basic time series analysis to view, evaluate and draw conclusions regarding patterns of crime.

Uses other analytical methodologies including, but not limited to financial analysis, case analysis, visual investigative analysis and strategic analysis on an as-needed basis.

Researches and reviews, prior to the initiation of a major investigation, all data on file on the subjects and prepares a preliminary report on the data.

Supports and assists investigators directly in the compilation and analysis of confidential information regarding complex background investigations; recommends specific investigative directions based upon conclusions drawn from the analysis. Established and maintains professional contacts with experts, analytical counterparts in other gaming jurisdictions.

Created and uses appropriate manual and automated files for performing analytical and research functions.

Makes sound decisions regarding which analytical techniques, methodologies and technologies should be employed to meet the objectives and goals of the analytical task.

Participates in formal or on-the-job training courses in electronic data processing operations and analytical methodologies.

Provides oral briefings and other presentations on analytic products or techniques.

Performs other related duties.

**Minimum Experience, Education and Training:**

A Bachelor's degree from an accredited college or university;

Or an Associate's degree from an accredited college or university and two years of progressively responsible technical or professional experience in the field of law enforcement;

Or five years of progressively responsible technical or professional experience in a law enforcement agency;

Or an equivalent combination of experience and training.

U CODE: U754

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: C

**Bureau of Gaming Laboratory Operations*****DIRECTOR OF GAMING LABORATORY OPERATIONS*****Class Summary:**

The Director of Gaming Laboratory Operations is responsible for providing technical and managerial direction and oversight to the Bureau. The Director will have an in depth knowledge of the policies and procedures which dictate the manner in which the slot machines and associated equipment operate.

Work includes assuring that policies and procedures are in compliance with established Board regulations and that professional technical design/review standards of the

slot machines and associated equipment are in compliance when proposed for approval and subsequently when placed in operation in Pennsylvania casinos. Supervision is exercised over a professional and technical staff through subordinate managers.

The Director of Gaming Laboratory Operations reports to the Executive Director.

**Examples of Work May Include but Are Not Limited To:**

Oversee the testing and certification of slot machines and technical equipment as mandated by Act 71.

Develops and/or recommends policy changes to meet the technological innovations of slot machines and associated equipment to insure that the integrity of the industry is retained.

Develops policies and procedures that assure all products proposed for approval are in compliance with the prevailing regulations adopted by the Board.

Directs the Bureau personnel to provide expertise and technical guidance to other departmental organizations as required.

Possesses the ability to delegate work among staff and produce status reports as needed.

Develops and directs investigative procedures into alleged cheating incidents involving slot machines or associated equipment.

Makes recommendations regarding device approvals and regulation specifications.

Insures that the Bureau has personnel with expert knowledge in the fields of statistical analysis, computer science and electrical engineering as necessary to meet the assignments.

Participates in the creation of rules and policies established by Board.

Performs related duties as required.

**Minimum Experience, Education and Training:**

A Bachelor's degree in a related field; and

Five years of progressively responsible management in a gaming laboratory environment which includes at least two years of establishing goals and operational policies and procedures for professional subordinates involved in engineering and statistics.

Or an equivalent combination of experience and training.

U CODE: U7015

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: K

***GAMING LABORATORY MANAGER***

**Class Summary:**

The Gaming Laboratory Operations Manager is responsible for understanding, planning, organizing, managing and implementing the policies and procedures needed to insure the integrity of slot machines and associated equipment. Each manager will implement their responsibilities for the evaluation, inspection or investigation of slot machines and associated equipment as directed, and will supervise a technical staff to help achieve stated objectives.

The Gaming Laboratory Manager reports to the Director of Gaming Laboratory Operations.

**Examples of Work May Include but Are Not Limited To:**

Configures and tests numerical analysis and verification of slot machines and associated equipment.

Accesses the necessary information from slot machines and associated equipment for audit and reconciliation purposes.

Interfaces slot machines with casino monitoring systems and related equipment.

Works with expert procedural knowledge regarding investigations into alleged cheating incidents involving slot machines and associated equipment.

Works with expert knowledge of statutes and regulations with emphasis on creating the interpretation and implementation of same.

Makes sound recommendations regarding work related challenges.

Delegates workload among assigned staff and to create status reports for the Director.

Works with knowledge of network security and encryption systems.

Performs other duties as assigned.

**Minimum Experience, Education and Training:**

A Bachelor's degree in electrical engineering, computer engineering, software engineer, computer science. Statistician manager must possess a BA or BS in Statistics or Applied Mathematics or a Masters degree in these fields.

Applicants will possess three or more years experience in their field to be considered for a manager position of the appropriate section.

Applicants focused on Managers for Systems and Kiosks and Slot Certification will have knowledge of operating systems such as Microsoft windows, Windows CE, UNIX/Linux. Working knowledge of C,C++, TCP/IP, XML, and networking.

Applicants for the Gaming Equipment Inspection manager position will have knowledge of computer systems and an appropriate degree.

U CODE: U7039

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: G

***ELECTRONICS ENGINEER***

**Class Summary:**

This position is responsible for evaluating gaming devices, modifications to gaming devices, slot monitoring systems, ancillary equipment, conducting investigations and performing other work related duties as assigned.

Supervision is received from a Manager of Gaming Laboratory Operations.

**Examples of Work May Include but Are Not Limited To:**

Assesses gaming device viability and reliability.

Analyze equipment for compliance with appropriate regulations.

Confirm accuracy and completeness of submission checklists.

Tests and verifies the accuracy of slot machine communication with the central computer system.

Tests and analyzes accuracy of slot monitoring systems and subsequent modifications.

Tests and analyzes kiosks used for voucher redemptions in connection with gaming operations.

Writes computer programs to perform various computations and simulations.

Investigates alleged cheating incidents involving electronic equipment.

Investigates gaming devices involved in player disputes and furnish reports as requested.

Confirms statistical analysis of gaming devices.

Performs in-depth analysis and testing of gaming devices.

Assists in seizure of electronic equipment suspected of use in illegal activities.

Trains personnel in gaming equipment inspection procedures as appropriate.

Performs other related duties.

#### **Minimum Experience, Education and Training:**

Bachelor's degree in Electrical Engineering, Computer Engineering, Software Engineering, or Computer Science and two years of progressively responsible experience in microprocessor systems analysis, design, and programming in Assembly, C, C++, C# or other common development languages.

Or two or more years experience in gaming product testing and analysis;

Or an equivalent combination of experience and training.

U CODE: U7032

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

### ***STATISTICIAN***

#### **Class Summary:**

Under administrative direction of the Gaming Laboratory, responsible for evaluating the theoretical return for each gaming theme submitted for review with particular attention to specific rules involving payout percentages, odds, volatility, symbol weights, bonus triggers and the specific rules of each game play. Perform analysis of pseudo random number generators used for gaming purposes.

This position reports to the Manager of Gaming Laboratory Operations.

#### **Examples of Work May Include but Are Not Limited To:**

Perform sufficient analysis of each different game theme to insure compliance with regulations regarding payback percentage, volatility, odds of all available awards, symbol weights, rules for bonus triggers and any unique rules for each game.

Verification via independent analysis of simulation programs submitted by manufacturers and used for mathematical, statistical and probability calculations to determine accuracy and, with regard to regulatory goals, integrity. Simulation programs are used to run a series of statistical tests to produce a confidence limit of attributes that are permissible within the rules.

Determines the combinatory outcome of all payouts represented in the submitted program using probability, statistics, and permutation formulas.

Develops computer programs to assist the agency in performing the necessary mathematical, statistical and probability calculations required for game analysis.

Uses the appropriate statistical tools to analyze the collected data to determine the randomness in the application of the pseudo random number generator to include chi2 test, runs test, and a serial correlation test.

Creates reports and graphs to document the analysis and findings.

Confirm accuracy and completeness of submission packages and accuracy of accompanying checklist(s).

Write computer programs to perform various computations and simulations.

Confirm statistical analysis of gaming devices.

Verifies accuracy of award tables, rules and game description.

Travels as necessary to complete assignments.

Performs other related duties.

#### **Minimum Experience, Education and Training:**

A Bachelor's degree in Statistics or Applied Mathematics and two years of progressively responsible experience in the application of statistical analysis, and programming in SAS or other analytical languages;

Or two or more years experience in gaming product analysis;

Or a Masters in Statistics;

Or an equivalent combination of experience and training.

U CODE: U7040

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: D

### ***GAMING LABORATORY TRAINEE***

#### **Class Summary:**

Under administrative direction of the respective Managers within the Bureau of Gaming Laboratory Operations each trainee is responsible for learning the policies and procedures used to insure the integrity of slot machines and associated equipment. Each trainee will be responsible for the assignments pertaining to the evaluation, inspection or investigation of slot machines and associated equipment. The trainee period will last up to twelve months. At the end of the twelve month period, the respective Manager and Director of Gaming Laboratory Operations will determine whether the trainee should be reclassified to an Electronic Engineer, Statistician, or Gaming Equipment Inspector.

This position reports to a Manager of Gaming Laboratory.

#### **Each Trainee Will Be Expected To Learn the Following Examples of Work As Applicable:**

Knowledge in the configuration, testing, numerical analysis and verification of slot machines and associated equipment.

Knowledge in the ability to access the necessary information from slot machines and associated equipment for audit and reconciliation purposes.

Knowledge in the manner of interfacing slot machines with casino monitoring systems and related equipment.

Procedural knowledge regarding investigations into alleged cheating incidents involving slot machines and associated equipment.

Knowledge of statutes and regulations with emphasis on creating the interpretation and implementation of same.

Sufficient job knowledge for making sound recommendations regarding work related challenges.

Working knowledge of network security and encryption systems.

**Minimum Experience, Education and Training:**

A Bachelor's degree in electrical engineering, computer engineering, software engineer, computer science. Statistician trainee must possess a BS in Statistics or Applied Mathematics or a Masters degree in these fields.

U CODE: U7071

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: C

**Bureau of Licensing**  
**DIRECTOR OF LICENSING**

**Class Summary:**

The Director of Licensing is responsible for developing and managing the Pennsylvania Gaming Control Board (PGCB) licensing system consistent with Act 71 and the regulations promulgated thereunder. This is a supervisory professional position that encompasses the highest degree of professional and administrative responsibility related to the licensing, permitting, certification, and registration of applicants. This involves management of a large bureau staff, working closely with the other Bureau Directors, the Office of Chief Counsel, the Office of Chief Enforcement Counsel and their staffs and the Director of Information Technology.

This position is responsible for the supervision of the managers of the Bureau units and their staffs including developing forms, processes and procedures; assigning work; evaluating performance; resolving complaints and grievances; facilitating staff development; overseeing the preparation of suitability reports and other materials for Board review; briefing the Board on licensing related matters; interacting with applicants, licensees and their counsel to ensure compliance with the Act and regulations; and identifying and coordinating development of necessary licensing related technologies.

Work is performed with wide latitude for independent judgment and is subject to the general supervision of the Executive Director.

**Examples of Work Include But Are Not Limited to:**

Develop policies and procedures or make recommendations for necessary regulations to implement the Board's responsibilities under Act 71.

Assign work, schedule employees, approve overtime, handle grievances, and evaluate work performance.

Analyze, develop and organize licensing issues and clearly present these issues orally and in writing to brief Board members, guide applicants and licensees.

Developing and analyzing licensing processes.

Analyze applications and determine licensing requirements for applicants.

Communicate licensing requirements to applicants, licensees and staff.

Effectively present issues and matters to the Board, staff, other agencies and outside entities.

Plan and coordinate the development and promulgation of licensing policies and regulations.

Deal tactfully and effectively with Board staff, legislative staff, staff of other agencies, applicants and licensees, and members of the general public.

Supervision of professional and clerical employees.

**Minimum Experience, Education and Training:**

Eight years of progressively responsible executive level management experience; and

A graduate degree or a law degree from an accredited school of law;

Or an equivalent combination of experience and training.

U CODE: U7017

Unemployment Compensation Covered: No

Compensatory Time Eligibility: No

Pay Range: K

**LICENSING MANAGER**

**Class Summary:**

This is responsible managerial work directing a comprehensive program of gaming licensing evaluation, investigation, administration, and special services in support of the gaming program of the Pennsylvania Gaming Control Board (PGCB).

Supervision is received from the Director of Licensing.

**Examples of Work May Include but Are Not Limited To:**

Plans, assigns, and directs the work of the Licensing Analysts and Licensing Technicians.

Manages a licensing unit that includes monitoring and reviewing all licensed applications of facilities, manufacturers, suppliers, vendors, junket enterprises and gaming and non gaming employees.

Provides guidance and support to licensing analysts and others within the bureau.

Reviews all correspondence, charts and other documents in connection with the licensing and/or certification of all applicants.

Provides updates to the Director of Licensing on all issues involving their bureau.

Prepares various weekly, monthly and yearly reports.

Coordinates projects within the Licensing Bureau and other Bureaus as required or requested.

Interviews and recommends potential candidates for the Licensing Bureaus. Performs any other duties not listed above as required.

Performs other related duties.

**Minimum Experience, Education and Training:**

A bachelor's degree and two years of supervisory experience;

Or an equivalent combination of experience and training.

U CODE: U7027  
 Unemployment Compensation Covered: No  
 Compensatory Time Eligibility: No  
 Pay Range: G

### **LICENSING ANALYST**

#### **Class Summary:**

The Licensing Analyst ensures the appropriate licensure, permitting, registration, or certification of business entities and individuals as required under the Pennsylvania Race Horse Development and Gaming Act and related regulations.

Supervision is received from either a Licensing Manager or the Director of Licensing.

#### **Examples of Work May Include but Are Not Limited To:**

Initiates routine correspondence, performs data entry on applicants.

Provides recommendations in connection with the development and improvement of new and existing data processing systems to enhance the integrity of the licensing process or to improve the efficiency of related activities.

Accepts and processes applications for operators, manufacturers, suppliers, vendors, junket enterprises, key employees, permittee and registrants and related revenue.

Prepares correspondence, reports, charts, and other documents in connection with licensing, permitting, registration, and certification responsibilities.

Communicates with applicant to ensure timely receipt of required information.

Updates databases to ensure accurate information is being tracked regarding the applicant, licensee, and affiliates.

Upon receipt of Board authorization, prepares and issues initial and renewed licenses, permits, registrations, and certifications.

Provides regular updates to Bureau managers on the status of applications and licenses and any other outstanding issues requiring supervisory action.

Performs other related duties.

#### **Minimum Experience, Education and Training:**

A Bachelor's degree in a discipline appropriate to the position from an accredited college or university;

Or an Associate's degree in a closely related field from an accredited college and two years of additional experience from a government agency or a large business;

Or an equivalent combination of experience and training.

U CODE: U7014  
 Unemployment Compensation Covered: Yes  
 Compensatory Time Eligibility: Yes  
 Pay Range: D

### **LICENSING TECHNICIAN**

#### **Class Summary:**

Assists with the preparation of credentials, which involves the printing of identification badges for gaming and non-gaming employees working on the gaming floor in licensed slots facilities.

Licensing Technicians report to a Licensing Manager.

#### **Examples of Work May Include But Are Not Limited To:**

Prepares applications for scanning into an imaging system in an effort to reduce the number of paper applications currently being stored.

Organizes paper applications and researching storage solutions to house future applications.

Processes tax clearance forms with the Departments of Revenue and Labor & Industry, as part of the application process for all employees and entities seeking licensure.

Prepares correspondence, charts and other documents for the reporting of credentials issued for gaming and non-gaming employees of slots facilities.

Uses the Microsoft packages of Word, Excel, Access, Outlook, etc.

Assist and answer questions concerning the imaging and credentialing processes.

Maintains alphabetic and numerical files by inserting and/or retrieving documents, preparation of new files, and updating file contents.

Performs other related duties.

#### **Minimum Experience, Education and Training:**

A high school diploma is required and two years of relevant work experience.

U CODE: U7070  
 Unemployment Compensation Covered: Yes  
 Compensatory Time Eligibility: Yes  
 Pay Range: B

### **Administrative Staff**

#### **EXECUTIVE SECRETARY**

#### **Class Summary:**

An Executive Secretary is responsible for performing a variety of administrative staff assignments, which include analyzing administrative or staff operations and procedures, developing and recommending work standards and procedures, conducting research and studies, preparing reports of findings and recommendations, and liaison duties. Assignments usually require familiarity with the functions of the Pennsylvania Gaming Control Board (PGCB). Assignments are carried out under the supervision of the administrator, and work is reviewed through conferences, reports, and evaluation of results.

The incumbent reports to the Executive Director, Director of Administration, Chief Counsel, Chief Enforcement Counsel, Director of Licensing, Director of Corporate Compliance and Internal Controls, Director of Investigations and Enforcement, Director of Gaming Labs, the Chief Financial Officer, or a member of the Board.

#### **Examples of Work May Include but Are Not Limited To:**

Studies and analyzes operational procedures; prepares detailed and comprehensive reports of findings and recommendations.

Carries out various administrative research assignments; conducts research and studies in connection with the development and evaluation of agency programs.

Reviews and replies to routine correspondence; disposes of other administrative details as directed.

Assists administrative superiors in establishing and maintaining cooperative working relationships with other governmental agencies.

Assists in the preparation of budget estimates and other fiscal and statistical reports.

Supervises a staff of technical or clerical employees engaged primarily in a single activity.

Assists a high professional or administrative official in the management of agency programs.

Prepares recommendations and justifications for changes in policies and procedures, budget requests, personnel actions, and management and office services activities.

Performs related work as required.

**Minimum Experience, Education and Training:**

A high school diploma and five years of relevant work experience;

Or any equivalent combination of education and experience.

U CODE: U7003

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: No

Pay Range: E

**ADMINISTRATIVE ASSISTANT**

**Class Summary:**

An Administrative Assistant is responsible for the processing of a variety of documents which include the verification of information, performing arithmetic calculations, coding, and assisting the public in completing governmental forms. Work involves the skilled typing of a variety of letters, reports, contracts, transmittals, vouchers, and agenda in draft and final form and includes responsibility for the format and grammatical accuracy of the material typed. Work may involve providing secretarial services to one or more individuals. Work includes all clerical aspects of a complicated work process or activity made up of unpredictable and random input, making choices between different procedures to be followed, and the appropriateness of the information presented for further processing. Work normally involves making independent decisions concerning the process to be followed, the appropriateness of the information to be processed, and the actions taken. Work may involve providing training and guidance to new employees and fulfilling a lead worker role for routine clerical operations. Work is performed with considerable independence and little review, however, changes in operational standards, procedures, and work policies are discussed in detail with the supervisor prior to implementation.

This position reports to various management staff throughout the agency.

**Examples of Work May Include but Are Not Limited To:**

Types letters, reports, contracts, transmittals, vouchers, itinerary, and agenda on a typewriter console from handwritten draft, dictated sources, or original source documents into draft or final form.

Reads correspondence in order to become familiarized with contents and determines what procedures to pursue in providing the correct information which is in accordance with any applicable administrative and legal constraints; and types or directs the typing of responding correspondence.

Proofreads varying types of materials to insure that information is grammatically correct, complete, consistent, and adheres to agency rules and regulations.

Prepares and types documents to purchase books, supplies, equipment, services, etc. by referring to catalogues, state contracts, and other sources to obtain prices, specifications, and related information.

Prepares monthly accomplishment such as reports, bid awards, costs, anticipated completion dates, and stages of completion.

Answers written inquiries relating to the status of certain aspects of an organization's functions.

Gathers information by reading publications and extracting applicable material.

Determines supply needs for the mail room and prepares the supply requisitions.

Insures that mail delivery schedules are punctual and mail is processed in the most efficient and expeditious manner.

Initiates tracers through the U.S. Postal Service on lost mail or parcel post.

Performs related work as required.

**Minimum Experience, Education and Training:**

A high school diploma and four years of relevant work experience;

Or graduation from an accredited four year college or university;

Or an equivalent combination of experience and training.

U CODE: U7005

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: B

**CLERICAL SUPPORT SPECIALIST**

**Class Summary:**

A Clerical Support Specialist is responsible for performing clerical and typing duties within a structured work setting which is characterized by standardized duties that follow well established methods and procedures. Work is initially reviewed closely, and close supervision is received when new work processes or procedures are introduced, however, employees are expected to perform with limited guidance after the work process is learned and on regular assignments.

Clerical Support Specialists report to various management staff throughout the agency.

**Examples of Work May Include but Are Not Limited To:**

Answering phones and taking messages or transferring calls.

Types information from handwritten copy onto forms, form letters, card, envelopes, label, charts, and transmittals.

Performs data entry to update human resource, fiscal, accounting, and similar systems.

Proofreads typed documents to insure typographical accuracy.

Performs receptionist duties by greeting visitors, directing individuals to proper office locations, taking information, and screening and routing telephone calls.

Files and retrieves materials by systematically sorting and storing documents alphabetically, numerically, chronologically, or using similar filing methods.

Logs or records the amount, type, disposition, and number of incoming or outgoing mail, forms, documents, phone calls, etc.

Opens and sorts mail into designated categories placing it into labeled boxes or receptacles for the organizational segment or address.

Prepares labels to identify the contents of packages, file folders, mail, booklets, etc.

Receive applications, documents, forms and fees directly from the public and screens sorts and assembles for further processing.

Folds letters, documents or circulars and stuffs into envelopes.

Performs related work as required.

**Minimum Experience, Education and Training:**

A high school diploma and one year of relevant work experience;

Or an equivalent combination of experience and training.

U CODE: U7006

Unemployment Compensation Covered: Yes

Compensatory Time Eligibility: Yes

Pay Range: A

**Pay Ranges**

**PENNSYLVANIA GAMING CONTROL BOARD  
OFFICE OF HUMAN RESOURCES  
CLASSIFICATION/COMPENSATION PLAN  
PAY RANGES**

A	\$21,000-35,000
B	\$30,000-\$48,000
C	\$35,000-\$55,000
D	\$37,000-\$66,000
E	\$43,000-\$70,000
F	\$54,000-\$80,000
G	\$58,000-\$90,000
H	\$65,000-\$99,000
I	\$74,000-\$113,000
J	\$84,000-\$130,000
K	\$99,000-\$147,000
L	\$140,000-\$160,000

[Pa.B. Doc. No. 07-627. Filed for public inspection April 6, 2007, 9:00 a.m.]





