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# PENNSYLVANIA BULLETIN

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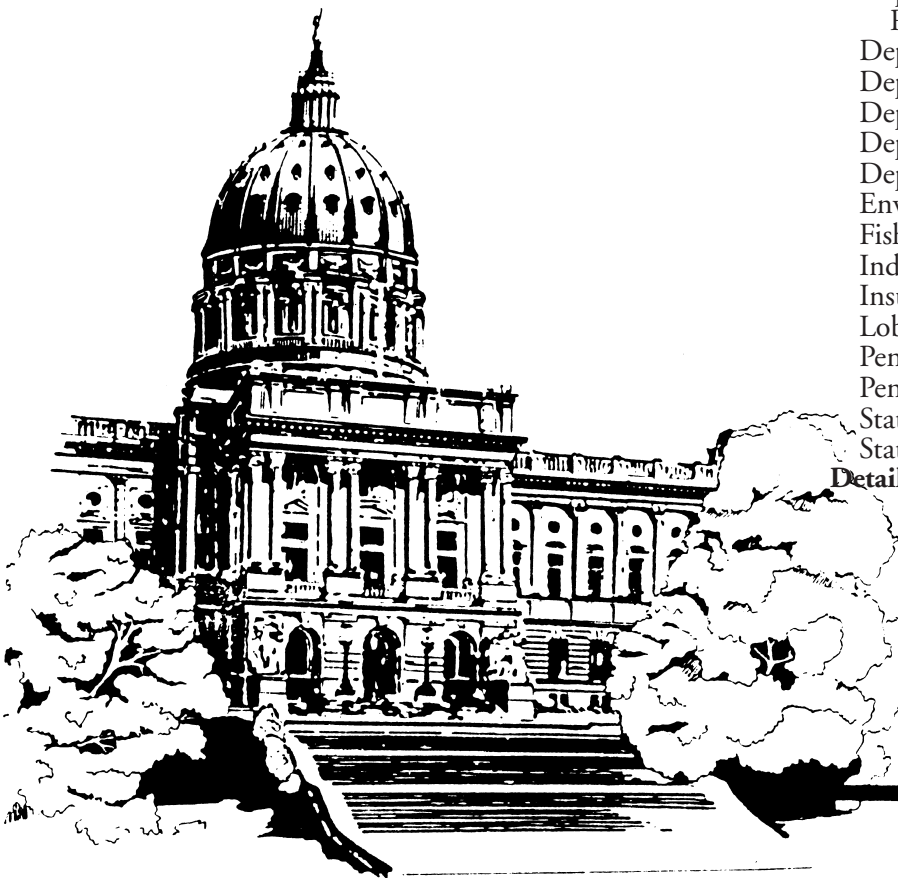
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(Master Transmittal Sheets):**

**No. 422, January 2010**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2010.

## 4 Pa. Code (Administration)

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# THE GOVERNOR

## Title 4—Administration

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 6 ]

[ EXECUTIVE ORDER NO. 2007-05 ]

### Chronic Care Management, Reimbursement and Cost Reduction Commission

May 21, 2007

*Whereas*, chronic diseases are the biggest threat to the health of Pennsylvania's residents, and seventy-five percent (75%) of the cost of health care can be traced to twenty-five percent (25%) of patients who have chronic diseases; and

*Whereas*, Pennsylvania has some of the highest rates of any state for potentially avoidable hospitalizations because those with chronic diseases have not received the needed episodic evidence based care in the community resulting in \$1.7 billion in potentially avoidable hospital charges for Pennsylvanians with chronic disease in 2005; and

*Whereas*, there is a need to examine and change the covered benefits and methods of providing payments for chronic care in order for individuals to maintain a positive health status; and

*Whereas*, a nationally recognized Chronic Care Model is in use by the Veteran's Administration, federally qualified health centers and other locations in Pennsylvania and evaluations have demonstrated that the use of all of the components of this Chronic Care Model results in healthier patients, more satisfied providers and cost savings; and

*Whereas*, the components of this Chronic Care Model can be applied to a variety of chronic diseases in various health care settings.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Governor's Chronic Care Management, Reimbursement and Cost Reduction Commission (hereafter referred to as the "Commission") and order and direct as follows:



Governor

**Fiscal Note:** 2009-15. (1) General Fund; (2) Implementing Year 2009-10 is \$10,000; (3) 1st Succeeding Year 2010-11 is \$10,000; 2nd Succeeding Year 2011-12 is \$10,000; 3rd Succeeding Year 2012-13 is \$10,000; 4th Succeeding Year 2013-14 is \$10,000; 5th Succeeding Year 2014-15 is \$10,000; (4) 2008-09 Program—\$2,171,000; 2007-08 Program—\$2,200,000; 2006-07 Program—\$0; (7) Prescription for Pennsylvania—Chronic Care Management; (8) recommends adoption.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**  
**CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**  
**Subchapter FF. CHRONIC CARE MANAGEMENT,**  
**REIMBURSEMENT AND COST REDUCTION COMMISSION**

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6.401.	Purpose.
6.402.	Powers and duties.
6.403.	Compositon.
6.404.	Term and composition.
6.405.	Relationship with other agencies.
6.406.	Effective date.
6.407.	Termination date.

§ 6.401. **Purpose.** The purpose of the Chronic Care Management, Reimbursement and Cost Reduction Commission is to design the informational, technological and reimbursement infrastructure needed to implement and support widespread dissemination, adaptation and implementation of the components for chronic care in relevant health care sites throughout this Commonwealth, which result in quality outcomes and cost effective treatments for patients with chronic diseases.

§ 6.402. **Powers and duties.** The Chronic Care Management, Reimbursement and Cost Reduction Commission (Commission) shall have the following powers and duties:

(1) Determine how to align and integrate these proven components for chronic care into the current health care system and into currently existing chronic care models throughout this Commonwealth. The components for chronic care include, but are not limited to, the following:

(i) Providing patients with chronic conditions support and information so they can effectively manage their health.

(ii) Ensuring that treatment decisions by health care providers are based on evidence based medicine.

(iii) Ensuring that patients get the care they need by clarifying roles and tasks of health care providers and ensuring that all who take care of patients have centralized, up-to-date information about the patient and that follow-up care is provided as a standard procedure.

(iv) Tracking clinical information of individual patients and a population of patients to help guide the course of treatment, anticipate problems and track problems.

(v) Engaging the entire organization in the chronic care improvement effort.

(vi) Forming powerful alliances and partnerships with State, local, business, religious and other organizations to support or expand care for those with chronic disease.

(2) Establish regional community learning collaboratives to educate providers, health care teams and consumers on the components for chronic care, evidence based treatment of chronic disease.

(3) Identify and assess current efforts surrounding the implementation and maintenance of chronic care models across this Commonwealth and in each regional community learning collaborative, and develop guidelines to be used in the review of patient data by the Commission and those regional community learning collaboratives that maintain the level of confidentiality required by State and Federal law.

(4) Identify processes that assess positive and negative factors influencing the implementation of the components for chronic care to ensure the establishment of standards of care that comply with established practice guidelines.

(5) Assess and potentially incorporate existing efforts dealing with chronic care being performed by Commonwealth agencies.

(6) Develop a Statewide chronic care information system, including rules for secure information sharing, which permits the exchange of information among the regional community learning collaboratives and the Department of Health.

(7) Develop the infrastructure to make registries of patients with chronic conditions that include clinical data provided by the insurance company available for use by their primary care physicians.

(8) Use outreach efforts to educate consumer groups and the provider community to engage individuals to take necessary steps to prevent chronic diseases and to better self-manage their chronic conditions with the support of a health care team.

(9) Design and adopt the use of programs that utilize the proper personnel to support individuals in their efforts to self manage and live with chronic conditions, including use of community health worker programs.

(10) Gather data that can be used by the Commission to construct robust measures of provider performance using a common set of chronic care measures.

(11) Create evaluation processes and outcome measures to monitor implementation of the components for chronic care in different clinical settings.

(12) Work with insurers and providers to examine current reimbursement systems and propose and develop new reimbursement models which will encourage, support and reward a provider team approach that uses all of the components for chronic care.

(13) Oversee and assist workgroups consisting of representative stakeholders and State agency staff to advise the Commission on how best to meet its mission and goals.

(14) Support widespread dissemination, adaptation and implementation of components for chronic care into practices and other chronic care models starting with patients with diabetes through collaboration with the Pennsylvania Diabetes Action Partnership, and identify strategic partners to include in cooperative efforts incorporating their work towards including other chronic conditions, such as, but not limited to, depression, asthma, chronic congestive heart disease, lung disease, and the like within this model.

(15) Develop and ratify a strategic plan for the Commission that includes a blue print for evaluation within 90 days of the first meeting of the Commission. After ratification, the Commission shall submit the strategic plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

**§ 6.403. Composition.** The Chronic Care Management, Reimbursement and Cost Reduction Commission (Commission) shall consist of the following members:

(1) Five members of the Governor's Cabinet, or a respective designee, who shall serve *ex officio* and one of whom shall act as co-chairperson, as selected by the Governor, with the member selected under paragraph (2).

(2) Individuals from each of the following categories appointed by the Governor, one who shall act as co-chairperson as selected by the Governor:

(i) A health insurer medical director.

(ii) A health insurance actuary.

(iii) A registered nurse, certified nurse practitioner, clinical nurse specialist, physician assistant and pharmacist that is currently practicing within this Commonwealth.

(iv) Four primary care physicians who are members of the Pennsylvania Medical Society.

(v) A specialty care physician in active practice.

(vi) An individual with a background in chronic care from an academic medical center.

- (vii) A representative from a Pennsylvanian health care foundation.
  - (viii) A provider of home health care.
  - (ix) A health services researcher with expertise in chronic care.
  - (x) An individual with a background in information technology and systems.
  - (xi) A representative from an organization that represents individuals with chronic conditions.
  - (xii) A consumer with a chronic condition or multiple chronic conditions.
  - (xiii) A consumer with a chronic condition or multiple chronic conditions who is 65 years of age or older.
  - (xiv) Two individuals representing hospitals who are members of the Hospital and Health System Association of Pennsylvania.
  - (xv) Any other individual who can assist the Commission with the purposes outlined in this subchapter.
- (3) The Executive Director of the Pennsylvania Employees Benefit Trust Fund or the Executive Director's designee, who shall serve *ex officio*.

§ 6.404. **Term and composition.** The members chosen under § 6.403(2) (relating to composition) shall each serve for a term of 3 years and continue to serve until their successor is appointed. Members shall serve without compensation except for payment of necessary and actual expenses incurred in attending meetings and in performing their duties and responsibilities as Chronic Care Management, Reimbursement and Cost Reduction Commission members.

§ 6.405. **Relationship with other agencies.** The Governor's Office of Health Care Reform, the Department of Health and the Department of Public Welfare shall provide staff or data support, or both, to the Chronic Care Management, Reimbursement and Cost Reduction Commission (Commission). All Commonwealth agencies under the Governor's jurisdiction shall cooperate with, provide assistance to, and follow the direction of the Commission with respect to its purpose, powers and duties, as set forth in this subchapter.

§ 6.406. **Effective date.** This subchapter takes effect immediately.

§ 6.407. **Termination date.** This subchapter shall remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 10-48. Filed for public inspection January 8, 2010, 9:00 a.m.]

# THE GENERAL ASSEMBLY

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

The following is a summary of recent actions of the General Assembly during the 2009 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2009 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 053 through 055</b>					
053	Dec 17	HB1418	PN2532	Immediately	Capital Budget and Project Itemization Act of 2009-2010—enactment
054	Dec 17	SB0047	PN1461	Immediately	Public Welfare Code—omnibus amendments
055	Dec 22	SB1070	PN1372	60 days	Trooper Joshua D. Miller Memorial Highway—designation
<b>2009 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 011A through 031A</b>					
011A	Dec 17	SB1036	PN1451	Immediately	University of Pittsburgh—education and general expenses
012A	Dec 17	SB1037	PN1452	Immediately	Temple University—education and general expenses
013A	Dec 17	SB1038	PN1453	Immediately	Lincoln University—education and general expenses
014A	Dec 17	SB1039	PN1519	Immediately	University of Pennsylvania—education and general expenses, University of Pennsylvania Museum apparatus and equipment
015A	Dec 17	SB1040	PN1455	Immediately	Pennsylvania State University—education and general expenses, Pennsylvania College of Technology
016A	Dec 17	SB1093	PN1415	Immediately	Drexel University—instruction and student aid
017A	Dec 17	SB1094	PN1416	Immediately	Philadelphia College of Osteopathic Medicine—instruction in doctor of osteopathy program
018A	Dec 17	SB1095	PN1417	Immediately	Lake Erie College of Osteopathic Medicine—instruction in doctor of osteopathy program
019A	Dec 17	SB1096	PN1418	Immediately	Salus University—instructional expenses
020A	Dec 17	SB1097	PN1419	Immediately	University of the Arts—instruction and student aid
021A	Dec 17	SB1098	PN1420	Immediately	Johnson Technical Institute of Scranton—operation and maintenance expenses
022A	Dec 17	SB1099	PN1421	Immediately	Williamson Free School of Mechanical Trades—operation and maintenance expenses
023A	Dec 17	SB1100	PN1422	Immediately	Fox Chase Institute for Cancer Research—operation and maintenance of cancer research program
024A	Dec 17	SB1101	PN1423	Immediately	Wistar Institute—operation and maintenance expenses and AIDS research
025A	Dec 17	SB1102	PN1424	Immediately	Central Penn Oncology Group—operation
026A	Dec 17	SB1103	PN1425	Immediately	Lancaster Cleft Palate—outpatient-inpatient treatment
027A	Dec 17	SB1104	PN1426	Immediately	Burn Foundation, Philadelphia—outpatient and inpatient treatment
028A	Dec 17	SB1105	PN1427	Immediately	The Children's Institute—treatment and rehabilitation of certain persons with disabling diseases

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
029A	Dec 17	SB1106	PN1428	Immediately	The Children's Hospital of Philadelphia—comprehensive patient care and general maintenance and operation
030A	Dec 17	SB1107	PN1429	Immediately	Philadelphia Health and Education Corporation—Colleges of Medicine, Public Health, Nursing and Health Professions for continuation of pediatric services
031A	Dec 17	SB1108	PN1430	Immediately	Beacon Lodge Camp—services to the blind

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

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

#### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 10-49. Filed for public inspection January 8, 2010, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 19 ]

**Adoption of Rules 1950—1954 of the Rules of Judicial Administration Governing Continuity of Operations, Emergency Actions, Emergency Units and Judicial Security; Judicial Administration; Doc. No. 339**

### Order

*Per Curiam:*

*And Now*, this 28th day of December, 2009, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1950—1954 of the Pennsylvania Rules of Judicial Administration are adopted as follows.

To the extent that prior distribution and publication of these rules would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa.R.J.A. No. 103(a)(3).

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

PATRICIA NICOLA,  
*Chief Clerk*

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### Rule 1950. Definitions.

**Emergency**—An emergency is an event or events that causes or threatens the destruction or partial destruction of court facilities, significantly interrupts the performance of court operations, or poses a threat to the health or safety of court personnel, court users or the public.

**Continuity of Operations**—Continuity of operations is the process, during and following an emergency, by which a court maintains at least minimum levels of service.

**Court Facility**—Court facility includes the courtrooms, judicial chambers, witness rooms, jury deliberation rooms, attorney conference rooms, court administrative offices and any other office or space under the control of or supervised by the judiciary.

**President Judge**—For the purposes of these Rules, “president judge” refers to the president judge of the judicial district.

**Security Incident**—A security incident is an event that has the potential to cause, or has in fact caused, personal injury or property damage.

**Official Note:** See also definitions in Pa.R.J.A. No. 102.

#### Rule 1951. Continuity of Operations.

(A) Responsibility for Continuity of Operations and Emergency Planning.

(1) The Court Administrator shall establish minimum standards and procedures for continuity of operations and other emergency plans. The standards shall include procedures for periodic review, including the procedures for conducting exercises to ensure the efficacy of the plan.

(2) The president judge has primary responsibility for planning for the continuity of operations in the event of an emergency, and for implementing such plans in his or her judicial district.

**Official Note:** See also Pa.R.J.A. No. 1954.

(B) Continuity of Operations Plans.

(1) Pursuant to the standards and procedures established by the Court Administrator in Rule 1951(A)(1), the president judge, in conjunction with the district court administrator and any other relevant individuals designated by the president judge shall, in consultation with county emergency service agencies and other governmental entities, develop a plan to provide for the continuity of court operations during and following the occurrence of an emergency.

(2) The continuity of operations plan shall provide for the continuation or immediate resumption of court business by the most expeditious and practical means possible, consistent with continuity of operations standards as established by the Court Administrator.

(3) The president judge shall be responsible for ensuring that the continuity of operations plan is accurate and updated as needed.

(4) On an annual basis, the president judge shall review the continuity of operations plan and shall certify on a form prescribed by the Court Administrator that the review has taken place and that the plan is accurate and meets the requirements established by the Court Administrator.

### Comment

Fires. Floods. Hurricanes, earthquakes and tornados. Terrorist attacks. Pandemics. Nuclear and biohazardous accidents (and attacks). The experiences from other states and countries around the world have shown that if any of these events should occur in Pennsylvania, the results could be catastrophic.

State and local governments, and in particular chief judges and court administrators, have learned from the experiences of governments in places where natural and human-made disasters have occurred, for example: the state and city of New York in the aftermath of the 2001 terrorist attacks; the city of Toronto in Canada’s Ontario Province after the 2003 SARS outbreak; the Gulf Coast states, such as Louisiana and Florida in the wake of Hurricane Katrina and other devastating storms; and California, among other states, coping with calamitous wildfires and earthquakes. One lesson learned is that many of the difficulties citizens face during and after an emergency or disaster can be ameliorated if the court system is operational and providing at least its essential functions.

In an attempt to plan and prepare for a wide variety of emergencies that could strike Pennsylvania, the Supreme Court has adopted new Rules of Judicial Administration Nos. 1950—1954. Rules 1951—1953, designed to become operational only in the event of a significant emergency that causes or threatens the disruption of court opera-

tions, were derived in part from “judicial emergency” rules and statutes developed in other states such as Florida, California and Louisiana. The Rules specify that the primary authority and responsibility for continuing court operations rests with the Supreme Court and with the president judges of Pennsylvania’s 60 judicial districts. Rule 1954 consolidates judicial security practices and directives developed over the past several years.

Rule 1951 formalizes the requirement that each judicial district in Pennsylvania develop and practice emergency and continuity of operations plans. Under this Rule, the Court Administrator of Pennsylvania is responsible for establishing standards and procedures for emergency and continuity of operations plans, and the president judges of Pennsylvania’s judicial districts, with the assistance of the district court administrators, are responsible for developing plans for their respective judicial districts. Continuity of operations plans must provide for the continuation or immediate resumption of court business—or at least essential functions—during and immediately following an emergency. The Rule calls for these plans to be reviewed and updated annually.

**Rule 1952. Emergency Actions, Duties and Authorities.**

(A) Role of Supreme Court

(1) In the event of an emergency that affects court operations in the Commonwealth or in one or more judicial districts, the Supreme Court shall have the authority to declare a judicial emergency generally or in any judicial district affected by the emergency.

(2) By the declaration of a judicial emergency, the Supreme Court may:

(a) suspend or modify statewide or local procedural or administrative court rules;

(b) suspend time calculations for the purposes of time computation relevant to court cases or other judicial business;

(c) direct a court to sit in a location other than its normal place of operations, including outside of its judicial district;

(d) assign judges or court personnel from outside the affected judicial district;

(e) authorize additional uses of advanced communication technology to conduct court proceedings;

(f) take any action listed in Rule 1952(B)(2)(a)-(r) for an individual or multiple judicial districts; and

(g) take any other necessary administrative action regarding judicial staff, court facilities and operations.

**Official Note:** See also Pa.R.J.A. No. 1952(B)(2) for actions a president judge may take once a judicial emergency has been declared.

See Pa.R.Crim.P. 103 for the definition of advanced communication technology.

See Pa.R.Crim.P. 118 and 119 for general rules governing the use of two-way simultaneous audio-visual communications in criminal proceedings.

(B) Role of the President Judge

(1) In the event of an emergency, the president judge may request authorization from the Supreme Court to declare a judicial emergency in the judicial district. Such declaration shall remain in effect until such time as it is amended, rescinded, modified or superseded by order of the Supreme Court.

(2) If the Supreme Court authorizes the president judge to declare a judicial emergency in the judicial district, and unless limited by the Supreme Court, the president judge shall have the authority to:

(a) order the closure of court facilities until safe operations of the court and its offices can be restored;

(b) order the evacuation of court facilities;

**Official Note:** Ordering the evacuation of court facilities, when practical under the circumstances, should occur after consultation with members of the local standing court security committee, established under Rule of Judicial Administration No. 1954(A), and relevant law enforcement agencies.

(c) direct the relocation of court operations to safe locations;

(d) take necessary action to provide for (i) the safety of court personnel, court users and the public, and (ii) the security of court facilities, financial and cash operations, equipment and records;

(e) establish a telephone hotline or web site to provide the bench, bar and the public with court and emergency information;

(f) reassign judges or court personnel within the judicial district as needed to ensure the continuation of operations;

**Official Note:** See also Rule of Judicial Administration No. 1953 for requests for additional judges from within the Emergency Regional Administrative Unit.

(g) expand the duties and work hours of staff to handle emergency matters;

(h) cancel or modify court calendars, subpoenas or other court orders;

(i) cancel or suspend jury and non-jury trials;

(j) cancel or suspend jury duty;

(k) suspend or modify local rules of court and administrative rules or procedures, including personnel policies;

(l) suspend or modify the time requirements and limitations established by local rule;

(m) make application to the Supreme Court to temporarily suspend or modify statewide court rules as applied to any case or cases in the judicial district;

(n) provide for alternative signing, delivery and service of court documents and orders;

(o) extend the duration of any emergency or temporary order (for example, protection from abuse order) issued by a judge or magisterial district judge in the judicial district;

(p) assign custodial responsibility for court funds;

(q) ensure compliance with any Federal, State or local emergency declarations;

(r) order the full or partial implementation of the continuity of operations plan established pursuant to Rule of Judicial Administration No. 1951; and

(s) request additional emergency judicial orders from the Supreme Court as the needs of justice require.

(3) The president judge shall immediately notify the Court Administrator of any emergency occurring within his or her court or judicial district that causes the closure of court facilities, causes the temporary suspension of court operations or causes the full or partial implementation of the court’s continuity of operations plan.



(4) Requests for emergency judicial orders pursuant to Rule 1952(B)(1) or 1952(B)(2)(s) shall be made to the Court Administrator on a form substantially similar to the one appended to this Rule. Upon receiving a request for an emergency judicial order, the Court Administrator shall immediately transmit said request to (1) the Chief Justice of Pennsylvania or another Justice designated by the Chief Justice and (2) to the Supreme Court Prothonotary. Emergency judicial orders may be signed by the Chief Justice or another Justice designated by the Chief Justice to handle emergency applications for relief. Facsimile signatures may be used in lieu of original signatures on emergency judicial orders. Objections to emergency judicial orders from the Supreme Court shall be transmitted to the Supreme Court Prothonotary in a manner prescribed by the Supreme Court.

(5) During an emergency, the provisions of any statewide procedural rules that require submission of local rules, including administrative orders, to the Supreme Court, the Administrative Office of Pennsylvania Courts, a statewide procedural rules committee, or the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall not apply to any local rules or administrative orders issued in response to the emergency. The president judge of the affected judicial district shall inform the Supreme Court of any local rule or administrative order issued under this paragraph as soon as practicable.

**Official Note:** See Pa.R.C.P. No. 239, Pa.R.Crim.P. 105, and Pa.R.J.C.P. 121 for local rule adoption procedures.

#### (C) Role of the Court Administrator

(1) The Court Administrator shall render such assistance as practicable and proper to judicial districts affected by an emergency and to assist in the continuity of operations.

(2) The Court Administrator shall coordinate efforts of the Unified Judicial System to provide relief to judicial districts affected by an emergency, including providing available resources and personnel from other judicial districts.

**Official Note:** See also Pa.R.J.A. No. 701.

(3) The Court Administrator shall provide information concerning the emergency to appropriate governmental and non-governmental entities in a timely manner.

(4) In the event the Court Administrator is notified of an emergency that causes the temporary closure of court operations, the Court Administrator shall immediately advise the Chief Justice of Pennsylvania, the Governor, the President Pro Tempore of the Pennsylvania Senate and the Speaker of the Pennsylvania House of Representatives of such emergency.

**Official Note:** See Pa.R.J.A. No. 1952(B)(4) regarding requests for emergency judicial orders.

(5) All requests for emergency judicial orders submitted to the Supreme Court, all emergency judicial orders issued by the Supreme Court, and all emergency judicial orders issued by president judges shall, to the extent possible and practical under the circumstances, be promptly and conspicuously posted on the Unified Judicial System web site.

#### (D) Role of the District Court Administrator

(1) The district court administrator shall assist the president judge in planning for emergencies and for the continuation of court operations in the event of an emergency.

**Official Note:** See Pa.R.J.A. Nos. 1951(A)(2) and (B)(1) for the development of continuity of operations plans.

(2) In the event of an emergency, the district court administrator shall assist the president judge in implementing continuity of operations plans.

**Official Note:** See Pa.R.J.A. No. 1951(A)(2) for the president judge's authority to implement continuity of operations plans.

(3) In the event of an emergency, unless otherwise specified in the continuity of operations plan, the district court administrator shall:

(a) gather information from state and local officials, health and safety personnel, and any other relevant individuals or information sources to advise the president judge if the continuity of operations plan should be activated;

(b) prepare the continuity of operations plan notification for approval by the president judge and disseminate the notification;

(c) coordinate court personnel and resource deployment to an alternate facility;

(d) assist the sheriff and courthouse security in the movement of jurors, prisoners and the public, and assist with the general security of court and alternate facilities;

(e) ensure that all emergency judicial orders are promptly posted conspicuously in the affected judicial district and that they are transmitted to the Court Administrator in as prompt a manner as circumstances permit;

(f) manage alternate facility operations;

(g) provide timely information to the president judge and Court Administrator on the performance of court operations;

(h) ensure personnel issues are addressed and resolved; and

(i) confirm and communicate to the president judge when the emergency situation has ended.

(4) Once normal court operations are resumed, the district court administrator shall communicate with judges, staff and other appropriate individuals and entities to develop an after-action report to be transmitted to the Court Administrator and in conjunction with the continuity of operations plan review mandated in Rule of Judicial Administration No. 1951(B)(4).

#### Comment

Rule of Judicial Administration No. 1952 clarifies a non-exhaustive list of actions the Supreme Court may order during an emergency. In addition to declaring a "judicial emergency" in one or several judicial districts, the Rule specifies numerous judicial and administrative actions the Supreme Court may order to continue and protect the judicial process, as well as the rights of litigants and the public. In addition, Pa.R.J.A. No. 1952 details the role of the president judges during and after an emergency. Under this Rule, and subject to Supreme Court approval and oversight, the president judges of each judicial district are given wide authority to order that extraordinary measures be taken to protect the public, court users and staff and to continue court operations during and after an emergency.

## IN THE SUPREME COURT OF PENNSYLVANIA

In Re: \_\_\_\_\_ Judicial District—Request for Emergency Judicial Order

1. \_\_\_\_\_, President Judge of the \_\_\_\_\_ Judicial District, hereby requests the following relief by Order of the Supreme Court:

a. Authorize the president judge to declare a judicial emergency in this judicial district and take any actions authorized by Pa.R.J.A. No. 1952(B)(2).

b. Suspend or modify statewide procedural or administrative rules in this judicial district as follows:

1. Suspend time calculations for the purposes of time computation within this judicial district for the filing of documents with the court or taking other judicially mandated action. Beginning date \_\_\_\_\_, ending date \_\_\_\_\_.

2. Authorize the expanded use of advanced communication technology to conduct court proceedings as follows:

3. Suspend or modify other statewide procedural or administrative rules as follows:

c. Grant other relief as follows:

2. The circumstances necessitating this request for an emergency judicial order are as follows:

3. To the extent possible and practical under the circumstances, notice of this request for an emergency judicial order has been or will be:

\_\_\_ posted in the courthouse or other judicial office

\_\_\_ posted on the court's or county's web site

\_\_\_ posted on the county bar association's web site

\_\_\_ submitted to the Administrative Office of Pennsylvania Courts for publication pursuant to Rule of Judicial Administration No. 1952(C)(5)

\_\_\_ published in the legal publication designated by the court for publication of legal notices

\_\_\_ published in a newspaper of general circulation within the county

4. Interested parties are advised that objections to any emergency judicial order issued by the Supreme Court should be transmitted to the Supreme Court Prothonotary.

Signed:

Dated:

### Rule 1953. Emergency Regional Administrative Units.

(A) Within sixty (60) days of the adoption of this Rule, the Court Administrator shall recommend to the Supreme Court the number and designation of "emergency regional administrative units," ensuring that every judicial district in the Commonwealth is included within an "emergency regional administrative unit" with one or more neighboring judicial districts.

**Official Note:** The units created pursuant to this rule are similar to those created pursuant to Pa.R.J.A. No. 701(E).

(B) In the event of an emergency affecting any court's operations, causing the partial or full implementation of a court's continuity of operations plan under Rule 1951, or if the Supreme Court or president judge declares a judicial emergency under Rule 1952 (A)(1) or (B)(1), the president judge of the affected judicial district or districts

may activate the respective emergency regional administrative unit by providing notice to the Court Administrator. Once activated, judges and magisterial district judges may be temporarily assigned to another judicial district within the emergency regional administrative unit as if the judicial districts were operating within a unit created under Pa.R.J.A. No. 701(E).

(C) All judges and magisterial district judges assigned to another judicial district pursuant to this Rule shall have the same power and authority as that vested in a judge or magisterial district judge of that judicial district.

**Official Note:** See also Pa.R.J.A. No. 701(E).

(D) Whenever a judge or magisterial district judge is assigned to another judicial district pursuant to this Rule, notice shall immediately be sent to the Court Administrator of Pennsylvania.

(E) All expenses of any jurist assigned to another judicial district pursuant to this Rule shall be reimbursed as provided by law.

### Comment

Rule 1953 is designed as a companion to Rule of Judicial Administration No. 701(E). Pursuant to Rule 701(E), president judges may petition the Supreme Court to combine with other judicial districts and form "regional administrative units." Within each regional administrative unit, judges from one judicial district may be temporarily assigned to another judicial district within the unit without first obtaining a judicial assignment order from the Supreme Court. At present, only about half of Pennsylvania's 60 judicial districts are included within a Rule 701 regional administrative unit. Rule 1953 authorizes the creation of "Emergency Regional Administrative Units" covering all of Pennsylvania's 60 judicial districts. Through this Rule, in the event of an emergency judges and magisterial district judges from one judicial district within an emergency regional administrative unit may be assigned to another judicial district within the unit without first obtaining a Supreme Court order authorizing the temporary assignment. The Rule directs the Court Administrator of Pennsylvania to recommend to the Supreme Court the number and designation of emergency regional administrative units within 60 days of the adoption of this new Rule.

### Rule 1954. Judicial Security.

(A) The president judge of each judicial district shall establish a local standing court security committee. The duties of the local standing court security committee shall be to:

(1) make recommendations to the president judge on protocols, policies and procedures necessary to protect the public, court personnel and court facilities in the event of an emergency;

(2) communicate the approved protocols, policies and procedures identified in Rule of Judicial Administration No. 1954(A)(1) to all court employees;

(3) review and assess all security incident reports specified in Rule of Judicial Administration No. 1954(B) and recommend to the president judge appropriate actions; and

(4) develop and recommend to the president judge training programs for court employees on safety and security awareness.

**Official Note:** When forming local standing court security committees, president judges should consider a variety of court and county employees as well as public

officials whose positions, experience and authority would benefit court security decisions. While not an exhaustive list, the president judge may consider: a member of the county executive branch, the district court administrator, a magisterial district judge, an individual responsible for county and court records, an individual responsible for courthouse security, a courthouse facility or risk manager and a member of county or local law enforcement.

(B) The president judge shall ensure that all reporting requirements of the Pennsylvania Judicial Incident Reporting System ("PAJIRS") are completed by the district court administrator or his or her designee no later than the close of business on the day that any reportable action occurs.

(C) The president judge shall ensure the completion of court facility security assessments as identified in the Unified Judicial System Court Safety and Security Manual and as prescribed by the Court Administrator.

(D) The president judge shall establish court security protocols, policies and procedures to be implemented in the event of an emergency, including, but not limited to: fire, natural disaster, "white powder" or other human-made emergency or disaster, and escaped prisoner and hostage situations. The president judge shall ensure that all employees receive training on how and when to implement such protocols, policies and procedures. All policies and procedures identified in this Rule shall be reviewed and updated annually.

#### Comment

Rule 1954 addresses court security and formalizes the creation of local standing court security committees. These committees, which have existed in every judicial district since at least 2005, are appointed by the president judges. They make recommendations to the president judge on protocols, policies and procedures which should be implemented to protect the public, court personnel and court facilities in the event of an emergency, and the president judge must establish such security protocols, policies and procedures for the judicial district. In addition, each local standing court security committee is charged with reviewing court security incident reports collected through PAJIRS, which was implemented in 2005 for magisterial district courts and 2007 for common pleas courts, and making appropriate recommendations to the president judge based on those reports. Finally, Rule 1954 directs the president judges of Pennsylvania's judicial districts to complete and annually update court facility security assessments.

It is hoped that a significant natural or man-made emergency never impacts Pennsylvania. However, through the framework provided in Rules 1950—1954, should an emergency occur, Pennsylvania Courts will be prepared to provide at least minimum services, including all essential court functions, both during and after the emergency, to better protect and serve Pennsylvania's citizens.

[Pa.B. Doc. No. 10-50. Filed for public inspection January 8, 2010, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 1, 2, 3, 4, 5, 11 AND 13 ]

**In Re: Order Amending Rules 120, 160, 166, 167, 172, 220, 232, 300, 302, 330, 345, 362, 408, 409, 515, 1120, 1160, 1166, 1167, 1300, 1302 and 1345 of the Rules of Juvenile Court Procedure; No. 488; Supreme Court Rules**

#### Order

*Per Curiam:*

*And Now*, this 24th day of December, 2009, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 38 Pa.B. 6598 (December 6, 2008), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 958, No. 3, December 5, 2008), and on the Supreme Court's web page, and an *Explanatory Report* to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 120, 160, 166, 167, 172, 220, 232, 300, 302, 330, 345, 362, 408, 409, 515, 1120, 1160, 1166, 1167, 1300, 1302, and 1345 of the Pennsylvania Rules of Juvenile Court Procedure are approved as follows.

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

JOHN A. VASKOV,  
*Deputy Prothonotary*

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 120. Definitions.

**ADULT** is any person, other than a juvenile, eighteen years old or older.

**AFFIANT** is any responsible person, capable of taking an oath, who signs, swears to, affirms, or when permitted by these rules, verifies a written allegation and appreciates the nature and quality of that person's act.

**CLERK OF COURTS** is that official in each judicial district who has the responsibility and function under state law [ **and** ] or local practice to maintain the official [ **juvenile court file** ] **court record** and docket, without regard to that person's official title.

**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.

**DETENTION FACILITY** is any facility, privately or publicly owned and operated, designated by the court and approved by the Department of Public Welfare to detain a juvenile temporarily. The term detention facility, when used in these rules, shall include shelter-care.

DISPOSITION is a final determination made by the court after an adjudication of delinquency or any determination that ceases juvenile court action on a case.

GUARDIAN is any parent, custodian, or other person who has legal custody of a juvenile, or person designated by the court to be a temporary guardian for purposes of a proceeding.

INTAKE STAFF is any responsible person taking custody of the juvenile on behalf of the court, detention facility, or medical facility.

ISSUING AUTHORITY is any public official having the power and authority of a magistrate, a Philadelphia bail commissioner, or a Magisterial District Judge.

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age.

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

MASTER is an attorney with delegated authority to hear and make recommendations for juvenile delinquency matters. Master has the same meaning as hearing officer.

MEDICAL FACILITY is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a juvenile medically or psychologically.

MINOR is any person, other than a juvenile, under the age of eighteen.

**OFFICIAL COURT RECORD is the juvenile court file maintained by the clerk of courts which contains all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case.**

ORDINANCE is a legislative enactment of a political subdivision.

PARTIES are the juvenile and the Commonwealth.

PENAL LAWS include all statutes and embodiments of the common law, which establish, create, or define crimes or offenses, including any ordinances that may provide for placement in a juvenile facility upon a finding of delinquency or upon failure to pay a fine or penalty.

PETITION is a formal document by which an attorney for the Commonwealth or the juvenile probation officer alleges a juvenile to be delinquent.

PETITIONER is an attorney for the Commonwealth or a juvenile probation officer, who signs, swears to, affirms, or verifies and files a petition.

PLACEMENT FACILITY is any facility, privately or publicly owned and operated, that identifies itself either by charter, articles of incorporation, or program description, to receive delinquent juveniles as a case disposition. Placement facilities include, but are not limited to, residential facilities, group homes, after-school programs, and day programs, whether secure or non-secure.

POLICE OFFICER is any person, who is by law given the power to arrest when acting within the scope of the person's employment.

POLITICAL SUBDIVISION shall mean county, city, township, borough, or incorporated town or village having legislative authority.

PROCEEDING is any stage in the juvenile delinquency process occurring once a written allegation has been submitted.

RECORDING is the means to provide a verbatim account of a proceeding through the use of a court stenographer, audio recording, audio-visual recording, or other appropriate means.

VERIFICATION is a written statement made by a person that the information provided is true and correct to that person's personal knowledge, information, or belief and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

WRITTEN ALLEGATION is the document that is completed by a law enforcement officer or other person that is necessary to allege a juvenile has committed an act of delinquency.

#### Comment

**"Clerk of courts" is the person given the power under state law or local practice to maintain the official court record. See Rule 166 for additional responsibilities of the clerk of courts.**

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

The term "disposition" includes all final determinations made by the court. A disposition includes a response to an adjudication of delinquency, such as sending the juvenile to a placement facility or placing the juvenile on probation. It also includes other types of final determinations made by the court. Other final determinations include a finding that the juvenile did not commit a delinquent act pursuant to Rule 408(B), a finding that the juvenile is not in need of treatment, rehabilitation, or supervision pursuant to Rule 409(A)(1), dismissing the case "with prejudice" prior to an adjudicatory hearing, or any other final action by the court that closes or terminates the case.

**The "official court record" is to contain all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case. The court may also designate any document to be a part of the record. It does not include items contained in juvenile probation's reports and files unless they are made a part of the official record by being filed with the clerk of courts.**

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; amended February 26, 2008, effective June 1, 2008; amended July 28, 2009, effective immediately; **amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 36 Pa.B. 186, 187 (January 14, 2006).

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 37 Pa.B. 1483, 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 38 Pa.B. 1142, 1145 (March 8, 2008).

Final Report explaining the amendment to Rule 120 published with the Court’s Order at 39 Pa.B. 4743, 4748 (August 8, 2009).

**Final Report explaining the amendments to Rule 120 published with the Court’s Order at 40 Pa.B. 222, 236 (January 9, 2010).**

## PART C. RECORDS

### PART C(1). ACCESS TO JUVENILE RECORDS

Rule 160. Inspection of [ **Juvenile File/Records** ] the **Official Court Record**.

A. *General Rule.* [ **All files and records of the court in a proceeding, including the juvenile court file as provided in Rule 166, are** ] **The official court record is only** open to inspection [ **only** ] by:

1) the judges, masters, juvenile probation officers, and staff of the court;

2) the attorney for the Commonwealth, the juvenile’s attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except [ **in** ] at the discretion of the court;

3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;

4) a court, [ **and** ] its probation officers, [ **and** ] other officials or **professional** staff, and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;

5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;

6) the Administrative Office of Pennsylvania Courts;

7) **the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;**

8) officials of the Department of Corrections, [ **or** ] a state correctional institution, or other penal institution to which an individual, who was previously adjudicated delinquent in a proceeding under the Juvenile Act, has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except [ **in** ] at the discretion of the court;

[ **8** ] 9) a parole board, court, or county probation official in considering an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except [ **in** ] at the discretion of the court;

[ **9** ] **the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties; ]**

10) the State Sexual Offenders Assessment Board for use in completing assessments; and

11) with leave of court, any other person, agency, or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

B. *Public availability.* Upon request, a public document shall be created by the clerk of courts if the case is designated eligible for public inspection pursuant to Rule 330 or 515.

1) For cases deemed eligible pursuant to Rule 330, the public document shall contain only the following information:

- a) the juvenile’s name;
- b) the juvenile’s age;
- c) the juvenile’s address; and
- d) the offenses alleged in the juvenile’s petition.

2) For cases deemed eligible pursuant to Rule 515, the public document shall contain only the following information:

- a) the juvenile’s name;
- b) the juvenile’s age;
- c) the juvenile’s address;
- d) the offenses alleged in the juvenile’s petition;
- e) the adjudication on each allegation; and
- f) the disposition of the case.

#### Comment

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile’s file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

**See Rule 120 for definition of the “official court record.”**

This rule is meant to include the contents of the [ **juvenile court file** ] **official court record** as described in Rule 166 [ **and the contents of the juvenile probation records or reports** ]. [ **Juvenile probation records or reports, include, but are not limited to, social summaries, psychological and psychiatric evaluations, personal histories, school records and reports, mental health histories and reports, drug and alcohol evaluations, and placement facility records and reports.** ]

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file, **which is the official court record**, and the disclosure requirements of this rule apply.

Under paragraph (B), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks of courts' office as the only document available for inspection by the general public. All other information contained in the [ **juvenile court file** ] **official court record** is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).

See Rule 330 for designation of public availability status in the juvenile petition. See Rule 515 for designation of public availability status in the dispositional order.

**Official Note:** Rule 160 adopted April 1, 2005, effective October 1, 2005; amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 160 published with the Court's Order at 35 Pa.B. 2214, **2229** (April 16, 2005).

Final Report explaining the revisions of Rule 160 published with the Court's Order at 36 Pa.B. 186, **187** (January 14, 2006).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 37 Pa.B. 4866, **4867** (September 8, 2007).

Final Report explaining the amendments to Rule 160 published with the Court's Order at 38 Pa.B. 2360, **2361** (May 24, 2008).

**Final Report explaining the amendments to Rule 160 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

**PART C(2). MAINTAINING RECORDS**

**Rule 166. Maintaining Records in the Clerk of Courts.**

A. *Generally.* The juvenile court file **is the official court record** and shall contain all [ **original records, papers, and** ] court orders, [ **filed, copies of all** ] court notices, [ **and** ] docket entries, **filed documents, evidence admitted into the record, and other court designated documents in each juvenile case.** These records shall be maintained by the clerk of courts and shall not be taken from the custody of the clerk of courts without order of the court.

B. *Docket entries.* The clerk of courts shall maintain a list of docket entries: a chronological list, in electronic or written form, of documents and entries in the [ **juvenile court file** ] **official court record** and of all proceedings in the case. The clerk of courts shall make docket entries at the time the information is made known to the clerk.

C. *Contents of docket entries.* The docket entries shall include, at a minimum, the following information:

1) the juvenile's name, last known address, date of birth, if known;

2) the names and addresses of all attorneys who have appeared or entered an appearance, the date of the entry of appearance(s), and the date of any withdrawal of appearance(s);

3) notations concerning all papers filed with the clerk, including all court notices, appearances, admissions, motions, orders, findings and adjudications, and dispositions, briefly showing the nature and title, if any, of each paper filed, writ issued, and motion made, and the substance of each order or disposition of the court and of the returns showing execution of process;

4) notations concerning motions made orally or orders issued orally in the courtroom when directed by the court;

5) a notation of every judicial proceeding, continuance, and disposition;

6) the location of exhibits made part of the record during the proceedings; [ **and** ]

7) a) the date of receipt in the clerk's office of the order or court notice;

b) the date appearing on the order or court notice; and

c) the date and manner of service of the order or court notice; and

8) all other information required by Rule 345.

**Comment**

This rule sets forth the mandatory contents of the list of docket entries and the [ **juvenile court file** ] **official court record**. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information to be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a juvenile case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by masters. Nothing in this rule is intended to preclude the use of automated or other electronic means for time stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by masters, at any stage of the delinquency case.

This rule is not intended to include items contained in the juvenile probation records or reports. See Rule 160 (Inspection of [ **Juvenile File/Records** ] **the Official Court Record**) and its Comment for items contained in juvenile probation records or reports.

The practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

The requirement of paragraph (C)(2) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any juvenile in the case. The requirement also ensures that attorneys are served as required by Rules 167 and 345. See also Rule 345(C) concerning certificates of service. In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required by paragraph (C)(2) is to include the facsimile number or electronic address. Paragraph (C)(4) recognizes that occasionally [ **disposition** ] **resolution** of oral motions presented in open court

should be reflected in the docket, such as motions and orders related to omnibus motions as provided in Rule 346.

**Official Note:** Rule 166 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 166 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 166 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

**Rule 167. Filings and Service of Court Orders and Notices.**

A. *Filings.*

1) All orders and court notices shall be transmitted promptly to the clerk of courts for filing. Upon receipt by the clerk of courts, the order or court notice shall be time stamped promptly with the date of receipt.

2) All orders and court notices shall be filed in the [ juvenile court file ] official court record.

B. *Service.*

1) A copy of any order or court notice shall be served promptly on each party's attorney, and the juvenile, if unrepresented.

2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or court administrator.

3) *Methods of service.* Service shall be:

a) in writing by:

i) personal delivery to the party's attorney, and if unrepresented, the juvenile;

ii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;

iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box;

iv) sending a copy to an unrepresented juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement;

v) sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the juvenile has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; or

vi) delivery to the party's attorney, and if unrepresented, the juvenile by carrier service; or

b) orally in open court on the record.

C. *Unified Practice.* Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

**Comment**

Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court

administrator concerning, for example, calendaring or scheduling, including proceedings requiring the juvenile's presence.

A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(a)(v). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization is to be filed in each case by the juvenile, if unrepresented, or by the attorney who wants to receive documents by this method of service.

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time stamping.

**Official Note:** Rule 167 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 167 published with the Court's Order at 35 Pa.B. 2214, 2231 (April 16, 2005).

**Final Report explaining the amendments to Rule 167 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

**PART C(3). EXPUNGING OR DESTROYING RECORDS**

**Rule 172. Order to Expunge or Destroy.**

A. *Contents.* Any order to expunge or destroy the [ juvenile court file ] official court record, juvenile probation records, docket entries, law enforcement records, or fingerprints and photographs shall include the following information:

1) All items contained in Rule 170(B);

2) the printed name and signature of the judge issuing the order; and

3) the date of the court order.

B. *Service.* In addition to the service required by Rule 167, the clerk of courts shall serve certified copies of the order on the chief juvenile probation officer and any other person or agency as directed by the court.

**Official Note:** Rule 172 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 172 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

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

**PART B. ARREST PROCEDURES IN DELINQUENCY CASES**

**(b) Arrests Without Warrant**

**Rule 220. Procedure in Cases Commenced by Arrest Without Warrant.**

A. The person arresting a juvenile shall promptly:

1) notify the juvenile's guardian of:

- a) the arrest of the juvenile;
- b) the reason for the arrest; and
- c) the juvenile's whereabouts; and
- 2) either:

a) release the juvenile to his or her guardian upon the guardian's promise to bring the juvenile before the court when requested by the court, unless detention of the juvenile is warranted; or

b) deliver the juvenile before the court or to a detention facility designated by the court; or

c) deliver the juvenile to a medical facility if the juvenile is believed to be suffering from a physical condition or illness that requires prompt treatment.

B. In all cases, the person arresting the juvenile promptly shall submit the written allegation, as required by Rule 231(A)(2).

#### Comment

The juvenile probation officer can accept juveniles for the court as described in paragraph (A)(2)(b).

The release of the juvenile does not eliminate the requirement of submission of a written allegation. For the general procedures governing written allegations, see Chapter two, Part (C).

See 42 Pa.C.S. § 6326.

**See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs by law enforcement officers. The arresting officer is to ensure that the fingerprints and photographs are forwarded to the central repository as required by the Pennsylvania State Police. 42 Pa.C.S. § 6309(c).**

**Official Note:** Rule 220 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately.

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Chapter two, Part B published with the Court's Order at 35 Pa.B. 2214, 2235 (April 16, 2005).

**Final Report explaining the amendments to Rule 220 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

### PART C. WRITTEN ALLEGATION PROCEDURES

#### Rule 232. Contents of Written Allegation.

Every written allegation shall contain:

- 1) the name of the person making the allegations;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
  - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and

b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;

5) the place where the offense is alleged to have been committed;

6) a) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and

b) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation;

7) the name and age of any conspirators, if known;

8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;

9) **a notation indicating whether the juvenile has or has not been fingerprinted and photographed;**

10) a notation if criminal laboratory services are requested in the case;

[ 10 ] 11) a verification by the person making the allegation that the facts set forth in the written allegation are true and correct to the person's personal knowledge, information, or belief, and that any false statement made is subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

[ 11 ] 12) the signature of the person making the allegation and the date of execution of the written allegation; and

[ 12 ] 13) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative.

#### Comment

This rule sets forth the required contents of all written allegations whether the person making the allegation is a law enforcement officer, a police officer, or a private citizen. See [ <http://www.courts.state.pa.us> ] <http://www.pacourts.us/Forms/Default.htm> for a copy of the written allegation form that is to be submitted.

**See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs pursuant to paragraph (9).**

**Official Note:** Rule 232 adopted April 1, 2005, effective October 1, 2005. Amended December 3, 2007, effective immediately. Amended January 23, 2009, effective March 1, 2009. Amended December 24, 2009, effective immediately.

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 232 published with the Court's Order at 35 Pa.B. 2214, (April 16, 2005).

Final Report explaining the amendments to Rule 232 published with the Court's Order at 37 Pa.B. 6743 (December 22, 2007).

Final Report explaining the amendments to Rule 232 published with the Court's Order at 39 Pa.B. 676, 679 (February 7, 2009).

**Final Report explaining the amendments to Rule 232 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**



CHAPTER 3. PRE-ADJUDICATORY PROCEDURES  
PART A. VENUE

**Rule 300. Venue.**

A. *Generally.* A delinquency proceeding shall be commenced in:

- 1) the county in which the delinquent act was allegedly committed; or
- 2) the juvenile's county of residence.

B. *Change of venue.* The juvenile may file a motion for change of venue if there is substantial prejudice to the juvenile. The court shall decide the motion.

C. *Transmission of all records. If there is a change of venue pursuant to paragraph (B):*

1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving court; and

2) The juvenile probation office of the transferring court shall transfer all its records to the juvenile probation office where venue has been transferred.

**Official Note:** Rule 300 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 300 published with the Court's Order at 35 Pa.B. 2214, 2239 (April 16, 2005).

**Final Report explaining the amendments to Rule 300 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

**Rule 302. Inter-County Transfer.**

A. *Adjudication of Delinquency.* When the court proceeds to an adjudicatory hearing for non-resident juveniles, it shall hear evidence on the petition pursuant to Rule 406 or accept an admission pursuant to Rule 407 and shall rule on the offenses in accordance with Rule 408. The court may transfer the case to the juvenile's county of residence for a hearing to determine if the juvenile is in need of treatment, rehabilitation, or supervision pursuant to Rule 409 and if the court finds the juvenile to be in need of treatment, rehabilitation, or supervision, the receiving court shall proceed under Chapter Five.

B. *Courtesy Supervision.*

1) The court may transfer supervision of the juvenile to the juvenile's county of residence after:

- a) a consent decree is entered; or
- b) a dispositional order is entered; and

2) The county providing courtesy supervision may, with cause, withdraw supervision at any time and return the matter for further action to the county which entered the dispositional order.

C. *Transmission of [juvenile court file] all records.* If the case is transferred [ under ] pursuant to paragraph (A) or (B) [ , ]:

1) the transferring court shall [ order ] transfer [ of ] certified copies of all documents, reports, and summaries in the juvenile's [ court file ] official court record to the receiving court;

2) the juvenile probation office of the transferring court shall transfer all its records to the juvenile probation office where jurisdiction has been transferred.

**Comment**

The purpose of allowing transfer of disposition and supervision of the juvenile to the juvenile's county of residence is to allow probation to supervise the juvenile closely. Supervision is difficult if the juvenile lives in another county.

Under paragraph (B), this rule also may apply if the juvenile moves to a different county in this Commonwealth at some stage in the proceedings.

When the case is being transferred under paragraph (A), the transferring court should enter a finding of the amount of restitution owed and to whom it should be paid, if ordered. A restitution order should be included in the dispositional order, if applicable, under paragraph (B).

**Official Note:** Rule 302 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately.

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 302 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

PART C. PETITION

**Rule 330. Petition: Filing, Contents, Function.**

A. *Certification.* The District Attorney of any county may require that an attorney for the Commonwealth shall file all petitions. If the District Attorney elects to require an attorney for the Commonwealth to file the petition, the District Attorney shall file a certification with the court of common pleas. The certification shall:

- 1) state that an attorney for the Commonwealth shall file petitions; and
- 2) specify any limitations on the filing or classes of petitions.

B. *Filings.* In every delinquency proceeding, the attorney for the Commonwealth or the juvenile probation officer shall file a petition with the clerk of courts if it has been determined that informal adjustment or another diversionary program is inappropriate.

C. *Petition contents.* Every petition shall set forth plainly:

- 1) the name of the petitioner;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
  - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
  - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;

5) the place where the offense is alleged to have been committed;

6) a) i) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and

ii) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation; or

b) a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense.

7) the name and age of any conspirators, if known;

8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;

**9) a notation indicating whether the juvenile has or has not been fingerprinted and photographed;**

**10) a notation if criminal laboratory services are requested in the case;**

**[ 10 ]11)** a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

**[ 11 ]12)** the signature of the petitioner and the date of the execution of the petition;

**[ 12 ]13)** the whereabouts of the juvenile and if taken into custody, the date and time thereof;

**[ 13 ]14)** the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative; and

**[ 14 ]15)** an averment as to whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1)(ii) for limited public information.

### Comment

Under paragraph (A), the District Attorney may file a certification with the court of common pleas stating that only an attorney for the Commonwealth may file a petition. If a certification has not been filed, then an attorney for the Commonwealth or a juvenile probation officer may file a petition.

A private citizen has the right to file a written allegation, not a petition. *See* Rule 800. The written allegation commences the proceedings in the juvenile system. *See* Rule 200. The case should progress in the same manner as any other case in the juvenile system. If the written allegation is disapproved, the private citizen may file a motion challenging the disapproval with the court of common pleas. *See* Comment to Rule 233.

Informal adjustment or other diversionary programs should be considered before a petition is filed. Once a petition is filed, informal adjustment is not permitted. *See Comment to Rule 312 and Commonwealth v. J.H.B.*, 760 A.2d 27 (Pa. Super. Ct. 2000).

Petitions should be filed without unreasonable delay. *See Commonwealth v. Dallenbach*, 729 A.2d 1218 (Pa. Super. Ct. 1999).

**See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs pursuant to paragraph (C)(9).**

The contents of a petition are the same as a written allegation except for the additional requirements in paragraphs (C) (6)(b), **[ (12), and (14) ] (13), and (15)**.

Pursuant to paragraph **[ 14 ]15)**, the petitioner is to designate whether the allegations in the juvenile's petition make the case eligible for limited public information. *See* 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

**Official Note:** Rule 330 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended January 23, 2009, effective March 1, 2009. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 330 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 330 published with the Court's Order at 37 Pa.B. 4866, **4868** (September 8, 2007).

Final Report explaining the amendments to Rule 330 published with the Court's Order at 39 Pa.B. 676, **679** (February 7, 2009).

**Final Report explaining the amendments to Rule 330 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

### PART D(1). MOTION PROCEDURES

#### Rule 345. Filing and Service.

##### A. Filings.

1) *Generally.* Except as otherwise provided in these rules, all written motions, and any notice or document for which filing is required, shall be filed with the clerk of courts.

2) *Clerk of courts' duties.* Except as provided in paragraph (A)(3), the clerk of courts shall docket a written motion, notice, or document when it is received and record the time of filing in the docket. The clerk of courts promptly shall transmit a copy of these papers to such person as may be designated by the court.

3) *Filings by represented juveniles.* In any case in which a juvenile is represented by an attorney, if the juvenile submits for filing a written motion, notice, or document that has not been signed by the juvenile's attorney, the clerk of courts shall not file the motion, notice, or document in the **[ juvenile court file ] official court record** or make a docket entry, but shall forward it promptly to the juvenile's attorney.

4) *Method of filing.* Filing may be accomplished by:

a) personal delivery to the clerk of courts; or

b) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing.

##### B. Service.

1) *Generally.* The party filing the document shall serve the other party concurrently with the filing.

2) *Method of service to parties.* Service on the parties shall be by:

a) personal delivery of a copy to a party's attorney, or, if unrepresented, the party; or

b) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or

c) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box; or

d) sending a copy to an unrepresented juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement.

C. *Proof of service.* All documents that are filed and served pursuant to this rule shall include a certificate of service.

#### Comment

**See Rule 166 for maintaining records in the clerk of courts.**

Under paragraph (A)(2), the court is to designate a court official to process motions and other matters for appropriate scheduling and resolution.

Under paragraph (B), the party filing a document is required to serve the other party.

This rule does not affect court orders, which are to be served upon each party's attorney and the juvenile, if unrepresented, by the clerk of courts as provided in Rule 167.

For service of petitions, *see* Rule 331.

**Official Note:** Rule 345 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2009, effective immediately. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the amendment to Rule 345 published with the Court's Order at 39 Pa.B. 4743, 4748 (August 8, 2009).

**Final Report explaining the amendments to Rule 345 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

#### PART D(2). ADJUDICATORY SUMMONS AND NOTICE PROCEDURES

##### Rule 362. Requirements of the Summons.

The summons shall:

- 1) be in writing;
- 2) set forth the date, time, and place of the adjudicatory hearing;
- 3) instruct the juvenile about the juvenile's right to counsel, and if the juvenile is without financial resources or otherwise unable to employ counsel, the right to assigned counsel;
- 4) give a warning stating that the failure to appear for the hearing may result in arrest; [ and ]
- 5) include a copy of the juvenile petition; and
- 6) include an order directing the juvenile to submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed.

#### Comment

Section 6335(a) of the Juvenile Act requires a copy of the petition to accompany the summons. 42 Pa.C.S. § 6335(a).

**See 42 Pa.C.S. § 6308 for the taking of fingerprints and photographs.**

**Official Note:** Rule 362 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

**Final Report explaining the amendments to Rule 362 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

#### CHAPTER 4. ADJUDICATORY HEARING

##### Rule 408. Ruling on Offenses.

A. **Entered finding.** Within seven days of hearing the evidence on the petition or accepting an admission under Rule 407, the court shall enter a finding by specifying which, if any, offenses, including grading and counts, alleged in the petition were committed by the juvenile.

##### B. **Did not commit acts.**

1) If the court finds the juvenile did not commit **all of** the alleged delinquent acts, the court shall dismiss the [ **allegations** ] **petition** and release the juvenile, if detained, unless there are other grounds for the juvenile's detention.

2) **The court shall move to expunge the records related to the dismissed petition pursuant to 18 Pa.C.S. § 9123(a)(1) and Rule 172.**

3) **Absent cause shown, the court shall expunge the records and order the destruction of any fingerprints or photographs.**

C. **Committed act.** If the court finds that the juvenile committed any delinquent act, the court shall proceed as provided in Rule 409.

#### Comment

Under paragraph (A), for any offense the court finds that the juvenile committed, the court is to specify the grading and count(s). *See* 42 Pa.C.S. § 6341(b). It is noted that some offenses have no specific grading, i.e., ungraded felony or misdemeanor of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 *et seq.*, or the ungraded delinquent act of failure to comply with a sentence for a summary offense, 42 Pa.C.S. § 6302 (definition of "delinquent act").

[ **Under paragraph (B), if all the allegations are dismissed, the court is to order the destruction of fingerprints and photographs. See 42 Pa.C.S. § 6341(a). Pursuant to paragraph (B), if the court finds that the juvenile did not commit all of the alleged delinquent acts, the court, upon its own motion, is to expunge the records pursuant to 18 Pa.C.S. § 9123(a)(1). Absent cause shown, the court is to expunge the records pursuant to Rule 172. In its order, the court is to specify the case reference number or other identifying number so the order only applies to the specified case. See Comment to Rule 170 for further definition of a reference number.**

**Official Note:** Rule 408 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 408 published with the Court's Order at 35 Pa.B. 2214, 2253 (April 16, 2005).

**Final Report explaining the amendments to Rule 408 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

**Rule 409. Adjudication of Delinquency.**

A. *Adjudicating the juvenile delinquent.* Once the court has ruled on the offenses as provided in Rule 408, the court shall conduct a hearing to determine if the juvenile is in need of treatment, supervision, or rehabilitation.

1) ***Not in need.*** If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation, **the court shall enter an order providing that:**

a) jurisdiction shall be terminated and the juvenile shall be released, if detained, unless there are other reasons for the juvenile's detention; **and**

b) **any fingerprints and photographs taken shall be destroyed.**

2) ***In need.***

a) If the court determines that the juvenile is in need of treatment, supervision, or rehabilitation, the court shall enter an order adjudicating the juvenile delinquent and proceed in determining a proper disposition under Rule 512.

b) **The court also shall order the law enforcement agency that submitted the written allegation:**

i) **to take, or cause to be taken, the fingerprints and photographs of the juvenile if not previously taken pursuant to this case, and**

ii) **to ensure that these records, including the case reference number, are forwarded to the central repository maintained by the Pennsylvania State Police.**

B. *Timing.*

1) If the juvenile is in detention, the court shall make its finding within twenty days of the ruling on the offenses pursuant to Rule 408.

2) If the juvenile is not in detention, the court shall make its finding within sixty days of the ruling on the offenses pursuant to Rule 408.

C. *Extending Time by Agreement.* The time restrictions under paragraphs (B)(1) and (B)(2) may be extended if there is an agreement by both parties.

**Comment**

Under paragraph (A), absent evidence to the contrary, evidence of the commission of acts that constitute a felony is sufficient to sustain a finding that the juvenile is in need of treatment, supervision, or rehabilitation. *See* 42 Pa.C.S. § 6341(b).

This rule addresses adjudicating the juvenile delinquent or releasing the juvenile from the court's jurisdiction. This determination is different from finding the juvenile committed a delinquent act under Rule 408.

**Pursuant to 42 Pa.C.S. § 6308(c)(3), all fingerprints and photographic records are to be destroyed upon order of the court if the juvenile is not adjudicated delinquent.**

**Pursuant to paragraph (A)(2)(b)(ii), a case reference number is to be included to help track this case. *See Comment* to Rule 170 for further description of a case reference number.**

**A report on the disposition is to be sent to the Juvenile Court Judges' Commission. *See* 42 Pa.C.S. § 6309(d).**

For dispositional hearing procedures, *see* Chapter Five.

***Official Note:*** Rule 409 adopted April 1, 2005, effective October 1, 2005. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 409 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 409 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

**CHAPTER 5. DISPOSITIONAL HEARING****PART B. DISPOSITIONAL HEARING AND AIDS****Rule 515. Dispositional Order.**

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

1) the terms and conditions of the disposition;

2) the name of any agency or institution that **[ is to ]** shall provide care, treatment, supervision, or rehabilitation of the juvenile;

3) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1)(i) for limited public information;

4) **a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;**

5) the date of the order; and

**[ 5 ]6** the signature and printed name of the judge entering the order.

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

1) a specific amount of restitution to be paid by the juvenile;

2) to whom the restitution **[ is to ]** shall be paid; and

3) a payment schedule, if so determined by the court.

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

**D. *Disposition reporting.*** The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

### Comment

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

*See* 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ **6308, 6309 and 6310**.

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

**Official Note:** Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. **Amended December 24, 2009, effective immediately.**

#### *Committee Explanatory Reports:*

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

Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4866, **4868** (September 8, 2007).

Final Report explaining the amendment to Rule 515 published with the Court's Order at 39 Pa.B. **4743, 4748** (August 8, 2009).

**Final Report explaining the amendments to Rule 515 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

### Subpart B. DEPENDENCY MATTERS CHAPTER 11. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

##### Rule 1120. Definitions.

**ADULT** is any person, other than a child, eighteen years old or older.

**AGGRAVATED CIRCUMSTANCES** are those circumstances specifically defined pursuant to the Juvenile Act, 42 Pa.C.S. § 6302.

**CHILD** is a person who is under the age of eighteen who is the subject of the dependency petition, or who was adjudicated dependent before reaching the age of eighteen years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall remain in a course of instruction or treatment past the age of twenty-one years.

**CLERK OF COURTS** is that official in each judicial district who has the responsibility and function under state law [ **and** ] or local practice to maintain the official [ **juvenile court file** ] **court record** and docket, without regard to that person's official title.

**COUNTY AGENCY** is the county children and youth social service agency established pursuant to the County

Institution District Law, 62 Pa.C.S. § 2305 or established through the county commissioners in the judicial districts where the County Institution District Law was abolished, 16 P. S. §§ 2161, 2168, and supervised by the Department of Public Welfare pursuant to the Public Welfare Code, 62 Pa.C.S. § 901 *et seq.*

**COURT** is the Court of Common Pleas, a court of record, which is assigned to hear dependency matters. Court shall include masters when they are permitted to hear cases under these rules. Juvenile court shall have the same meaning as court.

**FAMILY SERVICE PLAN** is the document in which the county agency sets forth the service objectives for a family and services to be provided to a family by the county agency.

**GUARDIAN** is any parent, custodian, or other person who has legal custody of a child, or person designated by the court to be a temporary guardian for purposes of a proceeding.

**JUDGE** is a judge of the Court of Common Pleas.

**LAW ENFORCEMENT OFFICER** is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

**MASTER** is an attorney with delegated authority to hear and make recommendations for dependency matters. Master has the same meaning as hearing officer.

**MEDICAL FACILITY** is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a child medically or psychologically.

**MINOR** is any person under the age of eighteen.

**OFFICIAL COURT RECORD** is the juvenile court file maintained by the clerk of courts which contains all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each case.

**PARTY** is a person who is legally entitled to participate in the proceedings but nothing in these Rules confers standing upon a person.

**PERMANENCY PLAN** is a comprehensive plan that will result in a permanent home for the child.

**PETITION** is a formal document by which a child is alleged to be dependent.

**PETITIONER** is any person, who signs or verifies, and files a petition.

**POLICE OFFICER** is any person, who is by law given the power to arrest when acting within the scope of that person's employment.

**PROCEEDING** is any stage in the dependency process occurring once a shelter care application has been submitted or a petition has been filed.

**PROTECTIVE CUSTODY** is when a child is taken into custody for protection as an alleged dependent child pursuant to the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.* or custody may be assumed pursuant to 23 Pa.C.S. § 6315.

**RECORDING** is the means to provide a verbatim account of a proceeding through the use of a court stenographer, audio recording, audio-visual recording, or other appropriate means.

SHELTER CARE FACILITY is a physically unrestricted facility that provides temporary care of a child and is approved by the Department of Public Welfare.

VERIFICATION is a written statement made by a person that the information provided is true and correct to that person's personal knowledge, information, or belief and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

#### Comment

The county agency is a party to the proceeding and should not function as the "Clerk of Courts."

The definition of "clerk of courts" should not necessarily be interpreted to mean the office of clerk of courts as set forth in 42 Pa.C.S. § 102, but instead refers to that official who maintains the official [ **juvenile court files** ] **court record** and docket regardless of the person's official title in each judicial district. It is to be determined locally which official is to maintain these records and the associated docket.

The county institution districts in counties of the fourth, fifth, sixth, seventh, and eighth classes were abolished pursuant to 16 P.S. § 2161. It is the county commissioners' duties in the fourth, fifth, sixth, seventh, and eighth classes to provide the children and youth social service agency with the necessary services for the agency to provide care for the child. See 16 P.S. § 2168.

Under the term "court," to determine if masters are permitted to hear cases, see Rule 1187.

For the family service plan, see 55 Pa. Code § 3130.61

The definition of "law enforcement officer" does not give the power of arrest to any person who is not otherwise given that power by law.

**The "official court record" is to contain all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each case. The court may also designate any document to be a part of the record. It does not include items contained in county agency's records unless they are made a part of the official record by being filed with the clerk of courts.**

The term "petitioner" may include any person; however, if the person is not the county agency, an application to file a petition pursuant to Rule 1320 is to be made. If the court, after a hearing, grants the application, the applicant may file a petition.

**Official Note:** Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. **Amended December 24, 2009, effective immediately.**

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1120 published with the Court's Order at 36 Pa.B. **5571**, 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1120 published with the Court's Order at 39 Pa.B. 1614, **1619** (April 4, 2009).

**Final Report explaining the amendments to Rule 1120 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

## PART C. RECORDS

### PART C(1). ACCESS TO JUVENILE COURT RECORDS

Rule 1160. Inspection of [ **Juvenile Court File/Records** ] the Official Court Record.

[ **All files and records of the court in a proceeding are** ] **The official court record is only** open to inspection [ **only** ] by:

1) The judges, officers, and professional staff of the court;

2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

3) A public or private agency or institution providing supervision or having custody of the child under order of the court;

4) A court, [ **and** ] its probation [ **and** ] officers, other officials or professional staff, and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*;

5) The Administrative Office of Pennsylvania Courts;

6) The judges, officers, and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties;

7) Officials of the Department of Corrections, [ **or** ] a State Correctional Institution, or other penal institution to which an individual, who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court;

8) A parole board, court, or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.

9) The State Sexual Offenders Assessment Board for use in completing assessments; and

10) With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

#### Comment

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of [ **the juvenile court's file** ] **all files and records of the court in a proceeding.**

Persons specified in 23 Pa.C.S. § 6340 as having access to reports may qualify as persons having a legitimate interest in the proceedings under paragraph (10). See 23 Pa.C.S. § 6340.

This rule is meant to include the contents of the [ **juvenile court file** ] **official court record** as described in Rule 1166, which does not include agency records.

**Official Note:** Rule 1160 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1160 published with the Court's Order at 36 Pa.B. **5571**, 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1160 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

#### PART C(2). MAINTAINING RECORDS

##### Rule 1166. Maintaining Records in the Clerk of Courts.

A. *Generally.* The juvenile court file **is the official court record and** shall contain all original records, papers, and orders filed, copies of all court notices, and docket entries. These records shall be maintained by the clerk of courts and shall not be taken from the custody of the clerk of courts without order of the court.

B. *Docket entries.* The clerk of courts shall maintain a list of docket entries: a chronological list, in electronic or written form, of documents and entries in the [ **juvenile court file** ] **official court record** and of all proceedings in the case. The clerk of courts shall make docket entries at the time the information is made known to the clerk.

C. *Contents of docket entries.* The docket entries shall include, at a minimum, the following information:

- 1) the child's name, address, date of birth, if known;
- 2) the guardian's name, address, if known;
- 3) the names and addresses of all attorneys who have appeared or entered an appearance, the date of the entry of appearance(s), and the date of any withdrawal of appearance(s);
- 4) notations concerning all papers filed with the clerk, including all court notices, appearances, motions, orders, findings and adjudications, dispositions, permanency reviews, and adoptions, briefly showing the nature and title, if any, of each paper filed, writ issued, and motion made, and the substance of each order or disposition of the court and of the returns showing execution of process;
- 5) notations concerning motions made orally or orders issued orally in the courtroom when directed by the court;
- 6) a notation of every judicial proceeding, continuance, and disposition;
- 7) the location of exhibits made part of the record during the proceedings; and
- 8) a) the date of receipt in the clerk's office of the order or court notice;
  - b) the date appearing on the order or court notice; and
  - c) the date and manner of service of the order or court notice; and
- 9) all other information required by Rule 1345.

#### Comment

This rule sets forth the mandatory contents of the list of docket entries and the [ **juvenile court file** ] **official court record**. This is not intended to be an exhaustive

list of what is required to be recorded in the docket entries. The judicial districts may require additional information to be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a dependency case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by masters. Nothing in this rule is intended to preclude the use of automated or other electronic means for time-stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by masters, at any stage of the dependency case.

This rule is not intended to include items contained in the county agency records or reports.

The practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

The requirement of paragraph (C)(3) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any party in the case. The requirement also ensures that attorneys are served as required by Rules 1167 and 1345. *See also* Rule 1345(C) concerning certificates of service.

In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required by paragraph (C)(3) is to include the facsimile number or electronic address.

Paragraph (C)(5) recognizes that occasionally [ **disposition** ] **resolution** of oral motions presented in open court should be reflected in the docket, such as motions and orders.

**Official Note:** Rule 1166 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1166 published with the Court's Order at 36 Pa.B. **5571**, 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1166 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

##### Rule 1167. Filings and Service of Court Orders and Notices.

###### A. Filings.

1) All orders and court notices shall be transmitted promptly to the clerk of courts for filing. Upon receipt by the clerk of courts, the order or court notice shall be time-stamped promptly with the date of receipt.

2) All orders and court notices shall be filed in the [ **juvenile court file** ] **official court record**.

###### B. Service.

1) A copy of any order or court notice shall be served promptly on each party's attorney, and the party, if unrepresented.

2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or its designee.

3) *Methods of service.* Service shall be:

- a) in writing by:

i) personal delivery to the party's attorney, and if unrepresented, the party;

ii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;

iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box;

iv) sending a copy to an unrepresented party by first class mail addressed to the party's place of business, residence, or detention;

v) sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the party has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case;

vi) delivery to the party's attorney, and if unrepresented, the party by carrier service; or

b) orally in open court on the record.

C. *Unified Practice.* Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a person to file or serve orders or court notices.

#### Comment

Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court administrator concerning, for example, calendaring or scheduling, including proceedings requiring the party's presence.

A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(a)(v). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization is to be filed in each case by the party, if unrepresented, or by the attorney who wants to receive documents by this method of service.

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time-stamping.

**Official Note:** Rule 1167 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1167 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1167 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

### CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

#### PART A. VENUE

##### Rule 1300. Venue.

A. *Generally.* A dependency proceeding shall be commenced in:

- 1) the county in which the child is present; or
- 2) the child's county of residence.

B. *Change of venue.* For the convenience of parties and witnesses, the court, upon its own motion or motion of any party, may transfer an action to the appropriate court of any county where the action could originally have been brought or could be brought at the time of filing the motion to change venue.

C. *Transmission of [juvenile court file] all records.* If there is a change of venue pursuant to paragraph (B)[ , ]:

1) the transferring court shall [ forward ] transfer certified copies of all documents, reports, and summaries in the child's [ court file ] official court record to the receiving court; and

2) The county agency of the transferring court shall transfer all its records to the county agency where venue has been transferred.

#### Comment

*See* 42 Pa.C.S. § 6321.

For procedures regarding motions and answers, see Rule 1344. In addition to the procedures for service of orders under Rule 1167, an order changing venue is to be served upon the new county agency and the receiving court so they may begin proceedings in the receiving county.

**Official Note:** Rule 1300 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1300 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1300 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

##### Rule 1302. Inter-County Transfer.

A. *Transfer.* A court may transfer a case to another county at any time.

B. *Transmission of [juvenile court file] official court record.* If the case is transferred [ under ] pursuant to paragraph (A)[ , ]:

1) the transferring court shall [ transmit ] transfer certified copies of all documents, reports, and summaries in the child's [ court file ] official court record to the receiving court; and

2) the county agency of the transferring court shall transfer all its records to the county agency where jurisdiction has been transferred.

#### Comment

*See* 42 Pa.C.S. § 6321.

**Official Note:** Rule 1302 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1302 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1302 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**



## PART D(1). MOTION PROCEDURES

**Rule 1345. Filing and Service.**A. *Filings.*

1) *Generally.* Except as otherwise provided in these rules, all written motions, and any notice or document for which filing is required, shall be filed with the clerk of courts.

2) *Clerk of courts' duties.* Except as provided in paragraph (A)(3), the clerk of courts shall docket a written motion, notice, or document when it is received and record the time of filing in the docket. The clerk of courts promptly shall transmit a copy of these papers to such person as may be designated by the court.

3) *Filings by represented parties.* In any case in which a party is represented by an attorney, if the party submits for filing a written motion, notice, or document that has not been signed by the party's attorney, the clerk of courts shall not file the motion, notice, or document in the child's [ **court file** ] **official court record** or make a docket entry, but shall forward it promptly to the party's attorney.

4) *Method of filing.* Filing may be accomplished by:

- a) personal delivery to the clerk of courts; or
- b) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing.

B. *Service.*

1) *Generally.* The party filing the document shall serve the other party concurrently with the filing.

2) *Method of service to parties.* Service on the parties shall be by:

- a) personal delivery of a copy to a party's attorney, or, if unrepresented, the party; or
- b) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or
- c) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box; or
- d) sending a copy to an unrepresented party by first class mail addressed to the party's place of residence.

C. *Proof of service.* All documents that are filed and served pursuant to this rule shall include a certificate of service.

**Comment**

See Rule 1166 for maintaining records in the clerk of courts.

Under paragraph (A)(2), the court is to designate a court official to process motions and other matters for appropriate scheduling and [ **disposition** ] **resolution**.

Under paragraph (B)(1), the party filing a document is required to serve the other party.

This rule does not affect court orders, which are to be served upon each party's attorney and the guardian, if unrepresented, by the clerk of courts as provided in Rule 1167.

For service of petitions, see Rule 1331.

**Official Note:** Rule 1345 adopted August 21, 2006, effective February 1, 2007. **Amended December 24, 2009, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1345 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

**Final Report explaining the amendments to Rule 1345 published with the Court's Order at 40 Pa.B. 222, 236 (January 9, 2010).**

*Introduction*

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 120, 160, 166, 167, 172, 220, 232, 300, 302, 330, 345, 362, 408, 409, 515, 1120, 1160, 1166, 1167, 1300, 1302 and 1345 with this Recommendation. The changes are effective immediately.

**EXPLANATORY REPORT  
DECEMBER 2009****Rules 120 and 1120—Definitions**

These rules provide a new definition for "official court record." This will alleviate any confusion between the official court record and those records kept by the juvenile probation office or the county agency. These definitions also provide clarification that the clerk of courts is the keeper of the official court record. These clarifications are important so that when an appeal is taken, the official court record is clearly defined.

The "official juvenile court file" in the definition of "clerk of courts" was relabeled "official court record" to correspond with its new definition.

**Rules 160 and 1160—Inspection of Juvenile File/Record**

The title of these rules was modified to reflect the new definition of "official court record."

In paragraph (A), the "official court record" was added to replace "all files and records of the court in a proceeding, including the juvenile court file as provided in Rule 166" in Rule 160 and "all files and records of the court in a proceeding" in Rule 1160 to correspond with the new definition.

In Rule 160, the term "professional" was added to paragraph (A)(4) to reflect the language of the Juvenile Act and paragraph (A)(9) was moved to paragraph (A)(7) to reflect the order of the Juvenile Act. See 42 Pa.C.S. § 6307.

The *Comments* were also modified to reflect that the official court record does not include the confidential files and records maintained by the juvenile probation office or the county agency.

**Rules 166, 1166, 167, 1167 and 172—Maintaining Records in the Clerk of Courts, Filings and Service of Court Orders and Notices, and Order to Expunge or Destroy**

These rules were modified to reflect the new definition of "official court record."

**Rule 220—Procedures in Cases Commenced by Arrest without Warrant**

The *Comment* was modified to include the Juvenile Act references for the taking of fingerprints and photographs and forwarding them to the Central Repository.

**Rules 232 and 330—Contents of Written Allegation, and Petition: Filing, Contents, Function**

The written allegation and the petition were modified to include a reference indicating whether fingerprints or

photographs have been taken. This requirement will alert the juvenile probation officer or the court if they have been taken.

**Rules 300, 1300, 302 and 1302—Venue and Inter-County Transfer**

These rules were modified to reflect the new definition of “official court record.”

“Juvenile court file” previously included all files, including court, probation and agency files. Then, the rules modified “juvenile’s court file” to “official court record.” Therefore, separate provisions were added so that the transferring court would transfer the court file (the official court record) to the receiving court and probation or the county agency would transfer the probation or agency file to the receiving probation office or county agency.

**Rules 345 and 1345—Filing and Service**

These rules were modified to reflect the new definition of “official court record.”

**Rules 362 and 409—Requirements of the Summons, and Adjudication of Delinquency**

If fingerprints or photographs have not been taken, the court must order them to be taken as required by the Juvenile Act. *See* 42 Pa.C.S. § 6308.

**Rules 408, 409 and 515—Ruling on Offenses, Adjudication of Delinquency, and Dispositional Order**

If the court finds that the juvenile did not commit all of the alleged delinquent acts pursuant to Rule 408(B) or the juvenile is not in need of treatment, supervision, or rehabilitation pursuant to Rule 409(A), the court must order the destruction of the fingerprints and photographs pursuant to 42 Pa.C.S. § 6341(a) and the records expunged pursuant to 18 Pa.C.S. § 9123(a)(1) and Rule 172.

If the court does find that the juvenile committed at least one of the offenses petitioned, there is no destruction of the fingerprints, photographs, or records.

If the court finds the juvenile is in need of treatment, supervision, or rehabilitation and fingerprints and photographs have not been taken, the court must order that they are taken and forwarded to the Central Repository pursuant to the statutory requirements.

[Pa.B. Doc. No. 10-51. Filed for public inspection January 8, 2010, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

**In Re: Joint General Court Regulation No. 2008-01; Residential Mortgage Foreclosure Diversion Program; Order Deleting Section 8 of Joint General Court Regulation No. 2008-01**

**Order**

*And Now*, this 17th day of December, 2009, it is *Ordered, Adjudged* and *Decreed* that Section 8 of Joint General Court Regulation No. 2008-01 is deleted effective immediately, and it is further *Ordered, Adjudged* and *Decreed* that the program established by Joint General

Court Regulation No. 2008-01 shall hereafter be known as the “*Residential Mortgage Foreclosure Diversion Program*.”

*By the Court*

HONORABLE PAMELA PRYOR DEMBE,  
*President Judge*

[Pa.B. Doc. No. 10-52. Filed for public inspection January 8, 2010, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

**LANCASTER COUNTY**

**In Re: Lancaster County Rules of Criminal Procedure; No. 202; No. 24 AD 2009; CPJ. No. 7, Page 1357**

**Administrative Order**

*And Now*, this 22nd day of December, 2009, it is hereby *Ordered* that new Lancaster County Rule of Criminal Procedure No. 202 is adopted as set forth as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Order and Rule on the Unified Judicial System’s web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.
4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

LOUIS J. FARINA,  
*President Judge*

**Rule 202. Approval of Search Warrant Application by Attorney for the Commonwealth—Local Option.**

The District Attorney, having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants for the crimes listed below, shall not hereafter be issued by any judicial officer, unless the search warrant applications have the approval of an attorney for the Commonwealth before filing:

- A. Criminal Homicide in violation of 18 Pa.C.S.A. § 2501;
- B. Murder in any degree in violation of 18 Pa.C.S.A. § 2502;
- C. Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503;
- D. Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504;
- E. Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732;

F. Homicide by Vehicle While Driving Under Influence in violation of 75 Pa.C.S.A. § 3735;

G. Rape in violation of 18 Pa.C.S.A. § 3121;

H. Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1;

I. Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. § 3123;

J. Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;

K. Sexual Assault in violation of 18 Pa.C.S.A. § 3124.1;

L. Crimes Against Unborn Child in violation of 18 Pa.C.S.A. Chapter 26;

M. Arson in violation of 18 Pa.C.S.A. § 3301;

N. Obscene and Other Sexual Materials in violation of 18 Pa.C.S.A. § 5903;

O. Violation of The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(30) (Delivery or Possession with Intent to Deliver a Controlled Substance); and

P. Cruelty to Animals in violation of 18 Pa.C.S.A. §§ 5511(a)(1)(i)—(iii), 5511(a)(2)(i) and (ii), 5511(a)(2.1)(i)(A) and (B), 5511(c)(1), 5511(c)(2)(ii), 5511(h.1)(1)—(7).

[Pa.B. Doc. No. 10-53. Filed for public inspection January 8, 2010, 9:00 a.m.]

## LANCASTER COUNTY

**In Re: Lancaster County Rules of Criminal Procedure; No. 507; No. 23 AD 2009; CPJ. No. 7, Page 1357**

### Administrative Order

*And Now*, this 22nd day of December, 2009, it is hereby *Ordered* that Lancaster County Rule of Criminal Procedure No. 507 is adopted as set forth as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Order and Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

LOUIS J. FARINA,  
*President Judge*

**Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by the Attorney for the Commonwealth—Local Option.**

The District Attorney, having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest

warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the crimes listed below, shall not hereafter be accepted by any judicial officer, unless the complaints and affidavits have the approval of an attorney for the Commonwealth before filing:

A. Criminal Homicide in violation of 18 Pa.C.S.A. § 2501;

B. Murder in any degree in violation of 18 Pa.C.S.A. § 2502;

C. Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503;

D. Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504;

E. Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732;

F. Homicide by Vehicle While Driving Under Influence in violation of 75 Pa.C.S.A. § 3735;

G. Rape in violation of 18 Pa.C.S.A. § 3121;

H. Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1;

I. Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. § 3123;

J. Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;

K. Sexual Assault in violation of 18 Pa.C.S.A. § 3124.1;

L. Crimes Against Unborn Child in violation of 18 Pa.C.S.A. Chapter 26;

M. Arson in violation of 18 Pa.C.S.A. § 3301;

N. Obscene and Other Sexual Materials in violation of 18 Pa.C.S.A. § 5903;

O. Violation of The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(30) (Delivery or Possession with Intent to Deliver a Controlled Substance); and

P. Cruelty to Animals in violation of 18 Pa.C.S.A. §§ 5511(a)(1)(i)—(iii), 5511(a)(2)(i) and (ii), 5511(a)(2.1)(i)(A) and (B), 5511(c)(1), 5511(c)(2)(ii), 5511(h.1)(1)—(7).

[Pa.B. Doc. No. 10-54. Filed for public inspection January 8, 2010, 9:00 a.m.]

## SUPREME COURT

**Duty Assignment Schedule for Emergency Petitions in the Year 2010; No. 337; Judicial Administration**

### Order

*Per Curiam:*

*And Now*, this 15th day of December, 2009, the emergency duty assignment for the year 2010, is herewith adopted.

January	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)
February	Justice Thomas G. Saylor Justice Debra Todd	(Eastern District) (Western District)

March Justice Max Baer (Eastern District)  
Justice Joan Orié Melvin (Western District)

April Justice J. Michael Eakin (Eastern District)  
Justice Seamus P. McCaffery (Western District)

May Justice Thomas G. Saylor (Eastern District)  
Justice Debra Todd (Western District)

June Justice Max Baer (Eastern District)  
Justice Joan Orié Melvin (Western District)

July Justice J. Michael Eakin (Eastern District)  
Justice Seamus P. McCaffery (Western District)

August Justice Thomas G. Saylor (Eastern District)  
Justice Debra Todd (Western District)

September Justice Max Baer (Eastern District)  
Justice Joan Orié Melvin (Western District)

October Justice J. Michael Eakin (Eastern District)  
Justice Seamus P. McCaffery (Western District)

November Justice Thomas G. Saylor (Eastern District)  
Justice Debra Todd (Western District)

December Justice Max Baer (Eastern District)  
Justice Joan Orié Melvin (Western District)

PATRICIA NICOLA,  
*Chief Clerk*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-55. Filed for public inspection January 8, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [ 22 PA. CODE CH. 4 ]

#### Academic Standards and Assessment

The State Board of Education (Board) amends Chapter 4 (relating to academic standards and assessment) to read as set forth in Annex A. Notice of proposed rule-making was published at 38 Pa.B. 2270 (May 17, 2008).

#### *Statutory Authority*

The Board acts under the authority of sections 2603-B and 2604-B of the Public School Code of 1949 (School Code) (24 P. S. §§ 26-2603-B and 2604-B).

#### *Background*

Over the past 45 years the Board, through regulation, has set State requirements for instruction, assessment and high school graduation. These policies have changed relatively infrequently when compared to education policy changes made during the same period in other states. The Board first established high school graduation requirements in 1964. It required students to earn 13 academic credits in English, math, science, social studies, health and physical education in grades 10–12. Next, as directed by the General Assembly, the Board established ten Goals of Quality Education (1965). The goals described what quality education programs should include. These goals were later revised to provide additional detail and expanded to become 12 Goals of Quality Education (1974). Nineteen years later the Board established 53 student learning outcomes (1993). The outcomes were further expanded into the current curriculum framework, which is based upon 12 sets of State academic standards (1999).

In tandem with it setting graduation requirements, education quality goals, outcomes and academic standards, the Board, through its regulations, developed several assessment strategies starting with the Educational Quality Assessment (EQA), which began in 1970 and continued through 1988. EQA assessed school level performance in reading, writing, math, science, social studies, health, environment, analytical thinking, self concept in school and work opportunities and attitudes. In 1984, a student-based competency testing program, called Testing for Essential Learning and Literacy Skills (TELLS), was added. TELLs was administered through 1991. TELLs was designed to assess reading and math skills attainment for the purpose of targeting State resources to schools to be used to remediate students who were identified by TELLs as performing below grade level.

In 1992 the Pennsylvania System of School Assessment (PSSA) replaced TELLs. The PSSA, like EQA, assessed school-level performance. The PSSA assessed school-level performance in reading, writing and math. In January 1999 the Board promulgated its Chapter 4 regulations. These regulations made two major changes to the PSSA. First was to restructure the PSSA to become a criterion-referenced assessment—that is to measure attainment of the State academic standards. The PSSA was also restructured to provide measurement of both individual student and school-level performance.

With passage of the State Education Empowerment Act (24 P. S. §§ 17-1701-B—1716-B) and Federal No Child Left Behind Act of 2001 (Pub. L. No. 107-110), the PSSA was extended to assess additional grade levels, include science, and used to hold schools and districts accountable for student academic achievement.

With rare exceptions, each time the Board sought to revise these policies over the past 45 years, some stakeholders vigorously opposed the changes. This has certainly been the case with these regulations; though there is also strong support. The regulations have been endorsed by editorial boards of major daily newspapers, superintendents from districts across this Commonwealth, and postsecondary and business leaders who voice concerns about the skill level of recent high school graduates. Ambassador Dan Rooney, who testified at a public hearing of the Board in Westmoreland County, said the Commonwealth's young people "must be immediately ready to compete within a global marketplace by providing the skills, work ethic, and determination that has made the American workforce the pride of the world." Yet the Central Pennsylvania Workforce Investment Board noted that the current system of graduation requirements results in "poor performance, an inability to compete, high employee turnover and lost productivity, profits and wages."

The current State policy has now been in place 10 years, since January 1999. While this policy, together with State, local and Federal resources and supports, has produced significant increases in student achievement at the elementary and middle school levels, the policy has not yielded similar gains at the high school level. One-quarter of our students do not graduate from high school on time or at all. More than 40% of those who graduate—more than 50,000 students each year—are awarded diplomas without having passed the State's 11th-grade reading, writing and math tests. Fewer than half of our high school graduates enroll in college upon graduation and only 37% make it to their sophomore year. One-in-three high school graduates who enroll in a State-owned university or community college require remedial English or math. The cost of the remedial courses at these institutions exceeds \$26.4 million each year. This total does not include remediation costs incurred by students enrolled in the State-related universities or independent colleges.

As requested by the House Education Committee and Independent Regulatory Review Commission (IRRC), the Department of Education (Department) engaged the College of Education at Penn State University to review local assessments used by school districts to determine whether their candidates for high school graduation were proficient in reading, writing and math as required by the Chapter 4 regulations. Of 418 districts that responded to the Secretary's request for copies of their local assessments, Penn State researchers found that only 18 have graduation requirements based on tests that are both aligned with State academic standards and uniformly administered to students.

This problem is widespread across this Commonwealth. Continuing to send students into the world who are inadequately prepared limits economic opportunity for tens of thousands of graduates each year. It limits their ability to earn a living wage; it erodes the Commonwealth's overall economic competitiveness, and reduces our future tax base thereby reducing resources available

for vital government services. Every student must graduate from high school with the knowledge and skills that are essential for college and career success if our Commonwealth's economy is to fulfill its promise.

To address this concern, in September 2005 Governor Rendell established the Commission on College and Career Success. Among its charges was to define "college and career ready" in mathematics, English and science; to make specific recommendations for better alignment of academic standards and assessments across the secondary and postsecondary educational sectors, as well as industry in this Commonwealth; and encourage local school districts to adopt a core high school curriculum for all students in this Commonwealth.

The Commission delivered its report in December 2006. The Board then conducted outreach activities including six regional public roundtable meetings and one public hearing before it published proposed regulations in the *Pennsylvania Bulletin* in May 2008. The proposed regulations modified the Commission's recommendation to reflect the considerable public input provided to the Board during its public outreach effort.

This proposal, particularly regarding the assessment requirements and changes to high school graduation requirements, caused considerable controversy among stakeholders and state policymakers. The Board received written comments from 938 individuals and organizations during the 30-day public comment period. To provide additional time to consider and discuss the issue, the General Assembly, through Act 61 of 2008 placed a 1-year moratorium on the promulgation of final regulations. See 24 P. S. § 1-117 (relating to prohibition of certain regulations for the 2008-2009 fiscal year). During this period and after the moratorium expired, stakeholders continued to submit comments to the Board, legislators and IRRC.

Over the past year several commentators have questioned the authority of the Board to promulgate regulations that establish Statewide high school graduation requirements. Several expressed concern that section 1611 of the School Code (24 P. S. § 16-1611) vests the authority to award academic degrees with locally elected school boards. However, Article XXVI-B of the School Code (24 P. S. §§ 26-2601-B—26-2606B) in section 2604.B provides "(b) The Council of Basic Education shall have the power, and its duty shall be to: (2) . . . formulate policy proposals in all educational areas not within the purview of higher education, including, but not limited to. . . (v) admission, attendance, graduation and other separation requirements." The Board's authority stems from the explicit authority given to the Council of Basic Education to formulate policy regarding graduation and other separation requirements. Since its inception in 1963, the Board has set Statewide high school graduation requirements which have included successful completion of a specified number of academic credits including designated courses. These two provisions are not exclusive, rather they work together. The Board is provided authority to establish "graduation and other separation requirements." The Board, through Chapter 4, has provided local school districts authority to establish graduation requirements consistent with § 4.24. The Board is now strengthening those requirements. However, local school boards continue to retain authority to award diplomas (academic degrees) to students who meet State and local graduation requirements. Under these regulations local school boards continue to have authority to award diplomas to students who meet State and local graduation requirements.

In early 2009, the Chairpersons of the House and Senate Education Committees (Committees) brought together stakeholders along with representatives of the Department and Board to determine whether common ground existed on which to develop an agreement.

In addition, Board leadership engaged in additional outreach activities, including holding six additional regional public hearings, meetings with education groups, business officials, legislators and others that led to the March 2009 announcement of a joint agreement among the Board, the Department and the Pennsylvania School Boards Association (PDE-PSBA-SBE agreement). The new proposal renamed the State end-of-course tests "Keystone Exams," provided for the voluntary use of Keystone Exams, extended flexibility in districts choosing to use local assessments and directed the Department to provide technical guidance to school districts choosing to use local assessments.

In the midst of this effort, the Senate approved Senate Bill 281, Printers Number 1074, which would require the General Assembly to approve all future changes to the Board's high school graduation policies, following the Department's approval of a contract to develop Graduation Competency Assessments, model curriculum and diagnostic tools.

During the same period, the Board's Chairperson, Joe Torsella, pledged to work with the Chairpersons of the Committees to develop common ground regulation. He also promised to provide the Committees an opportunity to review the final regulation before presenting these to the Board for approval or transmitting the regulation for formal action by the Committees. Secretary Zahorchak then sent letters to the Committee Chairpersons committing to place a hold on contracted test development until the final regulations were approved.

Soon after the PDE-PSBA-SBE agreement was announced, a coalition of education and advocacy groups, named the Coalition for Effective and Responsible Testing (CERT), announced its own proposal. Discussions ensued in earnest between Board leadership and CERT, legislators and others. The result was a new proposal based upon combined elements of the PDE-SBE-PSBA agreement and CERT proposal.

The new proposal was publicly announced July 9, 2009. The proposal was transmitted to the majority and minority Chairpersons of the Committees to provide an opportunity for their review and comment prior to formal submission of the final regulations. On July 29, 2009, the Senate Education Committee adopted, by a vote of 10—1, Senate Resolution 156, which encouraged the Board to adopt the final-form regulations to ensure that this Commonwealth's high school diploma provides graduates with the tools to compete in the 21st Century.

In addition to the Senate Education Committee, the proposal has been endorsed by the Chairperson of the House Education Committee, the editorial boards of the *Philadelphia Inquirer* and *Pittsburgh Post-Gazette*, Pennsylvania Partnerships for Children, and 35 superintendents from across this Commonwealth who collectively educate more than 300,000 schoolchildren.

Twenty-eight states already require or are in the process of implementing state-prescribed high school comprehensive or end-of-course exams as high school graduation requirements. Twenty-three states require students to take and pass state-mandated exit exams to receive high school diplomas. Others, including Missouri, Georgia, North Carolina and South Carolina, include the

results of state-mandated end-of-course tests as a percentage of course grades. No other state that has state-level high school graduation requirements provides the kind of flexibility offered to school districts to use locally developed, validated assessments in place of the State assessment that is provided in these regulations.

States have been moving away from the use of comprehensive exams and toward end-of-course tests. According to the Center on Education Policy, 14 states expect to use end-of-course tests by 2015. Policymakers in other states believe using end-of-course exams ensures greater accountability, provides for better assessment of academic content mastery, expands opportunities to inform classroom instruction and can help to better focus professional development needs. Phasing-in the requirements along the provision of instructional tools and supports, including model curriculum and diagnostic tools, will allow schools and teachers to be ready to provide instructional and support activities needed for students to meet the new requirements.

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

The final-form rulemaking makes several significant changes from the proposal published in May 2008.

1) Graduation Competency Exams, now called Keystone Exams, are voluntary end-of-course exams, administered to students at the completion of a course. Schools may use one or more Keystone Exams as part of their assessment system. In place of an all-or-nothing test that students must pass to qualify for graduation, Keystone Exams, if used, will count for 1/3 of the final course grade as part of the new high school graduation requirements. Schools may count the Keystone Exam as more than 1/3 of the final course grade at their discretion. Students who score below proficient must be provided opportunities to retake the test or modules of the test. Students who score "below basic," which indicates extremely limited knowledge or skills in the content tested, would not receive any points towards their final grade. In addition, students who score below the proficient level would be able to supplement their Keystone Exam score by successfully completing one or more project-based assessments. Points earned through the project would be added to their Keystone Exam score. This would serve as a safeguard to ensure that each student can demonstrate basic knowledge of the subject to pass the course.

2) The local assessment option is expanded to allow districts to use any type of assessment that can be validated under § 4.52 (relating to local assessment system). Validation must demonstrate that the local assessment is aligned with State standards and that the proficiency level is comparable to that of the State assessment. Additional criteria and procedures for selection of entities approved to perform validations will be recommended by a Local Assessment Validation Advisory Committee.

3) Contingent upon approval by the United States Department of Education, the four PSSA tests administered in 11th grade and 12th grade retests will be discontinued. They will be replaced by three Keystone Exams (Algebra I, Literature (reading) and Biology). The Algebra I and Literature exams will be mandatory as the measure used to determine Adequate Yearly Progress (AYP) and the Biology exam will be mandatory consistent with Federal law requiring a high-school level science exam (but will not count for AYP determinations). Use of these and other Keystone Exams will remain voluntary for purposes of determining course grades and eligibility

for high school graduation, as provided in the menu of available options to demonstrate readiness for high school graduation.

4) School districts may choose to allow students to "test out" of courses by passing the appropriate Keystone Exam.

5) The Secretary is given authority, on a case-by-case basis, to waive one or more provisions to address extenuating circumstances.

6) An advisory committee on setting the performance level descriptors and cut scores for Keystone Exams is created. Another advisory committee will advise the Department and provide oversight on validity studies of the Keystone Exams.

7) Voluntary diagnostic supports are added to provide schools with tools to help identify whether students are on the proper track for success in meeting the State graduation requirements.

8) The Department will provide technical guidance to school districts in developing local assessments that meet the local assessment validation requirements.

9) Subject to appropriations enacted by law, the cost to validate local assessments will be equally shared between the school district and Department. If the Department is not able to meet its share, the local assessment would be considered valid until the district strategic plan is updated.

10) State graduation requirements are phased in over time. The class of 2014-2015 must demonstrate proficiency in English Composition, Literature, Algebra I and Biology. Beginning with the class of 2016-2017 students must demonstrate proficiency in English composition and literature; two of the following: Algebra I, Algebra II or Geometry; Biology or Chemistry; and, one of the following: American History, World History or Civics and Government.

11) These regulations include a "grandfather" provision that protect students from having to meet requirements if implementation of Keystone Exams or validated local assessments are delayed.

12) The regulations require the Department to establish procedures to permit districts to request alternative test administration schedules for the Keystone Exams.

13) The regulations provide for alternatives and accommodations for students with disabilities and accommodations for students who are gifted and English language learners.

#### *Summary of Public Comments and Responses to Proposed Rulemaking*

The proposed rulemaking was published at 38 Pa.B. 2270 and was available on the Department's web site at [www.pde.state.pa.us](http://www.pde.state.pa.us). The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking. The Board received written comments directly from 938 individuals and organizations during the official 30-day public comment period that followed publication of the proposed regulations in the *Pennsylvania Bulletin*. Rather than provide a lengthy listing of the organizations and comments and responses in the preamble, the Board prepared a separate document that outlines the comments and the Board's response. Notification of the availability of this document was sent to each commentator and is posted on the Board's web page on the Department web site.

Since publication of the proposed regulations at 38 Pa.B. 2270, the Board has conducted extensive public outreach activities. The Board held six regional public hearings—at which 72 individuals and organizations presented testimony. Board leadership met one or more times with the majority and minority leadership of the General Assembly; the Chairpersons of the House and Senate Education Committees; individual members of the House Education Committee; and other members of the General Assembly; the Coalition for Effective and Responsible Testing (CERT); the leadership of the Pennsylvania School Boards Association, Pennsylvania Association of School Administrators, Pennsylvania State Education Association, Pennsylvania Association of Elementary and Secondary School Principals, NAACP, Pennsylvania Partnerships for Children and scores of individuals. Board leadership presented testimony at several public hearings held by the Committees. In addition, since May 2008, the Board held six public meetings where public comment periods were provided. Individuals made comments about these regulations at several meetings.

On August 12, 2009, the Council of Basic Education debated the proposal and received public comments before voting to approve the regulations. On August 13, 2009, the full Board debated the regulations and again heard public comments prior to voting to approve the regulations.

Comments and testimony received, recommendations and counter proposals were all considered and contributed to the development and drafting of the final-form regulations.

*Effective Date*

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

*Sunset Date*

In accordance with its policy and practice regarding regulations, the Board will review the effectiveness of these regulations after 4 years. Therefore, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2008, the Board submitted a copy of the notice of proposed rulemaking, published at 38 Pa.B. 2270, to IRRC and the 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 Board has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on October 21, 2009. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 22, 2009, and approved the final-form rulemaking.

*Contact Person*

The official responsible for information on this final-form rulemaking is Joseph Torsella, Chairperson, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

*Affected Parties*

The final-form rulemaking will affect the students and professional employees of public schools in this Commonwealth.

*Fiscal Impact and Paperwork Requirements*

The cost to State government for development, administration, scoring and reporting of the Keystone Exams and project-based assessment, State share of local assessment validation costs, together with development of the diagnostic tools, model curriculum and related supports, totals \$7.9 million in 2008-2009, \$21.4 million in 2009-2010, \$25.7 million in 2010-2011, \$29.6 million in 2011-2012, \$30.5 million in 2012-2013 and \$31.4 million in 2013-2014.

The estimated cost to school districts, AVTSs and charter schools includes the local share of validating local assessments. The estimated cost is \$500,000 in 2009-2010, \$250,000 in 2010-2011, \$250,000 in 2011-2012, \$250,000 in 2012-2013, and \$250,000 in 2013-2014. The cost of providing remediation to students who do not demonstrate proficiency is estimated to average \$600 per student. The costs of providing remediation are offset through funding allocated through the Basic Education Subsidy, Accountability Block Grant and Education Assistance Program.

Cost savings to State government will result from elimination of the 11th grade PSSA and 12th grade retest. Beginning in 2012-2013 and each year thereafter, the Commonwealth will save \$5 million annually. School districts, AVTSs and charter schools will experience an estimated cost savings of \$5 million in 2009-2010, \$6 million in 2010-2011, \$7 million in 2011-2012, \$8 million in 2012-2013 and \$9 million in 2013-2014 resulting from district savings from use of Keystone Exams, model curriculum and instructional diagnostics.

*Effective Date*

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

*Findings*

The Board finds that:

- (1) Public notice of the intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The final-form rulemaking is necessary and appropriate for the administration of the code.

*Order*

The Board, acting under authorizing statute, orders that:

- (a) The regulations of the Board, 22 Pa. Code Chapter 4, are amended by amending §§ 4.3, 4.4, 4.24, 4.51 and 4.52 to read as set forth in Annex A.
- (b) The Chairperson will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.



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

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

JOSEPH TORSELLA,  
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 6524 (November 7, 2009).)

**Fiscal Note:** 6-312. (1) General Fund:

	PA Assessment	Teacher Professional Development
(2) Implementing Year 2008-09 is	\$6,775,000	\$1,201,000
1st Succeeding Year 2009-10 is	\$18,357,000	\$3,068,000
2nd Succeeding Year 2010-11 is	\$24,031,000	\$1,649,000
3rd Succeeding Year 2011-12 is	\$28,734,000	\$845,000
4th Succeeding Year 2012-13 is	\$30,501,000	\$0
5th Succeeding Year 2013-14 is	\$31,374,000	\$0
(3) 2007-08 Program—	\$31,619,000	\$30,367,000
2006-07 Program—	\$20,094,000	\$23,367,000
2005-06 Program—	\$20,356,000	\$13,867,000

(7) PA Assessment and Teacher Professional Development; (8) recommends adoption.

#### Annex A

### TITLE 22. EDUCATION

#### PART I. STATE BOARD OF EDUCATION

#### Subpart A. MISCELLANEOUS PROVISIONS

#### CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

#### GENERAL PROVISIONS

##### § 4.3. Definitions.

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

**AVTS**—*Area vocational-technical school*—A public school that provides vocational-technical education to secondary school students, out-of-school youth and adults in a geographical area comprised and operated by one or more school districts and established under sections 1840—1853 of the School Code (24 P. S. §§ 18-1840—18-1853).

**Academic standard**—What a student should know and be able to do at a specified grade level.

**Apprenticeship program**—A competency-based program that coordinates and integrates classroom instruction with a structured work-based employment experience designed for students.

**Assessment**—A valid and reliable measurement of student performance on a set of academic standards in a subject area that captures student understanding of the set as a whole and the central concepts, knowledge and skills of each content area.

**Board**—The State Board of Education established under sections 2601-B—2606-B of the School Code (24 P. S. §§ 26-2601-B—26-2606-B).

**Cooperative vocational-technical education**—A planned method of instruction developed through a signed cooperative arrangement among school representatives, stu-

dents, parents and employers in the community to provide students with an opportunity to alternate in-school academic and vocational-technical instruction in entry-level paid employment in an occupational field, in which the student's total occupational work experience is planned, coordinated and supervised by the school in close cooperation with the employer.

**Curriculum**—A series of planned instruction aligned with the academic standards in each subject that is coordinated and articulated and implemented in a manner designed to result in the achievement at the proficient level by all students.

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

**ESOL**—English to speakers of other languages.

**Employment area**—A geographic area where vocational-technical education program completers are most likely to be employed.

**Individuals with Disabilities Education Act**—20 U.S.C.A. §§ 1400—1482.

**Intermediate unit**—A regional educational service agency established under sections 951—974 of the School Code (24 P. S. §§ 9-951—9-974), which provides educational services to participating school districts as part of the public school system of this Commonwealth.

**Keystone Exams**—State-developed end-of-course exams.

**Local Assessment Validation Advisory Committee**—An advisory committee established by the Department composed of up to two representatives each from the Department and Board, four representatives from the Pennsylvania School Boards Association and up to four additional members who are jointly selected by the committee. The purpose of the Committee is to develop the criteria for the local validation process and criteria for selection of approved validation entities.

**NOCTI**—National Occupational Competency Testing Institute.

**PSSA**—Pennsylvania System of School Assessment.

**Parent or guardian**—A person legally responsible for a student's care.

**Performance Level Advisory Committee**—An advisory committee established by the Department to assist the Department in developing Keystone Exam performance level descriptors and performance level cut scores. The committee includes teachers, principals, school administrators, school board members, higher education officials, representatives of the United States Armed Forces, employers and others with at least one-half of its members selected from nominations made by Statewide teachers' unions and other education stakeholder organizations.

**Planned instruction**—Instruction offered by a school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards determined in strategic plans under § 4.13 (relating to strategic plans).

**Prekindergarten**—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten.

**School Code**—The Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

*School entity*—A local public education provider (for example, public school district, charter school, cyber charter school, AVTS or intermediate unit).

*School organization*—The organization of a school district's programs into kindergarten, primary, intermediate level, middle level and high school programs, including programs operated at AVTSs.

*Secretary*—The Secretary of Education of the Commonwealth.

*State Assessment Validation Advisory Committee*—An advisory committee established by the Department to advise it on its plans to conduct a validity study of the Keystone Exams and review and provide feedback on study findings. The Committee is composed of up to two representatives each from the Department, Board, Pennsylvania State Education Association, American Federation of Teachers-Pennsylvania and up to four additional members who are jointly selected by the committee.

*Strategic plan*—A comprehensive plan for education developed under § 4.13.

*Tech-prep program*—A combined secondary and postsecondary program which leads to an associate degree or certificate and employment by providing technical preparation in engineering technology, applied science, mechanical, industrial or practical art or trade, agriculture, health or business, including development of competence in mathematics, science and communications through a sequential course of study.

*Vocational-technical education*—Programs under public supervision and control which provide an organized process of learning experiences designed to develop integrated academic and occupational skills, knowledge, attitudes, work habits and leadership ability for entry into and advancement within various levels of employment in occupational areas of agriculture, business, marketing and distribution, health, home economics and trade and industry and for participation in postsecondary education and training.

**§ 4.4. General policies.**

(a) It is the policy of the Board that the local curriculum be designed by school entities to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards designated in strategic plans under § 4.13 (relating to strategic plans).

(b) It is the policy of the Board that local school entities have the greatest possible flexibility in curriculum planning consistent with providing quality education and in compliance with the School Code, including requirements for courses to be taught (24 P. S. §§ 15-1501 and 16-1605); subjects to be taught in the English language (24 P. S. § 15-1511); courses adapted to the age, development and needs of the pupils (24 P. S. § 15-1512); minimum school year of 180 days and minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level (24 P. S. §§ 15-1501 and 15-1504); employment of sufficient numbers of qualified professional employees (24 P. S. § 11-1106) and superintendents to enforce the curriculum requirements of State law (24 P. S. § 10-1005); and this part.

(c) Access to educational programs shall be provided without discrimination on the basis of a student's race, sex, color, religion, disability, sexual orientation or national origin.

(d) School entities shall adopt policies to assure that parents or guardians have the following:

(1) Access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.

(2) A process for the review of instructional materials.

(3) The right to have their children excused from specific instruction that conflicts with their religious beliefs, upon receipt by the school entity of a written request from the parent or guardians.

(4) The right of the parent or guardian to review the State assessments in the school entity, at least 2 weeks prior to their administration, during convenient hours for parents and guardians. Necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions.

(5) If upon inspection of State assessments parents or guardians find the assessment in conflict with their religious belief and wish their students to be excused from the assessment, the right of the parents or guardians will not be denied upon written request to the applicable school district superintendent, charter school chief executive officer or AVTS director.

(6) Opportunity for involvement in the strategic planning process under § 4.13.

(7) The right to have their children excluded from research studies or surveys conducted by entities other than a school entity unless prior written consent has been obtained.

(e) The Department will provide support to school districts and AVTSs in developing educational programs that enable students to attain academic standards under § 4.12. Department support will include:

(1) Establishment of a voluntary model curriculum and diagnostic supports aligned with State academic standards in each of the content areas assessed by the Keystone Exams under § 4.51(f) (relating to State assessment system).

(2) Assistance in the development of effective student tutoring, remediation and extended instructional time programs.

(3) Opportunities for continuing professional education designed to improve instruction in each of the content areas assessed by the Keystone Exams under § 4.51(f).

(4) Technical guidance to school districts and AVTSs (including charter schools) in developing local assessments that meet the requirements of § 4.24(b)(1)(iv)(B), upon request.

**CURRICULUM AND INSTRUCTION**

**§ 4.24. High school graduation requirements.**

(a) *Requirements through the 2013-2014 school year.* Each school district, including a charter school, shall specify requirements for graduation in the strategic plan under § 4.13 (relating to strategic plans). Requirements through the 2013-2014 school year must include course completion and grades, completion of a culminating project, results of local assessments aligned with the academic standards and a demonstration of proficiency in Reading, Writing and Mathematics on either the State assessments administered in grade 11 or 12 or local assessment aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that

students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

(b) *Requirements beginning in the 2014-2015 school year.*

(1) *General.* Beginning in the 2014-2015 school year, each school district and AVTS (including charter schools), shall specify requirements for high school graduation in the strategic plan under § 4.13 (relating to strategic plans) that, at minimum, include:

(i) Course completion and grades.

(ii) Completion of a culminating project in one or more areas of concentrated study under the guidance and direction of the high school faculty. The purpose of the project, which may include research, writing, completion of a college application or some other appropriate form of demonstration, is to assure that the student is able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding. Projects may be undertaken by individual students or groups of students.

(iii) Demonstration of proficiency as determined by the school district or AVTS (including charter schools), in each of the State academic standards not assessed by a State assessment under § 4.51 (relating to State assessment system).

(iv) Demonstration of proficiency or above in each of the following State academic standards: Reading, Writing and Mathematics (Appendix A); Science and Technology and Environment and Ecology (Appendix B), as determined through any one or a combination of the following:

(A) Successful completion of secondary level coursework in English Composition, Literature, Algebra I and Biology in which a Keystone Exam serves as the course final exam. A student's Keystone Exam score shall count as one-third of the final course grade. A school district or AVTS (including a charter school) may, at its discretion, elect to have the Keystone Exam count for more than one-third of the course grade. A school district or AVTS (including a charter school), at its discretion, may allow students who score at the advanced level on a particular Keystone Exam prior to taking the course to be granted course credit for the course without having to complete the course.

(B) Locally approved and administered, independently validated assessments shall be independently and objectively validated once every 6 years in conjunction with submission of the school district's strategic plan, as provided in § 4.13. Local assessments may be designed to include a variety of assessment strategies listed in § 4.52(e) and may include the use of one or more Keystone Exams. Except for replacement of individual test items that have a similar level of difficulty, a new validation is required for any material changes to the assessment. Validated local assessments must meet the following standards:

(I) Alignment with the following State academic standards: Reading, Writing (Literature and Composition); Mathematics (Algebra I), Science and Technology and Environment and Ecology (Biology).

(II) Performance level expectations and descriptors that describe the level of performance required to achieve proficiency comparable to that used for the Keystone Exams.

(III) Administration of the local assessment to all students, as a requirement for graduation, except for

those exempted by their individualized education program under subsection (e), regarding special education students, or gifted individualized education plan as provided in § 16.32 (relating to GIEP).

(IV) Subject to appropriations provided by law, the cost to validate local assessments shall be evenly divided between the school district or AVTS (including a charter school) and the Department. If the Department does not provide sufficient funding to meet its share, local assessments submitted for validation shall be deemed valid for the balance of the strategic plan period until either a new or mid-point update to the strategic plan is due to the Department.

(V) The Department will establish a list of entities approved to perform independent validations of local assessments in consultation with the local assessment validation advisory committee as provided in § 4.52(g).

(VI) School boards shall only approve assessments that have been determined to meet the requirements of this subsection by an approved entity performing the independent validation. If a school district or AVTS (including a charter school) uses a local assessment that has not been independently validated, the Secretary will direct the district to discontinue its use until the local assessment is approved through independent validation by an approved entity.

(C) Advanced placement or international baccalaureate exams that include academic content comparable to the appropriate Keystone Exam at a score established by the Secretary to be comparable to the proficient level on the appropriate Keystone Exam. Successful completion of an advanced placement course and test may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam. Successful completion of an international baccalaureate program and tests may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam or local assessment.

(c) *Requirements beginning in the 2016-2017 school year.* Effective with the 2016-2017 school year, History and Civics and Government (Appendix C) are added to the academic standards listed in subsection (b)(1)(iv) regarding requirements beginning in the 2014-2015 school year. Requirements listed in subsection (b)(1)(iv)(A) must include a determination of proficiency in both English Composition and Literature; two of three Mathematics (Algebra I, Geometry, Algebra II), one of two Sciences (Biology or Chemistry), and one of three Social Studies (American History, Civics and Government or World History).

(d) *Strategic plan.* Each school district, including a charter school, shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsections (a) and (b).

(e) *Special education students.* Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school district of residence. This subsection applies if the special education program of a child with a disability does not otherwise meet the requirements of this chapter.

(f) *Demonstration of proficiency.* For purposes of this section, students shall be deemed proficient in the State-

assessed standards whenever they demonstrate proficiency through any of the options in subsection (b)(1)(iv), regardless of the student's grade level or age.

(g) *Transcripts.* Beginning in the 2003-2004 school year, PSSA scores in each assessed discipline, and beginning in the 2014-2015 school year, Keystone Exam or validated local assessment scores, shall be included on student transcripts and may be released only with the permission of the student and parent or guardian, or the student only if the student is 18 years of age or older.

(h) *Release of scores.* This section does not allow for the release of individual student PSSA or Keystone Exam scores to the Department or other Commonwealth entities in accordance with § 4.51(c).

(i) *Supplemental instruction.* Beginning in the 2011-2012 school year, a student who does not demonstrate proficiency in any of the ten courses or locally validated assessments specified in subsections (b) and (c) shall be offered supplemental instructional support by the student's school entity. The supplemental instructional support must assist the student to attain proficiency in the State academic standards.

(j) *Waivers.* The Secretary may waive one or more provisions of this section on a case-by-case basis for good cause. Waivers will be based upon receipt of a written request from the chief school administrator. Waivers may be granted to accommodate students who experience extenuating circumstances (including serious illness, death in immediate family, family emergency, frequent transfers in schools, or transfer from an out-of-State school in 12th grade).

(k) *Transition.* To effect successful transition between requirements outlined in subsections (a) and (b) regarding requirements through the 2013-2014 school year and requirements beginning in the 2014-2015 school year, students who will graduate in the 2014-2015 school year or thereafter, who successfully complete courses with academic content assessed under subsection (b) or (c), regarding requirements beginning in the 2014-2015 school year, and requirements beginning in the 2016-2017 school year, for which Keystone Exams or local validated assessments were not available at the time the course was completed, shall be deemed proficient for purposes of this section.

**ASSESSMENT**

**§ 4.51. State assessment system.**

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425).

(2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).

(3) Provide results to school entities for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).

(4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.

(5) Provide information to the general public on school performance.

(6) Provide results to school entities based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(b) All PSSA instruments administered in Reading, Writing and Mathematics in grades 5, 8 and 11 will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

(1) Performance on PSSA reading assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages and by their written responses to in-depth comprehension questions about the passages.

(2) Performance on PSSA mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions that require a written solution to a problem.

(3) Performance on PSSA writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing.

(4) Performance on PSSA science assessments shall be demonstrated by students' responses to grade appropriate content and by the quality of their responses to questions that demonstrate knowledge of each category of the standards for science and technology and environment and ecology.

(5) Levels of proficiency shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

(c) The Department will develop or cause to be developed PSSA assessments based on academic standards in Mathematics, Reading, Writing and Science under § 4.12 and contained in Appendix A. In developing assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment. To ensure that information regarding student performance is available to parents and teachers, State assessments developed under this section must include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress. The Department or other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district.

(d) The State assessments shall be administered annually and include assessments of the State academic standards in Mathematics and Reading at grades 3—8 and 11; in Writing at grades 5, 8 and 11; and in Science at grades 4, 8 and 11.

(e) Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be

provided one additional opportunity in grade 12 to demonstrate a proficient level on the PSSA assessments.

(f) The Department will develop or cause to be developed Keystone Exams as follows:

(1) Three assessments aligned with the Mathematics standards, contained in Appendix A, that assess the academic content traditionally included in Algebra I, Algebra II and Geometry courses.

(2) Two assessments aligned with select Reading, Writing, Speaking and Listening standards, contained in Appendix A, that assess academic content traditionally included in high school literature and composition courses.

(3) Three assessments aligned with select History and Civics and Government standards, contained in Appendix C, that assess content traditionally included in high school level American History, World History and Civics and Government courses.

(4) Two assessments aligned with select standards for Science and Technology and Environment and Ecology, contained in Appendix B, that assess academic content traditionally included in high school level Biology and Chemistry courses.

(5) If a Keystone Exam is offered as a graduation requirement, it shall be offered at least 3 times each year: once each in the fall, spring and summer. Keystone Exams shall be administered, reviewed and scored so that the scores for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation. A school district or AVTS (including a charter school) may request that the Department approve alternative test administration and scoring time frames. The Department will publish guidelines and procedures for approving alternative test administration and scoring time frames on its web site. The guidelines will provide for approval of all requests unless the approval is contrary to standards of test validity and scoring.

(6) Students shall be permitted to retake any Keystone Exam, or Keystone Exam module, in which the student did not score proficient or above at the next available testing date.

(7) Each Keystone Exam will be designed in modules that reflect distinct, related academic content that is common to the traditional progression of coursework to allow students who do not score proficient or above to retake those portions of the test in which they did not score proficient or above.

(8) Keystone Exams shall be scored on a 100-point scale. When used to determine proficiency to meet high school graduation requirements, a Keystone Exam shall count for one-third of the final course grade. A Keystone Exam may be counted for more than one-third of the final course grade at the sole election of the school district or AVTS (including a charter school). A student must score advanced, proficient or basic on a Keystone Exam to receive points from the exam toward a final course grade.

(9) Levels of proficiency on Keystone Exams shall be set at the advanced, proficient, basic and below basic levels. In consultation with the Performance Level Advisory Committee, the Department will develop and recommend to the Board for its approval, performance level descriptors and performance level cut scores for the Keystone Exams and any alternative assessments developed to assess students with disabilities as permitted by the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425). The Department will use widely-

accepted psychometric procedures to establish the cut scores. Cut scores shall be presented at a public meeting of the Board for its review at least 2 weeks prior to scheduled Board action on the cut scores.

(10) The Department will provide guidance to school entities as to the appropriate accommodations school entities shall provide to students with disabilities, students who are gifted and English language learners, when appropriate.

(11) Keystone Exams in the following subjects will be developed by the Department and will be made available for voluntary use by school districts and AVTSs (including charter schools) in accordance with the following schedule:

School Year 2010-11	Algebra I Literature Biology
Fall 2011	English Composition Algebra II
Fall 2012	Geometry United States History
Fall 2016	Chemistry Civics and Government World History

(12) The Department will seek to have the Keystone Exam system approved as the high school level single accountability system under the No Child Left Behind Act of 2001. Upon approval by the United States Department of Education, the Algebra I and Literature exams will be used to determine adequate yearly progress at the high school level. The Biology Keystone Exam will be used as the high school level science assessment, which is not a factor in determining adequate yearly progress. If the Keystone Exam system receives approval as the high school level accountability measure, school districts and AVTSs (including charter schools) shall administer the Literature, Algebra I and Biology exams as end-of-course test in the grade level in which students complete the relevant coursework.

(13) The 11th grade PSSA exams in Reading, Writing, Math and Science shall be discontinued upon implementation of the Keystone Exams as the approved assessment system under section 1111(b)(2)(C) of the No Child Left Behind Act of 2001 (20 U.S.C.A. § 6311(b)(2)(C)).

(g) The Board will authorize the expansion of the State assessment system through a revision of this chapter.

(h) The Department will implement provisions for security of the State assessment system, including the following provisions:

(1) Action by a professional employee or commissioned officer that is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school entity shall be subject to disciplinary action under the Professional Educator Discipline Act (24 P. S. §§ 2070.1a—2070.18a).

(2) Cheating by students or employees other than those covered in paragraph (1) shall be subject to disciplinary action by the school district.

(3) Cheating or breaches of assessment security shall be reported to the Secretary as soon as detected.

(i) The Secretary has the authority to establish guidelines for the administration of the State assessment system.

(j) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school entity information and pertinent data for the school entity and its students.

(k) Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate accommodations, when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

(l) The Department will establish a State Assessment Validation Advisory Committee (Committee). The Committee shall advise the Department on its plans to conduct the validity study and review and provide feedback on its findings. The Department and the Committee will investigate the use of a certificate based on industry approved standards and performance on a NOCTI exam as an alternative pathway to graduation and will make a report and recommendation to the Board by January 10, 2011.

(m) At least once every 5 years, the Department will contract with a qualified, independent research organization to perform a validity study of the Keystone Exams using generally accepted education research standards. These studies will determine, at a minimum, the degree to which the Keystone Exams and performance level cut scores are valid for the purposes for which they are used; aligned with State academic standards; aligned with performance levels of other states; internationally benchmarked; and predict college and career success. In addition, all Keystone Exams, performance level descriptors and cut scores will be subject to the best available forms of content, criterion and consequential validation.

(n) If a student is unable to meet the requirements in § 4.24(b)(1)(iv)(A) (relating to high school graduation requirements), the student may supplement a Keystone Exam score through satisfactory completion of a project-based assessment as provided in subsection (o). Points earned through satisfactory performance on one or more project modules related to the Keystone Exam module or modules on which the student scored below proficient shall be added to the student's highest Keystone Exam score. The total shall count as one-third of a student's final course grade, as provided in subsection (f)(8).

(o) The Department will develop a project-based assessment system that is aligned with the modules for each of the ten Keystone Exams. The project-based assessment system shall be administered schools and scored by regional panels composed of by teachers, principals and curriculum specialists assembled by the Department. The regional review panels shall score student projects according to scoring protocols and rubrics developed by the Department. Students may qualify to participate in one or more project-based assessments if the student has met all of the following conditions:

- (1) Has taken the course.
- (2) Was unsuccessful in achieving a score of proficient on the Keystone Exam after at least two attempts.

(3) Has met the district's attendance requirements for the course.

(4) Has participated in a satisfactory manner in supplemental instructional services under § 4.24(i) (relating to high school graduation requirements).

**§ 4.52. Local assessment system.**

(a) Each school entity shall design an assessment system to do the following:

(1) Determine the degree to which students are achieving academic standards under §§ 4.12 and 4.13(c)(3) (relating to academic standards; and strategic plans). The school entity shall provide assistance to students not attaining academic standards at the proficient level or better and the assistance to be provided shall be indicated in the strategic plan under § 4.13.

(2) Use assessment results to improve curriculum and instructional practices, to guide instructional strategies and to develop future strategic plans under § 4.13.

(3) Provide information requested by the Department regarding the achievement of academic standards, which does not include student names, identification numbers or individually identifiable information.

(4) Provide summary information including results of assessments under this section to the general public regarding the achievement of students, which does not include student names, identification numbers or individually identifiable information.

(b) The local assessment system shall be implemented no later than 1 year after its strategic plan or revision is approved by the board of school directors under § 4.13.

(c) The local assessment system shall be described in the school entity's strategic plan under § 4.13(c)(5).

(d) The local assessment system shall be described in the district's (including a charter school's) or AVTS's strategic plan under § 4.13(c)(5), including industry certifications earned by vocational-technical students, Pennsylvania skill certificates earned by vocational technical education students, and projects completed by vocational-technical education students which demonstrate their occupational competency.

(e) The local assessment system shall be designed to include a variety of assessment strategies which may include the following:

- (1) Written work by students.
- (2) Scientific experiments conducted by students.
- (3) Works of art or musical, theatrical or dance performances by students.
- (4) Other demonstrations, performances, products or projects by students related to specific academic standards.
- (5) Examinations developed by teachers to assess specific academic standards.
- (6) Nationally-available achievement tests.
- (7) Diagnostic assessments.
- (8) Evaluations of portfolios of student work related to achievement of academic standards.
- (9) Other measures as appropriate, which may include standardized tests.

(f) Individual test information shall be maintained in a student's educational record in a manner consistent with section 438 of the Family Educational Rights and Privacy

Act of 1974 (20 U.S.C.A. § 1232g) and 34 CFR Part 99 (relating to family educational rights and privacy).

(g) Children with disabilities shall be included in the local assessment system, with appropriate accommodations, when necessary. As appropriate, the school district, including charter schools, or AVTS shall develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the local assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

(h) The Department will establish a Local Assessment Validation Advisory Committee. The Committee will develop the criteria for the local validation process and criteria for selection of approved validation entities as provided in § 4.24(b)(1)(iv)(B) (relating to high school graduation requirements). The Department, in consultation with the Committee, will establish a list of entities approved to perform independent validations of local assessments. The Committee will submit its recommendations for approval or disapproval to the Board. The Department will post the approved criteria, selection criteria and list of approved entities on its web site.

[Pa.B. Doc. No. 10-56. Filed for public inspection January 8, 2010, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF MEDICINE [ 49 PA. CODE CHS. 16 AND 18 ] Acupuncture Licensure

The State Board of Medicine (Board) hereby amends §§ 16.11, 16.13, 16.15, 18.11—18.13a, 18.15, 18.15a and 18.18, to read as set forth in Annex A.

#### *Description and Need for the Rulemaking*

The act of November 29, 2006 (P. L. 1625, No. 186) (Act 186) amended the Acupuncture Registration Act (act) (63 P. S. §§ 1801—1806.1) to authorize an acupuncturist or practitioner of Oriental medicine (hereinafter referred to collectively as acupuncturists) to treat a patient's condition through acupuncture or the use of herbal therapy for up to 60 days without the condition first being diagnosed by a physician, dentist or podiatrist. See 63 P. S. § 1803.1. Subsequently, after the Board published proposed rulemaking intending to implement section 3.1 of the act, the act was amended and renamed as the Acupuncture Licensure Act by the act of October 8, 2008 (P. L. 1092, No. 91) (Act 91). Act 91 revised the act solely to refer to licensure, rather than registration, of acupuncturists. This final rulemaking implements both Act 186 and Act 91.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 38 Pa.B. 2059 (May 3, 2008) with a 30-day public comment period. The Board received written comments from the Association for Professional Acupuncture in Pennsylvania, endorsing the proposed rulemaking as pub-

lished. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board received no comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC noted that the proposed regulation would require a physician, dentist or podiatrist to diagnose a condition past 60 calendar days of acupuncture treatment. The HPLC then asked if a diagnosis is the only requirement, or if it is intended that a physician, dentist or podiatrist give permission for continued treatment. The diagnosis is the only requirement, and the Board does not intend that a physician, dentist or podiatrist give permission for continued acupuncture treatment.

The HPLC also noted that § 18.15a(b) (relating to scope of practice of acupuncturists and practitioners of Oriental medicine) specifically addresses authorization for use of herbal therapy by practitioners of Oriental medicine. The HPLC suggested that the provision in proposed § 18.15(a)(7) (relating to practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a medical doctor) concerning herbal therapy would be better placed in § 18.15a. The Board agrees and has moved the reference to dispensing or administering therapeutic herbs to § 18.15a(b).

IRRC first questioned the Board's specific citation to its statutory authority in publishing the proposed rulemaking. The Board's statutory authority is section 3(b) of the act (63 P. S. §§ 1803(b)) and section 8 of the Medical Practice Act of 1985 (63 P. S. § 422.8), and not generally Act 186.

IRRC noted that by using the phrase "within 60 calendar days," proposed § 18.15(a)(4) would permit an acupuncturist to wait the full 60 days of treatment before referring a patient for care by a physician, dentist or podiatrist. Additionally, that phrase would appear to limit the subsection's requirement for referral to apply only during the first 60 days of treatment. IRRC recommended deleting the phrase "within 60 days" and requiring an acupuncturist to refer a patient as soon as it is appropriate and necessary to protect the patient. The Board agrees with this recommendation and has revised the rulemaking accordingly.

In reviewing this rulemaking, the Board noted a discrepancy in its definition of "supplemental techniques" and its use of that term elsewhere in the regulations. In § 18.11 (relating to definitions), "supplemental techniques" is defined to include herbal therapy. Section 18.13a(a) (relating to requirements for licensure as a practitioner of Oriental medicine) requires an acupuncturist who intends to use herbal therapy to become licensed by the Board as a practitioner of Oriental medicine. Section 18.15a(a) authorizes an acupuncturist to practice acupuncture and use supplemental techniques, but not use herbal therapy, and section 18.15a(b) authorizes a practitioner of Oriental medicine to practice acupuncture and use supplemental techniques including herbal therapy. To avoid any confusion as to whether an acupuncturist may use herbal therapy, the Board has amended the definition of "supplemental techniques" in § 18.11 to omit reference to the use of herbal therapy.

Additionally, the Board noted that the heading of § 18.15 should remain in the singular, despite the references to both an acupuncturist and a practitioner of Oriental medicine. In § 18.15(a)(2) and (3), the rule-

making should address an acupuncturist or practitioner of Oriental medicine who is not a physician treating the patient's symptoms, rather than the patient's condition. Similarly in § 18.15(a)(7), the rulemaking is revised to provide that the acupuncturist or practitioner of Oriental medicine may not diagnose an ailment or condition, rather than medically diagnose, as that phrase is redundant.

Finally, the Board has revised §§ 16.11(b) and (c), 16.13(d), 16.15(a), 18.11, 18.12, 18.13(a) and (b), 18.13a, and 18.18 to refer to acupuncturist licensure, rather than registration, as provided by Act 91.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Effective date*

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

*Statutory Authority*

The final-form rulemaking is authorized under section 3(b) of the Acupuncture Licensure Act and section 8 of the Medical Practice Act of 1985.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 21, 2008, the Board submitted a copy of the notice of proposed rulemaking, published at 38 Pa.B. 2059, to IRRC and to the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 Board has considered all comments received from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 18, 2009, the final-form rulemaking was approved by the HPLC. On December 9, 2009, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 10, 2009, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1400, or st-medicine@state.pa.us.

*Findings*

The Board finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 38 Pa.B. 2059.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act and the Medical Practice Act of 1985.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 18, are amended by amending §§ 16.11, 16.13, 16.15, 18.11—18.13a, 18.15, 18.15a and 18.18 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit a copy of this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

OLLICE BATES, Jr., M. D.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 7271 (December 26, 2009).)*

**Fiscal Note:** Fiscal Note 16A-4924 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS**

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS**

**§ 16.11. Licenses, certificates and registrations.**

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
- (2) Institutional license.
- (3) Extraterritorial license.
- (4) Graduate license.
- (5) Temporary license.
- (6) Interim limited license.

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

- (1) Nurse-midwife license.
- (2) Nurse-midwife certificate of prescriptive authority.
- (3) Physician assistant license.
- (4) Acupuncturist license.
- (5) Practitioner of Oriental medicine license.

(c) The following registrations are issued by the Board:



- (1) Registration as a supervising physician of a physician assistant.
- (2) Biennial registration of a license without restriction.
- (3) Biennial registration of an extraterritorial license.
- (4) Biennial registration of a midwife license.
- (5) Biennial registration of a physician assistant license.
- (6) Biennial registration of a drugless therapist license.
- (7) Biennial registration of a limited license-permanent.
- (8) Biennial registration of an acupuncturist license.
- (9) Biennial registration of a practitioner of Oriental medicine license.

§ 16.13. Licensure, certification, examination and registration fees.

\* \* \* \* \*

(d) Acupuncturist licenses:

(1) Acupuncturist license:

Application.....	\$30
Biennial renewal .....	\$40

(2) Practitioner of Oriental medicine license:

Application.....	\$30
Biennial renewal .....	\$40

\* \* \* \* \*

§ 16.15. Biennial registration; inactive status and unregistered status.

(a) A person licensed, certified or registered by the Board, shall register biennially to retain the right to engage in practice unless specifically exempted within this section. Initial registration shall automatically occur when the license, certificate or registration is issued.

\* \* \* \* \*

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter B. LICENSURE AND PRACTICE OF ACUPUNCTURISTS AND PRACTITIONERS OF ORIENTAL MEDICINE

§ 18.11. Definitions.

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

Acupuncture—

(i) The stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or alleviate the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body.

(ii) The term also includes the use of supplemental techniques.

Acupuncture educational program—Training and instruction in acupuncture or supplemental acupuncture techniques offered by a degree-granting institution authorized by the Department of Education that leads to a master’s degree, master’s level certificate or diploma or first professional degree, that meets the relevant and appropriate requirements of 22 Pa. Code (relating to

education) and 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries) and that meets or exceeds the standards required for acupuncture or Oriental medicine programs established by an accrediting agency recognized by the United States Department of Education.

Acupuncture examination—An examination offered or recognized by the Board to test whether an individual has accumulated sufficient academic knowledge with respect to the practice of acupuncture and herbal therapy to qualify for the privilege of practicing as an acupuncturist or as a practitioner of Oriental medicine. The Board recognizes the NCCAOM component examinations in acupuncture and sterilization procedures as the examination for registration as an acupuncturist and the NCCAOM examination component in Chinese herbology as the examination for registration as a practitioner of Oriental medicine.

Acupuncture medical program—An academic or clinical program of study in acupuncture which has been given category I continuing medical education credit by an institution accredited or recognized by the Accreditation Council on Continuing Medical Education to conduct category I continuing medical education courses.

Acupuncturist—An individual licensed to practice acupuncture by the Board.

Chinese herbology—The study of the use of herbs in the Oriental medicine tradition.

Herbal therapy—The application of Chinese herbology to the treatment of acupuncture patients.

NCCAOM—The National Certification Commission for Acupuncture and Oriental Medicine.

Practitioner of Oriental medicine—An acupuncturist who is licensed by the Board to use herbal therapy.

Supplemental techniques—The use of traditional and modern Oriental therapeutics, heat therapy, moxibustion, electrical and low level laser stimulation, cupressure and other forms of massage, and counseling that includes the therapeutic use of foods and supplements and lifestyle modifications.

§ 18.12. Licensure as an acupuncturist.

A medical doctor who intends to practice acupuncture and any other individual who intends to practice acupuncture shall obtain a license from the Board as an acupuncturist.

§ 18.13. Requirements for licensure as an acupuncturist.

(a) The Board will license as an acupuncturist a person who satisfies the following requirements:

(1) Has successfully completed an acupuncture educational program which includes a course in needle sterilization techniques.

(2) Has obtained a passing grade on an acupuncture examination or has been certified by NCCAOM. If the examination was not taken in English, but is otherwise acceptable and a passing score was secured, the Board will accept the examination result if the applicant has also secured a score of 550 on the test of English as a Foreign Language (TOEFL).

(b) The Board will license as an acupuncturist a medical doctor who satisfies the following requirements:

(1) Has successfully completed 200 hours of training in acupuncture medical programs including examinations required by those programs.

(2) Submits an application to register as an acupuncturist accompanied by the required fee. For the fee amount, see § 16.13 (relating to licensure, certification, examination and registration fees).

(c) Prior to January 1, 1988, the Board will register as an acupuncturist a medical doctor who satisfies the requirements of subsection (a), (b) or the following:

(1) Has at least 3 years of acupuncture practice—a minimum of 500 patient visits per year—documented to the satisfaction of the Board.

(2) Submits an application to register as an acupuncturist accompanied by the required fee. For the fee amount, see § 16.13.

**§ 18.13a. Requirements for licensure as a practitioner of Oriental medicine.**

(a) An acupuncturist who also intends to use herbal therapy is required to be licensed by the Board as a practitioner of Oriental medicine.

(b) The Board will license an acupuncturist as a practitioner of Oriental medicine if the licensee, in addition to meeting the requirements under § 18.13 (relating to requirements for licensure as an acupuncturist) has fulfilled one of the following:

(1) Successfully completed an acupuncture education program that includes the study of Chinese herbology and has passed the NCCAOM examination component on Chinese herbology.

(2) Has obtained NCCAOM certification in Chinese herbology or Oriental medicine, which includes passing the NCCAOM examination component in Chinese herbology.

(c) An acupuncturist registered with the Board prior to April 14, 2007, may obtain a license as a practitioner or Oriental medicine if the acupuncturist can demonstrate one of the following:

(1) Successful completion of a Chinese herbology or Oriental medicine education program recognized by the licensing authority of another state or United States territory for the practice of herbal therapy or Oriental medicine and successful completion of an examination in Chinese herbology or Oriental medicine recognized by the licensing authority of another state or United States territory for the practice of herbal therapy or Oriental medicine.

(2) NCCAOM certification in Chinese herbology or Oriental medicine.

(3) The achievement of cumulative qualifications that the Board determines to be equivalent to the standard requirements for registration as a practitioner of Oriental medicine.

(d) This subsection does not apply to a medical doctor licensed as an acupuncturist nor does it restrict the practice of medicine by a medical doctor.

**§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a medical doctor.**

(a) *Responsibilities to patient.* In relation to the acupuncture patient, the acupuncturist and the practitioner of Oriental medicine:

(1) Shall perform an acupuncture or Oriental medicine evaluation and develop an acupuncture or Oriental medicine treatment plan.

(2) May treat the patient's symptoms without the condition being diagnosed by a physician, dentist or podiatrist for 60 calendar days from the date of the first treatment.

(3) May treat the patient's symptoms beyond 60 calendar days from the date of first treatment if the patient has obtained an examination and diagnosis from a physician, dentist or podiatrist.

(4) Shall promptly refer the patient to a physician, dentist or podiatrist, as appropriate to the patient's condition, if the acupuncturist or practitioner of Oriental medicine determines that further acupuncture or Oriental medicine treatment is contraindicated for the patient or determines that the patient's symptoms have worsened.

(5) Shall consult with the patient's physician, dentist, podiatrist or other health care practitioner upon request of the patient.

(6) Shall cooperate with the patient's physician, dentist or podiatrist in regard to the coordination of the patient's care, and comply with restrictions or conditions as directed by the physician, dentist or podiatrist.

(7) May not diagnose a physical or mental ailment or condition or prescribe or dispense a drug. This provision does not prohibit the use of diagnostic billing codes for billing or reimbursement purposes.

(8) Shall comply strictly with sterilization standards relative to aseptic practices.

(9) Shall maintain patient records in a manner consistent with § 16.95 (relating to medical records).

(b) *Identification of acupuncturist or practitioner of Oriental medicine.* An acupuncturist who is not a medical doctor shall wear a tag or badge with lettering clearly visible to the patient bearing the acupuncturist's name and the title "acupuncturist" or "practitioner of Oriental medicine," as appropriate. The use of the word doctor on this tag or badge is prohibited.

**§ 18.15a. Scope of practice of acupuncturists and practitioners of Oriental medicine.**

(a) An acupuncturist may practice acupuncture and use supplemental techniques but may not use herbal therapy.

(b) A practitioner of Oriental medicine may practice acupuncture and use supplemental techniques including herbal therapy. A practitioner of Oriental medicine is not prohibited from dispensing or administering therapeutic herbs that contain ingredients that are similar or equivalent to active ingredients in drugs as classified by the Federal Food and Drug Administration.

(c) This subsection does not limit the scope of practice of a medical doctor who is registered as an acupuncturist.

**§ 18.18. Disciplinary and corrective measures.**

(a) The Board may refuse, revoke, suspend, limit or attach conditions to the license of an acupuncturist or practitioner of Oriental medicine for engaging in conduct prohibited under section 41 of the act (63 P. S. § 422.41) for Board-regulated practitioners.

(b) The Board will order the emergency suspension of the license of an acupuncturist or practitioner of Oriental medicine who presents an immediate and clear danger to the public health and safety, as required under section 40 of the act (63 P. S. § 422.40).

(c) The license of an acupuncturist or practitioner of Oriental medicine shall automatically be suspended, as required under section 40 of the act.

[Pa.B. Doc. No. 10-57. Filed for public inspection January 8, 2010, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CH. 491a ]

#### Corrective Amendment to 58 Pa. Code Chapter 491a

The Pennsylvania Gaming Control Board has discovered a discrepancy between the agency text of 58 Pa. Code § 491a.5(b)(2)(iv)(A) and (B) and (c) (relating to service by the Board), as deposited with the Legislative Reference Bureau and published at 37 Pa.B. 4520 (August 18, 2007) and the official text currently appearing in the *Pennsylvania Code* MTS No. 418 (September 2009). When the pages for MTS 418 were prepared, the text of § 491a.5(b)(2)(iv)(A) and (B) and (c) was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Gaming Control Board has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 491a.5(b)(2)(iv)(A) and (B) and (c). The corrective amendment to § 491a.5(b)(2)(iv)(A) and (B) and (c) is effective as of September 5, 2009, the date the defective text was announced in the *Pennsylvania Bulletin*.

The correct version of § 491a.5 is set forth in Annex A.

#### Annex A

### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart H. PRACTICE AND PROCEDURE

#### CHAPTER 491a. GENERAL RULES OF PRACTICE

#### § 491a.5. Service by the Board.

(a) *Applicability.* This section applies to service of an order, notice or other document originating with the Board and other documents designated by the Board, except when the Board specifically requires a different form of service.

(b) *Service of a document initiating a proceeding.*

(1) *Registered or certified mail.* Service may be made by registered or certified mail, return receipt requested, to the person to be served, addressed to the person designated in the initial pleading, submittal or notice of appearance at the person's residence, principal office or place of business.

(2) *Personal.* Service may be made personally by anyone authorized by the Board. Service will be made by personally delivering a copy:

(i) Directly to the person named in the notice, pleading or order.

(ii) At the residence of the person named in the notice, pleading or order, to an adult member of the family with whom the person named resides. If no adult member of the family is found, then to an adult person in charge of the residence.

(iii) At the residence of the person named in the notice, pleading or order, to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which the person named resides.

(iv) At any office or usual place of business of the person named in the notice, pleading or order, to his agent or to the person who for the time being is in charge thereof. For purposes of this subsection, the phrase "any office or usual place of business of the person named in the notice, pleading or order" will include the following locations:

(A) The licensed facility at which the person named is employed, licensed in connection therewith, or routinely performs his duties of employment.

(B) The office of the agent identified by the person named to receive service of process.

(c) *Proof of service.* Proof of service shall be evidenced by a return of service filed with the Office of the Clerk.

(d) *Subsequent service.* Service of any document made subsequent to the initial filing in a proceeding may be made by first class mail at the last known address of record of the person named in the notice, pleading or order.

(e) *Change of address.* It is the duty of a party to apprise the Board of changes to the party's current address.

(f) *Supersession.* Subsections (a)—(c) supersede 1 Pa. Code § 33.31 (relating to service by the agency).

[Pa.B. Doc. No. 10-58. Filed for public inspection January 8, 2010, 9:00 a.m.]

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 61 ]

#### Fishing

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The final-form rulemaking will go into effect on January 1, 2010, or upon publication of an order in the *Pennsylvania Bulletin*, whichever occurs later.

#### B. Contact Person

For further information on the final-form rulemaking, contact Laurie Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The amendments to §§ 61.2 and 61.8 (relating to Delaware River and River Estuary; and Lehigh River, Schuylkill River and tributaries) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

#### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purposes of the amendments are described in more detail under the summary of changes.

#### E. Summary of Changes

(1) *American Shad on the Delaware River.* Since the mid-1980's, the daily creel limit for American shad in the Delaware River, the West Branch and the Estuary has been six fish with no minimum length limit, and there has been a year-round season. While in years past American shad was a popular gamefish and anglers often harvested them for consumption, in more recent years it has principally become a catch-and-release fishery. A large-scale creel survey in 2002 resulted in an estimated angler catch of 35,281 shad, of which 6,627 (19%) were harvested (Versar 2003). The 2002 harvest rate was about a third of the estimated 1986 creel survey harvest rate (49%) but was close to the estimated harvest rate for the 1995 (20%) survey. Individual angler trip data voluntarily submitted to the Delaware River and Estuary Angler Logbook Program from 2002 to 2006 indicated that anglers harvested a total of 139 shad of the 1,748 caught (8%) from 496 trips. Three or more shad were harvested on only four trips.

In 2007, the Atlantic States Marine Fisheries Commission's (ASMFC's) Shad and River Herring Technical Committee and American Shad Stock Assessment Subcommittee developed a coast wide stock assessment that indicated that adult American shad stocks in the Delaware River have been declining since 1994. Nevertheless, the annual production of juvenile shad has remained stable. In some other coastal rivers, adult shad stocks have declined as well. Despite the continued depressed abundance and documented low harvest rates of adult American shad in the Delaware River and River Estuary, the creel limit of American shad in this Commonwealth has remained at six fish per day.

The Commission therefore proposed a reduction of the daily creel limit of American shad to three fish in cooperation with the other boundary states (New Jersey, New York and Delaware). Resource managers from all four states participating in the Delaware River Fish and Wildlife Cooperative Technical Committee (DRFWCTC) have verbally agreed that this reduction in the daily creel limit will not negatively impact angler use, and it is a proactive protective measure given the declining status of shad stocks in the Delaware River and other coastal river systems.

At a February 2009, meeting between the Commission and the New Jersey Department of Environmental Protection, Division of Fish and Wildlife (NJDEP), New Jersey staff indicated that their organization is actively pursuing a reduced daily creel limit from the current six fish to three fish in the Delaware River. Their Freshwater Fishery Council has approved the proposed reduction and will solicit public comments this summer. New Jersey staff expect to have the reduced creel limit in place by January 1, 2010; however, due to the fact that the freshwater and marine divisions of the agency have jurisdiction over different parts of the river, the proposed regulation will only pertain to the Delaware River mainstem waters from the New Jersey/New York State border, downstream to the Commodore Barry Bridge. In the remaining 2.9 river miles, from off the Commodore Barry Bridge to the Delaware State line, the creel limit will remain at six in New Jersey until at least 2011, when

it is anticipated that New Jersey's Marine Fishery Council will reduce the creel limit in that section to three.

New York is moving forward with a proposed amendment to reduce the American shad creel limit to three per day in the upper Delaware River. They indicated that a 2010 date for implementation is extremely optimistic and that 2011 is more realistic.

Delaware's only recreational shad angling occurs on the Brandywine Creek, and it is extremely limited. Delaware is moving to reduce the creel limit of herring (they do not make a distinction between American shad and river herring) from 10 combined/day to six combined/day. They anticipate doing this in conjunction with a change in the commercial regulations, but they do not anticipate this change occurring for the 2010 season.

In the interest of coordination with the regulations of New Jersey and New York, the Commission has reduced the creel limit in the West Branch and the entire Delaware River mainstem from the confluence of the East and West Branches downstream to the Commodore Barry Bridge as set forth in the notice of proposed rulemaking. For the remaining 2.9 miles downstream of the Commodore Barry Bridge, the current daily limit of six will remain in effect until such time as New Jersey's Marine Council effectuates a change. At that time, the Commission will seek public comments on a proposed amendment that is consistent with New Jersey's.

The Commission has amended § 61.2 to read as set forth in the notice of proposed rulemaking.

(2) *River Herring on the Delaware, Lehigh and Schuylkill Rivers.* Since the mid-1980's, the daily creel limit for river herring, a term applied collectively to blueback herring and alewife, in the Delaware River, West Branch and Estuary, has been a total of 35 herring, with no minimum length limit, and the season is open year-round. River herring are popular with striped bass anglers who use them either as live or cut bait. Principally, this fishery exists during the spring when river herring and striped bass are migrating into the Delaware River and Estuarine waters. Traditionally, anglers jigged for river herring for use as bait at the onset of a trip and during the trip. However, it has been alleged that an illegal transport fishery has developed in which entrepreneurs catch river herring from the Delaware River and transport them to the New Jersey coast for sale as bait to coastal anglers.

In 2002, catch and harvest of river herring in the Delaware River and Estuary were estimated in a large-scale creel survey (Versar 2003). This survey resulted in an estimate of a total catch of 7,553 river herring of which 4,916 (65%) were harvested. Most of the fish harvested were taken from tidal waters (1,465 fish, Delaware Memorial Bridge to Trenton, NJ) and the lower reach of the nontidal Delaware River (5,105 fish, Trenton, NJ upstream to Delaware Water Gap). Field observations by the creel clerks during the course of the 2002 survey indicated that only a small number of anglers target river herring. Many of these anglers were noted to have elaborate live-wells in their vehicles for keeping river herring alive, which accounted for the relatively high estimated harvest rates.

The ASMFC's Draft Amendment 2 to the Interstate Fishery Management Plan for Shad and River Herring states that river herring abundance has declined precipitously since the mid-1990's and remains depressed along the Atlantic Coast. The Commission therefore proposed a reduction in the daily creel limit to ten along with the

other Delaware River and Estuary boundary states of New York and New Jersey. Delaware's herring creel limit is already ten per day. This action will unify regulations throughout the Delaware River. Resource managers participating in the DRFWCTC from all four states have verbally agreed that a reduction of the daily creel limit would not negatively impact angler use. This creel limit reduction is designed to allow for the continued use of river herring as a bait source by the individual angler, while reducing the economic incentive for the illegal sale of the fish for bait. New Jersey researchers conducted an informal survey of the most likely impacted commercial guides fishing the Delaware River. The results of the survey indicated strong support for a reduction in the daily creel limit.

At a February 2009, meeting between the Commission and the NJDEP, New Jersey staff indicated that their organization is actively pursuing the reduced river herring creel limit. Their Freshwater Fishery Council has already approved the proposed reduction, and public comments were solicited this summer. New Jersey staff expect to have the reduced river herring creel limit in place by January 1, 2010; however, due to the fact that the freshwater and marine divisions of the agency have jurisdiction over different parts of the river, the proposed regulation will only pertain to the Delaware River mainstem waters from the New Jersey/New York State border, downstream to the Commodore Barry Bridge. In the remaining 2.9 river miles from of the Commodore Barry Bridge to the Delaware State line, the creel limit will remain at 35 in New Jersey until at least 2011, when it is anticipated that New Jersey's Marine Fishery Council will reduce the creel limit in that section to ten.

New York is not proposing any changes to its river herring creel limits due to the fact that they do not anticipate river herring ascending that far up the Delaware River.

Delaware's only recreational shad angling occurs on the Brandywine Creek, and it is extremely limited. Delaware is moving to reduce its creel limit of herring (they do not make a distinction between American shad and river herring) from ten combined/day to six combined/day. They anticipate doing this in conjunction with a change in the commercial regulations, but they do not anticipate this change occurring for the 2010 season.

In the interest of coordination with the regulations of New Jersey, the Commission has reduced the creel limit in the West Branch and the entire Delaware River mainstem from the confluence of the East and West Branches downstream to the Commodore Barry Bridge as set forth in the notice of proposed rulemaking. Given the anadromous fish restoration efforts on the two major tributaries to the Delaware, the Commission also has imposed a ten fish per day creel limit on the Lehigh River and Schuylkill River as set forth in the notice of proposed rulemaking. For the remaining 2.9 miles downstream of the Commodore Barry Bridge, the current daily limit of 35 river herring will remain in effect until such time as New Jersey's Marine Council effectuates a change. At that time, the Commission will seek public comments on a proposed amendment that is consistent with New Jersey's.

The Commission has amended §§ 61.2 and 61.8 to read as set forth in the notice of proposed rulemaking.

It should be noted that after the Commission approved publication of the notice of proposed rulemaking containing these amendments, ASFMC approved Amendment 2

to the Interstate Fishery Management Plan for Shad and River Herring. The amendment prohibits commercial and recreational fisheries of river herring beginning January 1, 2012, unless a state or jurisdiction develops and submits for approval a sustainable management plan by January 1, 2010. The amendment defines a sustainable fishery as "a commercial and/or recreational fishery that will not diminish the potential future stock reproduction and recruitment." Submitted plans must clearly demonstrate that the state or jurisdiction's river herring fisheries meet this new definition of sustainability through the development of sustainability targets that must be achieved and maintained.

ASMFC's approval of Amendment 2 was taken in response to widespread concern regarding the decline of river herring stocks. While many populations of blueback herring and alewife, collectively known as river herring, are in decline or remain depressed at stable levels, lack of fishery-dependent and independent data makes it difficult to ascertain the status of river herring stocks coastwide. Between 1985 and 2007, commercial landings of river herring decreased by 97% from 13.6 million pounds to 317,000 pounds.

The Commission continues to work with other state agencies with jurisdiction that includes parts of the Delaware River or Delaware Estuary to develop a coordinated interstate approach for future regulations. This coordinated approach resulted in the Commission's adoption of the amendments set forth in the notice of proposed rulemaking. It should be noted that a total moratorium on river herring is likely for the states of New Jersey, Delaware and Pennsylvania, beginning in January 2012, as a result of the ASFMC action to approve Amendment 2 to the Interstate Fishery Management Plan for Shad and River Herring.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Comments

A notice of proposed rulemaking was published at 39 Pa.B. 3455 (July 11, 2009). During the formal comment period, the Commission received two public comments concerning the American shad proposal. One comment questioned the need for a reduction in the creel limit; the other supported it. After the formal comment period, the Commission received one comment from the Delaware Riverkeeper Network, supporting the reduced creel limit for American shad but urging the Commission to extend the reduced limit to the entire river and not exempt the 2.9 miles downstream of the Commodore Barry Bridge. The Commission did not receive any public comments regarding the proposal for river herring. Copies of all public comments were provided to the Commissioners.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated

thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and all public comments received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 61, are amended by amending §§ 61.2 and 61.8 to read as set forth in 39 Pa.B. 3455.

(b) The Executive Director will submit this order and 39 Pa.B. 3455 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 39 Pa.B. 3455 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2010, or upon publication in the *Pennsylvania Bulletin*, whichever occurs later.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-212 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-59. Filed for public inspection January 8, 2010, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[ 58 PA. CODE CH. 73 ]**  
**Fishing**

The Fish and Boat Commission (Commission) amends Chapter 73 (relating to transportation of live fish into the Commonwealth). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

*A. Effective Date*

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

*B. Contact Person*

For further information on the final-form rulemaking, contact Laurie Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The amendment to § 73.3 (relating to transportation and importation of VHS-susceptible species of fish) is published under the statutory authority of section 2102(c) of the code (relating to rules and regulations).

*D. Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of changes.

*E. Summary of Changes*

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. Effective January 1, 2009, the Commission adopted § 73.3 to help prevent the spread of the disease in this Commonwealth. Under § 73.3(d), it is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region, except as follows: (1) VHS-susceptible species of live fish may be imported into the United States if the requirements of 9 CFR 93.910–93.916 are met; or (2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

At the time of adoption, the language of § 73.3(d)(1) was consistent with the interim rule of the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) that was slated to go into effect on January 9, 2009. However, by notice published at 74 FR 1, the United States Department of Agriculture announced that it has delayed the effective date of the interim rule indefinitely to provide APHIS with time to make some adjustments to the interim rule that are necessary for the rule to be successfully implemented. The provisions of § 73.3(d)(1), therefore, have no effect.

Accordingly, the Commission has amended § 73.3(d) to delete paragraph (1) as set forth in the notice of proposed rulemaking. This amendment is a "housekeeping" change that is limited to the movement of live VHS-susceptible species of fish from the Canadian provinces of Ontario and Quebec. It will not affect the Commission's regulations with respect to intrastate and interstate transportation or the international movement of dead fish. Under § 73.3(d)(2), VHS-susceptible species of dead fish may be imported into the United States from Ontario and Quebec if the fish are recreationally caught and are for human consumption. However, until such time as APHIS adopts a rule pertaining to the international movement of live fish, the Commission's regulations will be silent on the subject. Prior orders issued by APHIS regarding international movement of live VHS-susceptible species of fish will govern, but the Commission's waterways conservation officers will not be able to enforce them.

By notice published at 39 Pa.B. 1368 (March 14, 2009), the Executive Director, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), took immediate action to rescind § 73.3(d)(1). The temporary modification went into effect immediately and will remain in effect until publication of this order rescinding subsection (d)(1) of the regulation.

*F. Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

*H. Public Comments*

A notice of proposed rulemaking was published at 39 Pa.B. 3458 (July 11, 2009). The Commission did not receive any public comments regarding this proposal.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and all public comments received were considered.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 73, are amended by amending § 73.3 to read as set forth in 39 Pa.B. 3458.

(b) The Executive Director will submit this order and 39 Pa.B. 3458 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 39 Pa.B. 3458 and deposit them with the Legislative Reference Bureau as required by law.

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

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-213 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-60. Filed for public inspection January 8, 2010, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### List of Approved Training Courses for Certified Examiners of Weights and Measures

The Department of Agriculture (Department) administers and enforces various provisions under 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act), including those provisions addressing the process by which a person may be designated a Certified Examiner of Weights and Measures (CEWM).

A CEWM may conduct certain weights and measures testing and inspection functions that the Department would otherwise be required to perform. The act limits the types of weights and measures inspection and testing functions that may be performed by a CEWM to only the following categories of commercially-used weights and measures:

1. small capacity retail computing scales,
2. retail package shipping scales,
3. vehicle scales,
4. small platform scales which weigh items to 1,000 pounds,
5. truck-mounted fuel oil meters,
6. truck-mounted liquid petroleum gas meters,
7. compressed natural gas meters, and
8. retail motor fuel dispensers.

The act requires the Department to adopt certification standards and procedures for CEWMs. These appear in the regulations at 70 Pa. Code Chapter 4 (relating to training courses). The act also requires that the Department only certify persons who complete the appropriate training courses prescribed by the National Institute of Standards and Technology (NIST) for the type of certification sought and who comply with the Department's certification standards and procedures.

Under 3 Pa.C.S.A. § 4110(a)(4) the act and the regulation at 70 Pa. Code § 4.6 adopt current NIST-prescribed training courses for each category of weights and measures with respect to which a CEWM may be certified. The following describes the minimum NIST-prescribed training that is appropriate for each category with respect to which a CEWM may be certified.

#### A. *Small Scales.*

Small scales include small capacity retail computing scales, retail package shipping scales and small capacity scales which weigh items to 1,000 pounds. The required minimum training for a person seeking to be designated a CEWM with respect to small scales shall vary with the experience the person has in servicing and inspecting small scales:

1. If a person has at least 6 months of experience in the servicing or inspection of small scales, the person must:

- a. Prior to beginning the training described in subparagraph (b), successfully complete the NIST Handbook 44 Self-Study Course, available online at <http://ts.nist.gov/WeightsAndMeasures/Training/hb44-seflfstudy.cfm>.

- b. Successfully complete a Department-administered 3-day Retail Computing Scales Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 2-day technical seminar.

2. If a person has less than 6 months of experience in the servicing or inspection of small scales, the person must successfully complete a Department-administered 5-day Retail Computing Scales Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 5-day technical seminar.

#### B. *Vehicle Scales.*

The required minimum training for a person seeking to be designated a CEWM with respect to vehicle scales shall vary with the experience the person has in servicing and inspecting vehicle scales:

1. If a person has at least 6 months of experience in the servicing or inspection of vehicle scales, the person must:

- a. Prior to beginning the training described in subparagraph (b), successfully complete the NIST Handbook 44 Self-Study Course, available online at <http://ts.nist.gov/WeightsAndMeasures/Training/hb44-seflfstudy.cfm>.

- b. Successfully complete a Department-administered 3-day Vehicle and Axle Load Scales Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 2-day technical seminar.

2. If a person has less than 6 months of experience in the servicing or inspection of vehicle scales, the person must successfully complete a Department-administered 5-day Vehicle and Axle Load Scales Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 5-day technical seminar.

#### C. *Truck-Mounted Fuel Oil Meters.*

The required minimum training for a person seeking to be designated a CEWM with respect to truck-mounted fuel oil meters shall vary with the experience the person has in servicing and inspecting truck-mounted fuel oil meters:

1. If a person has at least 6 months of experience in the servicing or inspection of truck-mounted fuel oil meters, the person must:

- a. Prior to beginning the training described in subparagraph (b), successfully complete the NIST Handbook 44 Self-Study Course, available online at <http://ts.nist.gov/WeightsAndMeasures/Training/hb44-seflfstudy.cfm>.

- b. Successfully complete a Department-administered 3-day Vehicle Tank Meters Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 2-day technical seminar.

2. If a person has less than 6 months of experience in the servicing or inspection of truck-mounted fuel oil meters, the person must successfully complete a Department-administered 5-day Vehicle Tank Meters Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 5-day technical seminar.

#### D. *Truck-Mounted Liquid Petroleum Gas (Propane) Meters.*



The required minimum training for a person seeking to be designated a CEWM with respect to truck-mounted liquid petroleum gas (propane) meters shall vary with the experience the person has in servicing and inspecting truck-mounted liquid petroleum gas meters:

1. If a person has at least 6 months of experience in the servicing or inspection of truck-mounted liquid petroleum gas meters, the person must:

a. Prior to beginning the training described in subparagraph (b), successfully complete the NIST Handbook 44 Self-Study Course, available online at <http://ts.nist.gov/WeightsAndMeasures/Training/hb44-seffstudy.cfm>.

b. Successfully complete a Department-administered 3-day Truck-Mounted Liquid Petroleum Gas Meters Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 2-day technical seminar.

2. If a person has less than 6 months of experience in the servicing or inspection of truck-mounted liquid petroleum gas meters, the person must successfully complete a Department-administered 5-day Truck-Mounted Liquid Petroleum Gas Meters Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 5-day technical seminar.

#### E. Retail Motor Fuel Dispensers.

The required minimum training for a person seeking to be designated a CEWM with respect to retail motor fuel dispensers shall vary with the experience the person has in servicing and inspecting retail motor fuel dispensers:

1. If a person has at least 6 months of experience in the servicing or inspection of retail motor fuel dispensers, the person must:

a. Prior to beginning the training described in subparagraph (b), successfully complete the NIST Handbook 44

Self-Study Course, available online at <http://ts.nist.gov/WeightsAndMeasures/Training/hb44-seffstudy.cfm>.

b. Successfully complete a Department-administered 3-day Retail Motor Fuel Dispensers Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 2-day technical seminar.

2. If a person has less than 6 months of experience in the servicing or inspection of retail motor fuel dispensers, the person must successfully complete a Department-administered 5-day Retail Motor Fuel Dispensers Technical and Administrative Seminar, a Department-developed course that follows the NIST Guidelines for a 5-day technical seminar.

#### F. Compressed Natural Gas Meters.

The Department has yet to develop an approved training course by which a person might be designated a CEWM with respect to compressed natural gas meters. The Department will update this notice when the training course is developed and available.

For more information, or to obtain an application form to become a CEWM, interested persons may contact the Department of Agriculture, Attn.: Director, Bureau of Ride and Measurement Standards, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-6772.

This Notice is immediately effective upon publication in the *Pennsylvania Bulletin*. Copies off this list are available from the Department upon request.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 10-61. Filed for public inspection January 8, 2010, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 29, 2009.

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-28-2009	From: Washington Federal Savings Bank Washington Washington County  To: Washington Financial Bank Washington Washington County	Effective

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
	Conversion from a Federally-chartered stock savings association to a Pennsylvania State-chartered stock savings bank.	

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-28-2009	Susquehanna Bank Lititz Lancaster County	1845 Walnut Street Philadelphia Philadelphia County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-23-2009	Mid Penn Bank Millersburg Dauphin County	<i>To:</i> 4509 Derry Street Harrisburg Dauphin County  <i>From:</i> 4098 Derry Street Harrisburg Dauphin County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-23-2009	Graystone Tower Bank Lancaster Lancaster County	130 Mullen Street Fort Loudon Franklin County	Approved
12-23-2009	Graystone Tower Bank Lancaster Lancaster County	1574 Buchanan Trail East Greencastle Franklin County	Approved

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-23-2009	Freedom Credit Union Warminster Bucks County  Merger of University House Federal Credit Union, Philadelphia, with and into Freedom Credit Union, Warminster.	Effective

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-62. Filed for public inspection January 8, 2010, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Community Conservation Partnerships Program Grants Available; Preapplication Workshops Scheduled

The Department of Conservation and Natural Resources (Department) announces the 2010 open application period for Community Conservation Partnerships Program (C2P2) Grants administered by the Bureau of Recreation and Conservation (Bureau). The primary open application period will officially begin January 6, 2010, and end at 4 p.m. on April 21, 2010. Depending on the

funding source, eligible applicants include Commonwealth municipalities and appropriate nonprofit organizations. All grant applications must be submitted electronically, online through the Environmental eGrants System available at <https://www.grants.dcnr.state.pa.us/index.aspx>.

All of the necessary information, plus additional program policies and application instructions, are available online both from within the online, electronic Environmental eGrants System and from the Community Conservation Partnerships Program web page. For assistance with the Environmental eGrants System, call the Department Grants Customer Services Center at (800) 326-7734 or e-mail [DCNR-Grants@state.pa.us](mailto:DCNR-Grants@state.pa.us). Applications may not be submitted by means of fax or e-mail; if so-submitted, they will be rejected as not-submitted.

Funding is available for Community Recreation and Conservation Projects to plan, acquire land for, develop or rehabilitate active and passive recreation, park, conserva-

tion, greenway and open space areas and facilities; Land Trust Projects to acquire open space, critical habitat and natural areas; Pennsylvania Recreational Trails Projects to develop and maintain recreational trails and related facilities for motorized and nonmotorized recreational trail use; Rails-to-Trails Projects to plan, acquire or develop rail-trail corridors; River Conservation Projects to develop river conservation plans and fund implementation projects involving acquiring land, and planning or developing facilities such as trails and fishing access areas along river corridors; Snowmobile/ATV Projects to plan, acquire, develop and maintain snowmobile and ATV trails; Education, Training and Implementation Projects that develop, promote or conduct training or educational programs; prepare and distribute technical assistance or educational manuals, brochures or videos and/or otherwise provide for the training and education of both professionals and the general public on a local, county, regional or statewide basis.

During the month of February 2010 a series of seven free grants workshops are scheduled at the following locations throughout this Commonwealth, from 8:30 a.m. until 12 p.m. focusing on the Department's Greening Emphasis, how to develop a competitive and ready to go project and changes to the 2010 C2P2 Grants Program:

February 2, 2010—The Fire Academy, Conshohocken

February 4, 2010—Chester County Government Services Center, West Chester

February 9, 2010—Stuart Community Center, Carlisle

February 11, 2010—Boalsburg Fire Company, Boalsburg

February 18, 2010—Luzerne County Community College, Educational Conference Center, Nanticoke

February 23, 2010—Clarion University, James Gemmill Student Complex, Clarion

February 24, 2010—Dormont Borough Recreation Center, Dormont

To register for these workshops go to <http://www.dcnr.state.pa.us/calendar> under the Workshops-Grants Calendar.

Persons with a disability who wish to submit an application and require assistance should contact Darrel Siesholtz at (717) 787-7672 to discuss how the Department may best accommodate their needs. Voice/TTY users should call (800) 654-5984.

JOHN QUIGLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 10-63. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, January 20, 2010, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

C. ALLEN SACHSE,  
*Chairperson*

[Pa.B. Doc. No. 10-64. Filed for public inspection January 8, 2010, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

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

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

## **I. NPDES Renewal Applications**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 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>
PA00882244 (IW)	Susquehanna Area Regional Airport Authority One Terminal Drive Suite 300 Middletown, PA 17057-5037	Dauphin County Lower Swatara Township	Susquehanna River 7-C	Y
PA0012211 (IW)	Boyertown Foundry Company P. O. Box 443 New Berlinville, PA 19545	Berks County Boyertown Borough Colebrookedale Township	UNT Swamp Creek 3-D	Y
PA0021636 (Sew)	Fleetwood Borough Council 110 West Arch Street Suite 104 Fleetwood, PA 19522	Berks County Richmond Township	Willow Creek 3-B	Y
PA0022543 (Sew)	Borough of Bally 425 Chesnut Street P. O. Box 217 Bally, PA 19503	Berks County Washington Township	West Branch Perkiomen 3-E	Y
PA0010677 (IW)	Veeder-Root Company P. O. Box 1673 6th Avenue Burns Crossing Altoona, PA 16603-1673	Blair County Allegheny Township	UNT to Spencer Run 11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0112755	SFTF serving Robson's Residence R. D. 1 Gaines, PA 16921	Gaines Township Tioga County	Unnamed Tributary to Pine Creek 9A	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.*

**PA0053201**, Sewage, **Roy Ann Diner, Inc.**, 1318 Old Bethlehem Pike, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

The receiving stream, Three Mile Run, is in the State Water Plan watershed 2D and is classified for trout stocking fisheries, aquatic life, water supply, and recreation.

The proposed effluent limits for Outfall 001, based on a design flow of 4,500 gallons per day, are as follows:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>		25	50
Total Suspended Solids		30	60
Ammonia as N			
(05-01 to 10-31)		10.0	20.0
(11-01 to 04-30)		20.0	40.0
Phosphorus as P		0.5	1.0
Total Residual Chlorine		0.5	1.2
Fecal Coliform (#/100 ml)		200	1,000
Dissolved Oxygen	3.0		
pH (STD)	6.0		9.0

The EPA waiver is in effect.

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

**Application No. PA 0020885**, Sewage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This facility is located in Mechanicsburg Borough, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 19.3 miles downstream. The discharge is not expected to affect the water supply.

This amendment revises a Chesapeake Bay Strategy Implementation interim milestone date. The final compliance date is not affected.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0055328**, Industrial Waste, SIC Code 4953, **New Morgan Landfill Company, Inc.**, 420 Quarry Road, Morgantown, PA 19543. This facility is located in New Morgan Borough, **Berks County**.

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

The receiving stream, Conestoga River, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake is Lancaster Municipal Water Authority located on the Conestoga River, approximately 38 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.05 MGD are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50	63
Total Suspended Solids	27	88	110
NH <sub>3</sub> -N	4.9	10	12.5
Total Residual Chlorine	0.5		1.6
Oil and Grease	15		30
Total Zinc	0.11	0.2	0.28
Phenol	0.015	0.026	0.038
p-Cresol	0.014	0.025	0.035
Benzoic Acid	0.071	0.12	0.18
a-Terpineol	0.016	0.033	0.041
Fecal Coliform (May - Sept.)		200/100 ml as a geometric average	
(Oct. - April)		2,000/100 ml as a geometric average	
Total Phosphorus		0.0 lb/year Total Annual	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0088048**, Sewage, **Borough of New Morgan**, Building D, 75 Grace Boulevard, Morgantown, PA 19543. This facility is located in New Morgan Borough, **Berks County**.

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

The receiving stream, Conestoga River, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 38 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.2 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)	6.0		12
(11-1 to 4-30)	18		36
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

#### Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	9,132*
Net Total Phosphorus	XXX	Report	1,218*

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

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

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMRs—Annual Nutrient Summary by November 28, 2010.

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0081574**, Sewerage, **Salisbury Township—Gap**, 5581 Old Philadelphia Pike, Gap, PA 17527. This facility is located in Salisbury Township, **Lancaster County**.

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

The receiving stream, unnamed tributary of Pequea Creek, is in Watershed 7-K, and classified for cold water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 45 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.58 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>	20	30	40
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	13,150*
Net Total Phosphorus	XXX	Report	1,643*

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

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

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMRs—Annual Nutrient Summary by November 28, 2010.

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

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

**PA004466**, Sewerage (4952), **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837-0305. The existing facility is located in the East Buffalo Township, **Union County**.

Description of Proposed Activity: The applicant wishes to amend the compliance schedule in Part C.I.B. of the existing NPDES permit. The following is a summary of the permittee's request and the Department's intended action:

<i>Activity</i>	<i>Existing Compliance Date</i>	<i>Amended Compliance Date</i>
1. Submit Update to Act 537 Sewage Facilities Plan	Not applicable	7/1/2010
2. Submit WQM Part II Permit Application	1/01/2009	11/1/2010
3. Award Contract for Construction or Begin Implementation	6/1/2009	3/1/2011
4. Construction or Implementation Progress Report(s)	Quarterly Reporting Required	Quarterly Reporting Required
5. Issue Certification of Substantial Completion (Plant Fully Operational)	7/01/2010	9/30/2012
6. Compliance with effluent limitations	9/30/2011	9/30/2013

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

**PA0263567**, Industrial Waste, **Borough of Ridgway, Ridgway Borough WTP**, P. O. Box 149, Ridgway, PA 15853-0149. This proposed facility is located in Ridgway Township, **Elk County**.

Description of Proposed Activity: discharge of treated filter backwash wastewater.

The receiving water is Big Mill Creek. The receiving stream is in State Water Plan 17-B and is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.023 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 (MGD)	XX		
Total Suspended Solids	30	60	75
Iron	2	4	5
Manganese	1	2	2.5
Aluminum	4	8	10
Total Residual Chlorine	0.5		1.6
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and report.

The EPA Waiver is in effect.

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

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

**WQM Permit No. 0609403**, Sewerage, **Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530. This proposed facility is located in Maxatawny and Richmond Townships, **Berks County**.

Description of Proposed Action/Activity: Seeking approval to install underground wastewater collections lines and two pumping stations.

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

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

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

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

*Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q200R(2)	Mark Feiertag P. O. Box 38 Macungie, PA 18062	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF, MF
PAI023909020	Eaton Point Development, LP Attn: Lisa Pektor 559 Main Street Suite 300 Bethlehem, PA 18018	Lehigh	City of Bethlehem	Monocacy Creek HQ-CWF, MF

*Luzerne County Conservation District: Smith Pond Rd., Lehman, PA 18627-0250, 570-674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024009004	Mericle 112 Armstrong Attn: Robert Mericle 100 Baltimore Drive Wilkes-Barre, PA 18702	Luzerne	Pittston Township	Tributary to Mill Creek CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032109008	Land O Lakes, Inc. Greg Wakefield 405 Park Drive Carlisle, PA 17015	Cumberland	South Middleton Township	Yellow Breeches Creek HQ-CWF

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

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724-378-1701).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050409002	James Palmer & Charles Betters Aliquippa Tin Mill, LP 250 Insurance Street Suite 300 Beaver, PA 15009	Beaver	City of Aliquippa	Ohio River WWF

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052609002	Lynda Waggoner Western PA Conservancy P. O. Box R Mill Run, PA 15464	Fayette	Stewart Township	Bear Run EV

*Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724-837-5271).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509008	John F. Tierney, Resort Homes P. O. Box 234 Stahlstown, PA 15687	Westmoreland	Donegal Township	UNT to Camp Run EV

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.  
 McKean County Conservation District: 17137 Route 6, Smethport, PA 16749, telephone: 814-887-4001.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI064208002(1)	Norwich Township 3853 West Valley Road Smethport, PA 16749	McKean	Norwich Township	UNT Potato Creek; UNT Walcott Branch; Walcott Branch; Mill Branch; Colegrove Branch; Robbins Branch; Potato Creek HQ-CWF; TSF CWF; CWF

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

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

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Hanover Shoe Farm 2310 Hanover Pike P. O. Box 339 Hanover, PA 17331	Adams	2,840	1,035.54	Horses	NA	New

**PUBLIC WATER SUPPLY (PWS)  
 PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice.

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

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

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

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

### SAFE DRINKING WATER

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

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

##### Permit No. 2809515, Public Water Supply.

Applicant	Grove US LLC
Municipality	Antrim Township
County	<b>Franklin</b>
Responsible Official	Randy S. Eddinger Consultant/PADEP Operator 1697 Swamp Pike Gibbertsville, PA 19525
Type of Facility	Public Water Supply
Consulting Engineer	George W. Ruby, P. E. Ruby Engineering 3605 Island Club Drive North Port, FL 34288-6611
Application Received:	12/16/2009
Description of Action	Nitrate treatment and softening.

### 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.

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

**WA 22-303I, Water Allocations.** United Water Pennsylvania, **Dauphin County.** The applicant is requesting the right to withdraw a maximum of 17.0 million gallon per day (mgd) from the Susquehanna River at an existing intake, a maximum of 12.0 mgd from Stony Creek at an existing intake with a combined maximum withdrawal of 17.0 mgd from both sources. Also, the right to withdraw a maximum of 4.5 mgd from Swatara Creek at an existing intake. Consulting Engineer: Jason D. Wert, Herbert Rowland & Grubic, Inc. Date Application Received: 8/5/2004.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

**The Hideout**, Lot 4510 Fairway Drive, Lake Township, **Wayne County**. Paul Martino and William Schmidt, Pennoni Associates, Inc., 3001 Market Street, One Drexel Plaza, Philadelphia, PA 19104-2897 have submitted a Notice of Intent to Remediate (on behalf of their client Association of Property Owners of the Hideout, Inc., The Hideout, Box 640, Lake Ariel, PA 18436), concerning the remediation of soil and groundwater found to have been impacted by fuel oil as a result of a release from a 4,000-gallon, unregulated heating oil tank during the tank's removal process. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Former Giffuni Property/Turkey Hill Experience**, Columbia Borough, **Lancaster County**. Herbert, Rowland, & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Columbia Borough, 308 Locust Street, Columbia, PA 17512, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals, PAHs and VOCs from historical industrial processes. The site will be remediated to the Site-Specific Standard. Future use of the property is nonresidential.

#### **HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

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

**PAD096844311. Action Manufacturing Company**, 500 Baileys Crossroads Road, Atglen, PA 19310. This RCRA Part B permit application is for a 25 Pa. Code Chapter 264a, Subpart X, Miscellaneous Treatment Unit at the Action Manufacturing Company located in West Fallowfield Township, **Chester County**. The miscellaneous treatment unit will process hazardous waste materials generated onsite. The application was received by the Southeast Regional Office on November 11, 2009.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

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

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

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

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

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

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

#### **PLAN APPROVALS**

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

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

**48-329-008: PPL Renewable Energy, LLC** (2 North Ninth Street, Allentown, PA 18101) for installation of three (3) new IC engines at their site in Glendon Borough, **Northampton 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.**

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

**54-399-044: Future Power PA** (72 Glenmaura National Boulevard, Moosic, PA 18507) for construction and operation of an Anthracite Coal fired IGCC (Integrated Gas Combined Cycle) plant with controls at their facility

to be in Porter Township, **Schuylkill County**. The plant is subject to 40 CFR Part 60, Subpart Da requirements. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NOx emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SOx, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

**40-328-007: Hazleton Generation, LLC** (150 North Michigan Avenue, Suite 2930, Chicago, IL 60601) for modification to their existing turbines at their facility in Hazle Township, **Luzerne County**. The modification is to request longer start-up/shut down periods to comply with their NOx concentration and short term mass rate limits. The NOx emission limits from the facility will remain unchanged as currently permitted. The company has proposed no other changes. Hazleton Generation, LLC is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 40-00021. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

**44-05014D: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for modification of the asphalt and stone crushing plants at the Hostetler site in Armagh Township, **Mifflin County**. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. Sources included in the stone crushing plant are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval will include emission limits, testing and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*

**24-083R: Carbone of America Industries Corp.** (215 Stackpole Street, St. Marys, PA 15857) for modification plan approval 24-083M condition regarding testing of the electric furnace in St. Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State Only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the require-

ments of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate Best Available Technology for the source: The conditions from plan approval 24-083M issued on February 20, 2008, will remain in effect with the following exception: The facility shall stack test for VOC and SOx only. The previous requirement required VOC, SOx and PM.

**62-183A: PAPCO, Inc.—Warren Plant** (213 West 3rd Avenue, Suite 304, Warren, PA 16365) for installation and operation of a natural gas stripping plant consisting of 2-natural gas compressor engines, dehydration plant, hot oil heater and 9 storage tanks as described in the applicant's application of September 23, 2009, in Mead Township, **Warren County**.

Pursuant to 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in Mead Township, Warren County. This plan approval will authorize the applicant to install and operate a natural gas stripping plant consisting of 2-natural gas compressor engines, dehydration plant, hot oil heater and 9 storage tanks as described in the applicant's application of September 23, 2009. The Plan Approval will subsequently be incorporated into a State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The 2.5 MM CFD natural gas stripping plant is capable of recovering natural gas, propane and butane. The facility consists of a 346 bhp Ajax compressor engine and a 384 bhp Ajax compressor engine. The engines will be required to comply with the emission limitations of 2.0 grain/dry standard cubic foot for NOx, CO and VOC. The dehydration plant removes water from the natural gas stream to prevent corrosion and hydrates formation in the pipelines. The dehydration plant is equipped with a 300 MBtu/hr reboiler to burn off the noncondensable gases. The facility will demonstrate the emissions from the dehydration plant based on the GRI-GlyCalc software program that is acceptable to the Department. The facility will demonstrate compliance with the plan approval restrictions by performing preventative maintenance to each source and recording the daily throughputs and hours of operation. The stripping plant is subject to 40 CFR Part 60, Subpart KKK—Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants and Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at 814-332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 62-183A.
3. Concise statement regarding the relevancy of the information or any 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 on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

### 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.

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

**04-00108: Armstrong World Industries Inc.** (1018 11th Street, P. O. Box 441, Beaver Falls, PA 15010) for operations of a ceiling tile manufacturing facility in Beaver Falls, **Beaver County**. Title V Renewal.

**32-00157: T. W. Phillips Gas and Oil Company** (205 North Main Street, Butler, PA 16001) for operation of the Kinter Compressor Station in Rayne Township, **Indiana County**. This is a Title V Renewal Application.

#### 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. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00161: Giles & Ransome, Inc.—Bensalem** (2975 Galloway Road, Bensalem, PA 19020) for a renewal of State Only (Synthetic Minor) Operating Permit No. 09-00161, which was originally issued on August 24, 2004, in **Bucks County**. Aside from the addition of eight cold parts cleaners and two emergency generators, no major changes have occurred at the facility since the permit was originally issued. The renewed permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00056: Hale Products, Inc.** (700 Spring Mill Avenue, Conshohocken, PA 19428) for operation of three (3) test engines, two (2) emergency generators and two (2) spray booths at their manufacturing plant in Conshohocken Borough, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. The facility has elected to cap Volatile Organic Compound (VOC) and Nitrogen Oxide (NO<sub>x</sub>) emissions to less than 25 tons per year each; therefore, the facility is a Synthetic Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**23-00056: Honeywell International, Inc.** (6100 Philadelphia Pike, Claymont, DE 19703) for renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Marcus Hook Borough, **Delaware County**. Honeywell is

a manufacturing company of industrial inorganic chemicals. Honeywell has a production limit of Fluorosulfonic acid. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00110: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335-3043) for operation of three (3) boilers, a bread oven with a catalytic oxidizer, a layer cake oven, three (3) emergency generators, and various gas fired sources at their facility in Downingtown Borough, **Chester County**. The permit is for a non-Title V (State Only) facility. The facility has elected to cap Nitrogen Oxide (NO<sub>x</sub>) to less than 25 tons per year each; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**39-00023: Pittsburgh Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105-2621) for modification of Storage Tank 23 for installation, operation, and maintenance of required slotted guidepole controls at their facility in the City of Allentown, **Lehigh County**. This is a modification of a State-Only Operating Permit.

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

**21-05054: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of portable diesel-fired peak electrical generating units at their Allen Substation in Monroe Township, **Cumberland County**. The operating permit shall contain testing, monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-05116: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of portable diesel-fired peak electrical generating units at their Yorkana Substation in Lower Windsor Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**04-00218: NF & M International, Inc.** (1729 Pennsylvania Avenue, Monaca, PA 15061-1852) for operation of Titanium Cleaning and Machining at their Monaca Plant in Monaca Borough, **Beaver County**. This is a State Only Operating Permit renewal.

**03-00183: Equitable Gas Company, LLC** (225 North Shore Drive, Pittsburgh, PA 15212) for their Shoemaker Compressor Station in Bethel Township, **Armstrong County**. This is a State Only Permit Application Renewal.

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

**61-00193: NFG Henderson Compressor Station** (P. O. Box 2081, Erie, PA 16512) to issue a renewal State Only Operating Permit for the natural gas transmission station in Mineral Township, **Venango County**. The facility is a Natural Minor. The primary sources at the facility include two 1,350 HP compressor units, a 119 HP auxiliary generator, a natural gas fired triethylene glycol (TEG) dehydrator reboiler, a TEG dehydrator still, a 75 HP natural gas fired air compressor, and two parts washers. The VOC emissions from the TEG dehydrator still are controlled by a thermal oxidizer.

#### PLAN APPROVALS

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

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

**PA No. 48-399-064: Praxair Distribution Mid Atlantic, LLC, d/b/s GTS Welco** (145 Shimersville Road, Bethlehem, PA 18015) for installation of an Acid Mist Scrubber to control HCL emissions for their facility in Bethlehem, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Praxair Distribution Mid Atlantic, LLC, d/b/s GTS Welco (145 Shimersville Road, Bethlehem, PA 18015) for their facility located in Bethlehem, Northampton County. This Plan Approval No. 48-399-064 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-399-064 is for the installation of an Acid Mist Scrubber to control HCL emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 48-399-064.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the

decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

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

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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated

previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**56823108 and NPDES No. PA0605751. C & O Coal Company**, 124 Walker School Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 42.1 acres. Receiving stream(s): unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 7, 2009.

**32900103 and NPDES No. PA0598763. Black Oak Development, Inc.**, P. O. Box 205, Glen Campbell, PA 15742, permit renewal for reclamation only of a bitumi-

nous surface mine in Banks and Burnside Townships, **Indiana and Clearfield Counties**, affecting 133.8 acres. Receiving stream(s): unnamed tributaries to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 10, 2009.

**32940105 and NPDES No. PA0212806. Keystone Coal Mining Corporation**, P. O. Box 219, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 180.0 acres. Receiving stream(s): unnamed tributary to Yellow Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Edison Mission Energy Homer City Generating Station, PWS ID No. 5320802. Application received: December 17, 2009.

**32070104 and NPDES No. PA0262404. P & N Coal Company, Inc.**, P. O. Box 330, Punxsutawney, PA 15767, revision of an existing bituminous surface mine in Banks Township, **Indiana County**, affecting 137.3 acres. Receiving stream(s): unnamed tributary to South Branch of



Bear Run, unnamed tributary to Cush Creek and unnamed tributary to Brady Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 21, 2009.

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

**65-07-08 and NPDES Permit No. PA0251828. Robindale Energy Services, Inc.** (244 Grange Hall Road, P. O. Box 288, Armagh, PA 15920). Application for a Government Finance Construction Contract to reclaim abandoned mine lands located in Loyalhanna Township, **Westmoreland County**, affecting 25.3 acres. Receiving streams: Getty Run and Loyalhanna Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. GFCC application received: October 1, 2009.

**63090104 and NPDES Permit No. PA0251836. Muligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Application for commencement, operation and reclamation of a bituminous surface mine, located in Smith Township, **Washington County**, affecting 219.3 acres. Receiving stream: unnamed tributary to Raccoon 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: December 21, 2009.

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

**33793033 and NPDES Permit No. PA0119032. Cloe Mining Company, Inc.** (P. O. Box J, Grampian, PA 16838) Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 94.0 acres. Receiving streams: Unnamed tributary to Stony Run classified for the following uses: HQ-CWF, and unnamed tributary to Bear Creek classified for the following uses: CWF. There are no potable surface water supply

intakes within 10 miles downstream. This application is for reclamation only. Application received: December 18, 2009.

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

**17940107 and NPDES No. PA0219801. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine for a 10 acre incidental boundary correction in Karthaus Township, **Clearfield County** affecting 420.5 acres. Receiving streams: unnamed tributaries to Saltlick Run and Upper Three Runs and Upper Three Runs classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 4, 2009.

**17030102 and NPDES No. PA0243426. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County** affecting 104.0 acres. Receiving streams: unnamed tributaries to Little Laurel Run, classified for cold water fishery and Little Laurel Run-classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 10, 2009.

**17940107 and NPDES No. PA0219801. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine for a 10 acre incidental boundary correction in Karthaus Township, **Clearfield County** affecting 420.5 acres. Receiving stream(s): unnamed tributaries to Saltlick Run and Upper Three Runs and Upper Three Runs classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 4, 2009.

#### *Noncoal Applications Received*

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

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**54030301C2 and NPDES Permit No. PA0224286. Middleport Materials, Inc.**, (P. O. Box 189, Telford, PA 18969), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Walker and Blythe Townships, **Schuylkill County**, receiving stream: unnamed tributary to Schuylkill River, classified for the

following use: warm water fishes and migratory fishes. Application received: December 8, 2009.

**7473SM2A1C18 and NPDES Permit No. PA0118460. Hercules Cement Co., LP, d/b/a Buzzi Unicem USA**, (P. O. Box 69, Stockertown, PA 18083), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth and Palmer Townships, **Northampton County**, receiving streams: Bushkill and Schoeneck Creeks, classified for the following use: High Quality cold water fishery. Application received: December 18, 2009.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E22-553: Middle Paxton Township Board of Supervisors**, 1304 Overlook Street, Dauphin, PA 17018, Stoney Creek Road Culvert Replacement, Middle Paxton Township, **Dauphin County**, ACOE Baltimore District

To remove an existing 40-foot long, 36-inch diameter CMP, and to construct and maintain a 60-foot long, 42-inch diameter, 6-inch uniformly depressed SLCPP, including the relocation of 18.0 feet of an unnamed tributary to Stoney Creek (CWF) for the purpose of replacing an existing culvert carrying Stoney Creek Road over an unnamed tributary to Stoney Creek (CWF) (Enders, PA Quadrangle 3.0-inches North; 17.24 inches West, Latitude: 40° 23' 29" N; Longitude: 76° 52' 22" W) in Middle Paxton Township, Dauphin County.

**E28-354: Accent Developers, LLC, Spring Run Estates**, 10764 Buchanan Trail East, Waynesboro, PA 17268, Washington Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain: (1) a 16-foot wide by 36-foot long CONSPAN bridge with wingwalls across an un-

named tributary to East Branch Antietam Creek (CWF); (2) two 15-inch diameter HDPE and 2 (two) 24-inch diameter HDPE storm water outfalls, which discharges to an unnamed tributary to East Branch Antietam Creek; and (3) remove an existing dual 36-inches diameter Reinforced Concrete Pipe (RCP) Culvert near to the upstream side of the new proposed structure, all to access a proposed housing development located east of the intersection of Gehr (T-384) and Stottlemeyer Roads (T-397) in Washington Township, Franklin County (Waynesboro, PA USGS Quadrangle Latitude: 39° 45' 41.5" N; Longitude: -77° 33' 11.2" W) in Washington Township, Franklin County.

**E36-867: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Mount Joy and Rapho Townships, **Lancaster County**, ACOE Baltimore District.

To: (1) raze the existing SR 4008 (Elizabethtown Road) single span Bailey Truss bridge, having a width of 13.9 feet, a clear span of 50.8 feet, and an underclearance of 4.0 feet over Little Chickies Creek (TSF); (2) construct and maintain a single span pre-stressed concrete box beam bridge, having a width of 31.3 feet, a clear span of 55.0 feet, and an underclearance of 3.5 feet carrying SR 4008 (Elizabethtown Road) over Little Chickies Creek (TSF); and (3) relocate and maintain approximately 120 feet of an unnamed tributary to Little Chickies Creek (TSF) (Elizabethtown, PA Quadrangle N: 11.0 inches; W: 2.3 inches, Latitude: 40° 11' 08"; Longitude: 76° 30' 57"), in Mount Joy and Rapho Townships, Lancaster County for the purpose of providing a structurally sound bridge that will maintain safe and adequate movement of motorized vehicles.

**E29-097: Fulton County Conservation District**, 216 North Second Street, McConnellsburg, PA 17233-4423, Big Cove Creek Streambank Stabilization and Habitat Improvement Project, Ayr Township and McConnellsburg Borough, **Fulton County**, ACOE Baltimore District.

To construct and maintain a rock cross vane, 24 rock vanes, 6 mud sills and 8 habitat rock clusters in Big Cove Creek (CWF) for the purpose of improving the streambank erosions, lower elevated floodplain areas, restore the pool-riffle areas, and improve the in-stream aquatic habitat located at a point 320.0 feet downstream of SR 1004 and continuing 1,740.0 feet downstream (Meadow Grounds, PA Quadrangle N: 10.48 inches; W: 0.42 inch, Latitude: 39° 55' 57.80"; Longitude: 78° 00' 10.75" and N: 9.98 inches; W: 0.62 inch, Latitude: 39° 55' 47.78"; Longitude: 78° 00' 16.04") in Ayr Township and McConnellsburg Borough, Fulton County.

**E28-361: D-111 Group, LLC**, Eugene R. Strite, 826 Tallow Hill Road, Chambersburg, PA 17202, Whiskey Run Vista Development, Hamilton Township, **Franklin County**, ACOE Baltimore District.

To: (1) construct and maintain a 41-foot long, 6-inch uniformly depressed, 72-inch diameter CMP culvert, two 1-inch water laterals, and two 1.5-inch sanitary sewer laterals in an unnamed tributary to Back Creek (TSF, MF), to place and maintain approximately 146 cubic yards of fill in the floodway of an unnamed tributary to Back Creek (TSF, MF), and to fill and maintain 0.004 acre of PEM wetland; (2) construct and maintain an 88-foot long, 6-inch uniformly depressed, 24-inch CMP culvert, an 8-inch PVC sanitary sewer line, and an 8-inch waterline in an unnamed tributary to Back Creek (TSF, MF), to place and maintain approximately 622 cubic yards of fill in the floodway of an unnamed tributary to

Back Creek (TSF, MF), and to fill and maintain 0.004 acre of PEM wetland; (3) fill and maintain 0.09 acre of PEM wetland; (4) fill and maintain 0.009 acre of PEM wetland; (5) fill and maintain 0.01 acre of PEM wetland; (6) construct and maintain a 108-foot long, 6-inch uniformly depressed, 72-inch diameter CMP culvert, an 8-inch sanitary sewer line, and an 8-inch waterline in an unnamed tributary to Back Creek (TSF, MF), and to place and maintain approximately 1,741 cubic yards of fill in the floodway of an unnamed tributary to Back Creek (TSF, MF); (7) construct and maintain an 8-inch PVC sanitary sewer line in an unnamed tributary to Back Creek (TSF, MF); (8) construct and maintain a 10-inch PVC sanitary sewer line and a 6-inch water line in an unnamed tributary to Back Creek (TSF, MF); (9) construct and maintain a 10-inch PVC sanitary sewer line in an unnamed tributary to Back Creek (TSF, MF); (10) construct and maintain a 64-foot long, 1-foot uniformly depressed, 10-foot wide by 6-foot high reinforced concrete box culvert with fish baffles, a 6-inch force main, an 8-inch PVC sanitary sewer line, and an 8-inch waterline in an unnamed tributary to Back Creek (TSF, MF), to place and maintain approximately 461 cubic yards of fill in the floodway of an unnamed tributary to Back Creek (TSF, MF), and to fill and maintain 0.07 acre of PEM wetland; (11) fill and maintain 0.15 acre of PEM wetland; (12) construct and maintain a 10-inch PVC sanitary sewer line and a 6-inch water line in an unnamed tributary to Back Creek (TSF, MF); (13) construct and maintain a 6-inch water line in an unnamed tributary to Back Creek (TSF, MF); (14) and to construct and maintain 4-inch water line in PEM wetland. The project is located south of Crottlestown Road (T533) approximately 1 mile northwest of its intersection with Route 30 (Chambersburg, PA Quadrangle N: 12.0 inches; W: 11.6 inches, Latitude: 39° 50' 46"; Longitude: 77° 42' 24") in Hamilton Township, Franklin County. The purpose of the project is to construct a subdivision and residential development. The permittee is required to provide a minimum of 0.75 acre of replacement wetlands onsite.

**E38-165: Crossings at Sweet Briar, Clifford Weaver, President, Landmark Homes, 1767 W. Main St., Ephrata, PA 17522-1103, North Lebanon Township, Lebanon County, ACOE Baltimore District.**

To construct and maintain: (1) dual 91-foot long, 6-inch depressed, 34-inch by 53-inch elliptical concrete culvert pipes, an 8-inch PVC sanitary sewer line and an 8-inch DICL water line in and across an UNT to the Brandywine Creek (WWF), impacting 0.08 acre of PEM wetlands, (Lebanon, PA Quadrangle 21.46 inches N; 3.29 inches W, Latitude: 40° 22' 5.44" N; Longitude: 76° 23' 55.15" W); (2) a 97-foot long, 6-inch depressed 42-inch diameter HDPE culvert pipe in an unnamed tributary to the Brandywine Creek (WWF), impacting 0.17 acre of PFO wetlands (Lebanon, PA Quadrangle 21.60 inches N; 5.84 inches W, Latitude: 40° 22' 8.23" N; Longitude: 76° 24' 0.85" W); (3) an 8-inch diameter HDPE sanitary sewer line crossing of an unnamed tributary to Brandywine Creek (WWF), temporarily impacting 0.04-acre of PEM wetlands (Lebanon, PA Quadrangle 21.49 inches N; 3.40 inches W, Latitude: 40° 22' 5.97" N; Longitude: 76° 23' 57.91" W); (4) a 14-foot wide, single span pedestrian bridge having a normal span of 40.0 feet and an underclearance of 2.1 feet across an unnamed tributary to the Brandywine Creek (WWF), temporarily impacting 0.01 acre of PEM wetlands (Lebanon, PA Quadrangle 21.43 inches N; 3.38 inches W, Latitude: 40° 22' 4.85" N; Longitude: 76° 23' 57.45" W); (5) a 14-foot wide single span pedestrian bridge having a normal span of 25.0 feet

and an underclearance of 1.6 feet across an unnamed tributary to the Brandywine Creek (WWF), temporarily impacting 0.004 acre of PEM wetlands (Lebanon, PA Quadrangle 21.37 inches N; 3.36 inches W, Latitude: 40° 22' 3.73" N; Longitude: 76° 23' 56.75" W); and (6) a 14-foot wide, single span pedestrian bridge having a normal span of 28.0 feet and an underclearance of 1.9 feet across an unnamed tributary to Brandywine Creek (WWF), temporarily impacting 0.005 acre of PEM wetlands (Lebanon, PA Quadrangle 21.36 inches N; 3.34 inches W, Latitude: 40° 22' 3.49" N; Longitude: 76° 23' 56.29" W), all for the purpose of developing a residential and commercial subdivision in North Lebanon Township, Lebanon County. Wetland mitigation in the amount of 0.42-acre will occur onsite.

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

**E04-331. Beaver County Commissioners, 810 Third Street, Beaver, PA 15009.** To construct and maintain stream enhancement project in Brighton Township, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 18.0 inches; W: 15.9 inches, Latitude: 40° 23' 27"; Longitude: 80° 21' 53"). The applicant proposes to construct and maintain a Stream Enhancement Project in the channel and along the banks of South Branch of Brady's Run (TSF) and Unnamed Tributaries to South Branch Brady's Run consisting of J-Hook Vanes, Stone Cross Vanes, regarding the stream banks, planting vegetation along the stream banks and extending the existing sandbar located at the west end of the lake to the shore for the purpose of preventing accelerated erosion. The project is located on the east side of SR 60 at Brady Run Park, approximately 4,000.00 feet upstream from Brady's Run Dam (D04-035) and will impact approximately a total of 4,580.0 linear feet of stream channel.

**E04-332. Township of Darlington, 3590 Darlington Road, Darlington, PA 16115.** To relocate a channel of Madden Run in Darlington Township, **Beaver County**, Pittsburgh ACOE District (New Galilee, PA Quadrangle N: 16.4 inches; W: 7.7 inches, Latitude: 40° 50' 25"; Longitude: 80° 25' 50"). The applicant proposes to operate and maintain approximately 410.0 linear feet of the relocated channel of Madden Run (WWF) that was relocated for the purpose of relieving flooding to Madden Run Road. The project is located along the north side of Madden Run Road, approximately 0.7 mile east from the intersection of Madden Run and Echo Valley Roads.

#### ENVIRONMENTAL ASSESSMENTS

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

**D14-030EA. Rothrock State Forest, 181 Rothrock Lane, Huntingdon, PA 16652.** Ferguson Township, **Centre County**, ACOE Baltimore District.

Project proposes to breach and remove Mussers Gap Dam across a tributary to Slab Cabin Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 1.15 miles south of the intersection of SR 45 and West Branch Road (SR 3009) (McAleveys Fort, PA Quadrangle Latitude: 40° 44' 34"; Longitude: -77° 50' 40").

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D02-053B. Harmar Refuse Dam. IP Harmar Holdings, LLC**, 2929 Allen Parkway, Suite 2200, Houston, TX 77019. To modify, operate, and maintain Harmar Refuse Dam across a tributary to Guys Run (WWF). The existing slurry stored behind the dam will continue to be mined (removed). As the slurry is removed, a portion of the embankment will be breached to eventually eliminate the storage potential of the dam (New Kensington West, PA Quadrangle N: 8 inches; W: 13.4 inches) Harmar Township, **Allegheny County**.

**D63-127B. Glencannon Dam. Glencannon Homeowners Association**, P. O. Box 831, McMurray, PA 15317. To modify, operate, and maintain Glencannon Dam across a tributary to Little Chartiers Creek (HQ-WWF) for the purpose of recreation. Modifications to the dam will include raising the top of dam approximately 2 feet, improving the outlet, and stabilizing the downstream toe (Canonsburg, PA Quadrangle N: 1.8 inches; W: 2.7 inches) North Strabane Township, **Washington County**.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09022	Multi-Chem Group, LLC 3401 West Admiral Doyle Drive New Iberia, LA 70560 Attn: Mr. Gerrod Brasseur	Washington	City of Washington	6 ASTs storing hazardous substances	70,000 gallons total

## 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 waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

(717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0084964 (Sew)	Bethel Township Sewer Authority 283 Pigeon Cove Road Warfordsburg, PA 17267	Fulton County Bethel Township	Little Tonoloway Creek 13-B	Y
PA0026646 (Sew)	Antietam Valley Municipal Authority 502 Butter Lane Reading, PA 19606	Berks County Saint Lawrence Borough	Antietam Creek 3-C	Y
PA0081345 (Sew)	Grier Foundation P. O. Box 308 Tyrone, PA 16686-0308	Huntingdon County Warriors Mark Township	Little Juniata River 11-A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0111368 (Sewage)	Salladasburg Elementary School 175 A & P Drive Jersey Shore, PA 17740-9268	Mifflin Township Lycoming County	Larrys Creek SWP 10A	Y
PA0035688	Potter Township Country Club Park WWTP R. D. 1 Box 159A Spring Mills, PA 16875	Potter Township Centre County	Cedar Run SWP 9C	Y
PA0111716	Wonderview Sanitary Facilities, Inc. 88 Dutch Hill Road Bloomsburg, PA 17815	Main Township Columbia County	North Branch Susquehanna River SWP 5D	Y
PA0041131 (Sewage)	Columbia Montour Area Vocational Technical School 5050 Sweppenheiser Drive Bloomsburg, PA 17815-8920	South Centre Township Columbia County	Locally known as Cambell's Run UNT to Susquehanna River SWP 5D	Y
PA0111937	Patriot Wastewater Treatment Plant 10 Baker Lane Bloomsburg, PA 17815	South Centre Township Columbia County	Unnamed Tributary to Susquehanna River SWP 5D	Y
PA0060062 (Sewage)	Red Rock Job Corp Center P. O. Box 218 Lopez, PA 18628-0218	Colley Township Sullivan County	Mehoopany Creek SWP 4G	Y
PA0114308 (Sewage)	Orange Township Supervisors Orange Township STP 2028 Route 487 Orangeville, PA 17859	Orange Township Columbia County	Fishing Creek SWP 5C	Y

<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>
PA0044245 (Sewage)	Department. of Conservation and Natural Resources Parker Dam State Park 28 Fairview Road Penfield, PA 15849	Huston Township Clearfield County	Laurel Run SWP 8C	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<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>
PA0033383	Cherry Run Camp Meeting Association 2855 Cherry Run Road Rimersburg, PA 16248	Toby Township Clarion County	Cherry Run 17-B	Y
PA0223018	Farmington Township 596 Fairbanks Road Russell, PA 16345	Farmington Township Warren County	Unnamed tributary to Kiantone Creek 16-B	Y

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

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

**NPDES Permit No. PA0263621**, Sewage, **Jay Thrower, d/b/a Field House Restaurant and Banquet Room**, 911 North Pike Road, Cabot, PA 16023-2029. This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new permit for discharge of treated sewage from a Non-Municipal STP. This is a minor discharge.

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

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

**WQM Permit No. WQG01360904**, Sewage, **Whispering Hope East**, 123 Willis Pierce Road, Ephrata, PA 17522. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve the proposed counseling center at 881 Crooked Lane.

**WQM Permit No. WQG01500901**, Sewage, **Arthur and Tracy Myers**, 5 Little Boston Road, Duncannon, PA 17020. This proposed facility is located in Penn Township, **Perry County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single family residence on Linton Hill Road.

**WQM Permit No. 3499401, Amendment 09-1**, Sewage, **Twin Boroughs Sanitary Authority**, One River Drive, P. O. Box 118, Mifflin, PA 17052. This proposed facility is located in Milford and Mifflin Townships, **Juniata County**.

Description of Proposed Action/Activity: Upgrades/Improvements to the Mexico Pump Stations and Milford Township Pump Station.

**WQM Permit No. 6793404, Amendment 09-1**, Sewage, **Exit II WWTP, Inc.**, P. O. Box 1387, York, PA 17405-1387. This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Modifications for the addition of a filtration unit consisting of two pile cloth disk filters with a backwash system and chemical feed systems for alum and sodium bicarbonate.

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

**WQM Permit No. 1409408**, Sewerage [4952], **Jerry B. Coakley**, P. O. Box 409, Milesburg, PA 16853. This proposed facility is located in Boggs Township, **Centre County**.

Description of Proposed Action/Activity: A proposed SFTF is to be constructed on a 1.83 acre lot. The proposed facility will include; a 1,500 gallon septic tank, a 24' x 25' pressure dosed buried sand filter, a 1,500 gallon chlorinator, and a 415 gallon chlorine contact tank.

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

**WQM Permit No. WQG018717**, Sewerage, **John C. and Kathleen E. Kay**, 280 Black Road, Harrisville, PA 16038. This proposed facility is located in Marion Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

**WQM Permit No. 1009402**, Sewerage, **Jay Thrower, d/b/a Field House Restaurant and Banquet Room**, 911 North Pike Road, Cabot, PA 16023-2029. This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new permit for discharge of treated sewage from a Non-Municipal STP. This is a minor discharge.

**WQM Permit No. 2007404**, Sewerage, **Conneaut Lake Joint Municipal Authority**, P. O. Box 277, Conneaut Lake, PA 16316. This proposed facility is located in Sadsbury Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for conversion of Sludge Drying Beds into Reed Beds.

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

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

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

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

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001. (724-378-1701).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050409002	James Palmer Aliquippa Tin Mill, LP 250 Insurance Street Suite 300 Beaver, PA 15009	Beaver	City of Aliquippa	Ohio River WWF

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

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

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

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

#### *General Permit Type—PAG-2*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Schuylkill County	PAG2005403020R	Scott McCormick 16 North Oak Street Mt. Carmel, PA 17851	Tributary to Little Mahanoy Creek CWF, MF	Schuylkill County Conservation District 570-622-3742
York Township York County	PAR10Y468R2	Robert A. Kinsley Kinsley Graham, LP 2700 Water Street York, PA 17405	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-755-0301

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Fairview Township York County	PAG2006708080	James V. Hoffman JVH Excavating, Inc. P. O. Box 1009 Mechanicsburg, PA 17055	UNT to Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-755-0301
Fairview Township York County	PAG2006709005	Ajesh Patel East Coast Management, LLC 2 Springville Way Mount Laurel, NJ 08054	Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-755-0301
Monaghan Township York County	PAG2006708017	David A. Krulac 416 South Filey, LLP P. O. Box 1064 Mechanicsburg, PA 17055	UNT to Fishers Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-755-0301
Monaghan Township York County	PAG2006708016-1	JVH Properties, LLC 700 Ayers Avenue Lemoyne, PA 17043	Fisher Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-755-0301
Mt. Pleasant Township Adams County	PAG2000109005	William A. Martin 585 Martin Road Gettysburg, PA 17325	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717-334-0636
Menallen Township Adams County	PAG2000109018	Mark Rice R & L Orchard Company P. O. Box 66 Gardners, PA 17324	UNT to Opossum Creek TSF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717-334-0636
Conewago Township Adams County	PAG2000107008-2	Joseph A. Myers 160 Ram Drive Hanover, PA 17331	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717-334-0636
Hamiltonban Township Adams County	PAG2000109010	Robert L. Gordon Hamiltonban Township P. O. Box 526 Fairfield, PA 17320	Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717-334-0636
Carlisle Borough Cumberland County	PAG2002109016	Brian Soyka Sheetz, Inc. Sheetz Store #263 5700 Sixth Avenue Altoona, PA 16602	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
Waynesboro Borough Franklin County	PAR10M192-R	Craig McCleaf 626 North Grant Street Waynesboro, PA 17268	UNT to Antietam Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Greene Township Franklin County	PAR10M231R-R	Beacon Light Estates Elam Reiff 275 Goodhart Road Shippensburg, PA 17257	Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Greene Township Franklin County	PAG2002809001	S & A Homes Curtis Varner 2112 Old Gatesburg Road State College, PA 16803	UNT to East Branch Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Greene Township Franklin County	PAR10M199R-R	Jim Dorsey Dan Ryan Builders 60 Thomas Johnson Drive Frederick, MD 21702	UNT to Phillman Run CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Millersville Borough Lancaster County	PAG2003609048	Millersville University 1 South George Street Box 1002 Millersville, PA 17551	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
West Cocalico Township Lancaster County	PAG2003609070	William Teleguz 27 Frederick Avenue Denver, PA 17517	Little Cocalico Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Earl Township Lancaster County	PAG2003609071	Delmar G. Hoover 257 Mascot Road Ronks, PA 17572	UNT to Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609073	Granite Properties 205 Granite Run Drive Lancaster, PA 17601	UNT to Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
West Hempfield Township Lancaster County	PAG2003609075	Roy Zimmerman 10 Eagles Landing Lititz, PA 17543	UNT to Swarr Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Smithfield Township Huntingdon County	PAG2003104007-R	THF Huntingdon Development, LP 2127 Inner Belt Business Center Drive Suite 200 St. Louis, MO 63114	UNT to Juniata River WWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603
Codorus Township York County	PAG2006706064-2	Jeffery Powers Codorus Adventures 113 Westminster Road Suite 200 Reisterstown, MD 21136	UNT to Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Huston Township Centre County	PAG2001409008	Andrew Bater Shale Acres 19 Colonnade Way Suite 117 State College, PA 16803	UNT to Bald Eagle Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lawrence Township Clearfield County	PAG2001709015	Frank Gould RGB Clearfield Development, Inc. P. O. Box 1565 Aberdeen, SD 57402	Wolf Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Beaver County North Sewickley Township	PAG2000403014-R	Bryan D. Wright Wright Real Estate 134 Glendale Road Beaver Falls, PA 15010	Unnamed Tributary to Bennett's Run WWF	Beaver County Conservation District 724-378-1701
Cambria County Nanty Glo Borough Cambria and Blacklick Townships	PAG2001109013	Harry Gearhart Nanty Glo Water Authority 1015 First Street Suite 1 Nanty Glo, PA 15943	South Branch Blacklick Creek and Williams Run CWF	Cambria County Conservation District 814-472-2120
Washington County North Strabane and South Strabane Townships	PAG2006309025	Washington Investments, LLC 325 Wiley Street Morgantown, WV 26505	UNT to Chartiers Creek WWF	Washington County Conservation District 724-228-6774
Sparta Township Spartansburg Borough Crawford County	PAG2 0020 09 005	Clear Lake Authority Roger Stranahan P. O. Box 222 Spartansburg, PA 16434	East Branch Oil Creek CWF	Crawford County Conservation District 814-763-5269
Newport Township Luzerne County	PAG2-1140-09-002	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790	Espy Run CWF	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371
Brockway Borough Jefferson County	PAR218321	Owens-Brockway Glass Container, Inc. 3831 Route 219 Brockport, PA 15823	Unnamed tributary to Toby Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of Hermitage Mercer County	PAR808389	Pitt Ohio Express, LLC 15 27th Street Pittsburgh, PA 15222	Unnamed tributary to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County West Earl Township	PAG043896	Whispering Hope East 1123 Willis Peirce Road Ephrata, PA 17522	Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Perry County Penn Township	PAG043897	Arthur and Tracy Myers 5 Little Boston Road Duncannon, PA 17020	UNT Sherman's Creek	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Boggs Township Centre County	PAG045266	Jerry B. Coakley P. O. Box 409 Milesburg, PA 16853	Unnamed Tributary to Bald Eagle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Marion Township Butler County	PAG049539	John C. and Kathleen E. Kay 280 Black Road Harrisville, PA 16038	Unnamed tributary to the North Branch Slippery Rock Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

**STATE CONSERVATION COMMISSION**

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

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

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Penn England Farm 10341 Fox Run Road Williamsburg, PA 16693	Blair	2,510.1	3,247.75	Dairy	Clover Creek—HQ Piney Creek—HQ Fox Run—HQ	Approved

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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### 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.*

##### Permit No. 0908514, Public Water Supply.

Applicant	<b>Richland Township Water Authority</b> 1328 California Road Suite D Quakertown, PA 18951
Township	Richland
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Van Cleef Engineering Associates 50 East Court Street Doylestown, PA 18901
Permit to Construct Issued	October 24, 2008

##### Permit No. 1508505, Public Water Supply.

Applicant	<b>Owen J. Roberts School District</b> 901 Ridge Road Pottstown, PA 19465
Township	South Coventry
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Ruby Engineering 3605 Island Club Drive 9 North Port, FL 34288-8672
Permit to Construct Issued	March 24, 2008

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

##### Permit No. 0109507, Public Water Supply.

Applicant	<b>Nell's, Inc.</b>
Municipality	Hamilton Township
County	<b>Adams</b>
Type of Facility	Installation of nitrate removal treatment.
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore Street Gettysburg, PA 17325
Permit to Construct Issued:	12/21/2009

Permit No. 2109504, Public Water Supply.	
Applicant	<b>United Water Pennsylvania, Inc.</b>

Municipality	Upper Allen Township
County	<b>Cumberland</b>
Type of Facility	Booster pump station replacement

Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
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Permit to Construct Issued:	12/21/2009
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##### Permit No. 0609516 MA, Minor Amendment, Public Water Supply.

Applicant	<b>Wernersville Municipal Authority</b>
Municipality	South Heidelberg Township
County	<b>Berks</b>
Type of Facility	Permit approves the installation of a third pump at the Furnace Road Booster Pump Station.

Consulting Engineer	Russell M. Smith, P. E. Spotts Stevens and McCoy, Inc. 345 North Wyomissing Boulevard Reading, PA 19610-0307
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Permit to Construct Issued:	12/21/2009
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*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

##### Permit No. M.A. (5386501)—Operation, Public Water Supply.

Applicant	<b>Ulysses Municipal Authority</b>
Township or Borough	Ulysses Borough
County	<b>Potter</b>
Responsible Official	Timothy C. Scott, Chairperson Ulysses Municipal Authority 522 Main Street Ulysses, PA 16948

Type of Facility	Public Water Supply—Operation
Consulting Engineer	Michael J. Peleschak, P. E. Alfred Benesch & Company 400 One Norwegian Plaza Pottsville, PA 17901

Permit Issued Date	December 22, 2009
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Description of Action	Operation of the Big Spring Reservoir Cover Pole Barn Building.
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*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

Operations Permit issued to: Highridge Water Authority, 17 Maple Avenue, Blairsville, PA 15717, (PWSID #5650069) West Wheatfield Township, Westmoreland County on December 13, 2009, for the operation of facilities approved under Construction Permit # 6509503MA.

**Permit No. 5609501MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Borough of Somerset</b> 340 West Union Street Somerset, PA 15501
Borough or Township	Somerset Township
County	<b>Somerset</b>
Type of Facility	State Hospital water storage tank
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Permit to Construct Issued	December 13, 2009

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Carroll Township	50 Rambo Hill Road Shermans Dale, PA 17090	Perry

*Plan Description:* Approval of a revision to the Official Sewage Plan of Carroll Township, **Perry County**. The approved plan provides for a Small Flow Treatment Facility to serve a proposed three bedroom single family residence on the existing property owned by David Jones adjacent to and north of 97 Sloop Road, Shermans Dale. The proposed 400 gallon per day SFTF will have a treated discharge to an unnamed tributary to Sherman's Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Caln Township	253 Municipal Drive Thorndale, PA 19372	Chester

*Plan Description:* Approval of the plan is hereby granted. The plan provides for the following:

1. Proposed sewer growth areas, existing sewer service areas, onlot sewage disposal system areas, the sewer service area served by the Veteran's Administration Hospital, and the sewer service area served by West Brandywine Township are approved as shown in the plan in Appendix A, Plates 5 and 6.

2. Caln Township's bulk capacity allocation in the Pennsylvania American Water Company's (PAWC) Coatesville Wastewater Treatment Plant will be increased from 0.18 million gallons per day (MGD) to 0.8 MGD, consistent with the terms and conditions set forth in their capacity agreement with PAWC, dated March 10, 2005, as provided in Appendix D of the plan.

3. Under the approved plan and consistent with the Intermunicipal Agreement of December 27, 1985, as amended, by and among DARA and its tributary municipalities, sewage flows to DARA from Caln Township are to remain consistent with prior years, until such time as the plan and Intermunicipal Agreement are appropriately modified. The Inter-Municipal Agreement with DARA provides for maximum annual average flows from Caln Township of 1.3875 MGD and 3 consecutive month maximum flows not to exceed 150% of the previous year's 3 consecutive month minimum flows.

4. The plan provides for a flow diversion from a service area in the western and central portions of the Township. This service area is to be shared between the PAWC Wastewater Treatment Facility and the Downingtown Area Regional Authority's (DARA) Wastewater Treatment Facility.

5. Pretreatment requirements for facilities that discharge industrial waste to the public sewers throughout the shared service area will be enforced by the Caln Township Municipal Authority in accordance with the most restrictive pretreatment requirements in effect from either the PAWC facility or the DARA facility. Both DARA and PAWC will be contacted as part of the emergency contact system for the shared service area.

**STORMWATER MANAGEMENT**

**Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)**

*Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775.*

The Act 167 Stormwater Management Plans for the **Stonycreek River Designated Watershed**, submitted by **Cambria and Somerset Counties**, were approved on December 21, 2009. This approval applies to the entire watershed within both Cambria and Somerset Counties.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Londonderry Township	783 S. Geyer's Church Road Middletown, PA 17057	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Londonderry Township, Dauphin County. The proposed School Heights Village subdivision consists of a mixed residential, commercial and civic project with a proposed sewage flow of 259,100 gpd over a period of nine years, in six phases. This is a revised proposal, changing the sewage treatment from a proposed private sewage treatment plant to the Derry Township Southwest Treatment Plant by means of 25,000 feet of a new eight-inch force main. A new gravity collection system and new pump station will serve 209 single family dwellings, 388 townhouses, 288 apartments, 120,000 square foot commercial area for offices and restaurants and a 7,900 square foot civic area. The collection and conveyance system is designed to have capacity to convey sewage from the Braeburn Subdivision and Londonderry Elementary School, both needs areas of the Township. This proposed development is located on the west side of Cedar Avenue, the north side of Route 230, the east side of Schoolhouse Road and the south side of Beagle Road. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:* Located adjacent to and north of 97 Sloop Road, Shermans Dale in Carroll Township, Perry County.

6. Planning approval is granted through this revision for a sewage pumping station and an eight-inch force main that will divert sewage flows to PAWC from the shared PAWC/DARA service area. The Municipal Drive Pump Station will be located adjacent to the existing Caln Interceptor in the vicinity of Municipal Drive Park and will ultimately divert average daily flows of 0.702 MGD to the PAWC facility through the Caln Interceptor and a flow diversion at Manhole 54. The capacity agreement with PAWC for the pumping station provides for a maximum pumping rate from the flow diversion of 536 gallons per minute, or 0.772 MGD. The proposed facilities will be owned and operated by the Caln Township Municipal Authority and are shown on Plate 5, Service Area Alternative MD-1, found in Appendix A.

Planning approval for the Municipal Drive Pump Station provides for metering of the total flows received at the pump station, metering the flows pumped to PAWC, and calculating the flows sent by gravity to DARA. Wet weather flows will be conveyed to PAWC and DARA at the same ratio as dry weather flows. In dry years, flows to DARA will decrease at the same ratio as the reduction in overall flows.

7. Planning approval provides for Chapter 94 reporting by the Caln Township Municipal Authority to both PAWC and DARA. The Chapter 94 Report is to provide both total average flows and instantaneous or hourly total wet weather peak flows: (1) received at the Municipal Drive Pump Station; (2) pumped to PAWC; and (3) conveyed by gravity to DARA. The Chapter 94 Report must document that sewage flows from the shared sewer service area are being conveyed to PAWC and DARA consistent with the approved ratios indicated in item 6.

8. Water Quality Permit No. 1509401 was issued to the Caln Township Municipal Authority for the Municipal Drive Pump Station and associated force main on July 7, 2009. To assure implementation of the Township's plan to control wet weather sewage flows to be conveyed to PAWC and DARA through the diversion at the same ratio as dry weather flows, as approved in item 6, above, the Caln Township Municipal Authority will need to obtain a permit amendment for the metering and control system necessary to assure that these ratios are maintained during wet weather/high flow conditions.

9. Caln Township will develop and implement an Onlot Sewage Disposal System (OLDS) Sewage Management Program within 5 years for the areas of the Township designated as onlot sewage disposal system areas in Appendix A, Plates 5 and 6.

10. If future malfunctions are identified in existing onlot sewage disposal areas, Caln Township will use the Department of Environmental Protection's (Department) Component 3m to evaluate and adopt sewage facilities planning for the connection of these areas to public sewers.

Note that when future needs indicate additional or changed sewage facilities needs in Caln Township that require additional treatment capacity at PAWC or DARA, additional sewage facilities planning must be adopted by Caln Township and approved by the Department, along with any necessary changes to the inter-municipal agreements that are needed to serve the identified needs.

#### **BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN and PABIS)**

The Department of Environmental Protection (Department) has taken the following actions on the previously

received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A 9 (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

**PABIG1801. McGuire's Septic Service**, Sheshequin Township, **Bradford County**. McGuire's Septic Service, P. O. Box 289, Ulster, PA 18850 is approved to use their biosolids for beneficial use by land applications.

Site Suitability Notice for Land Application under Approved PABIG for McGuire's Septic Service, P. O. Box 289, Ulster, PA 18850. McGuire's Septic Service, R. R. 5, Box 5453, Towanda, PA 18848. 570-358-3655.

## **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 re-

ports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Cloister Office Building**, Borough of Ephrata, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Ephrata Community Hospital, 169 Martin Avenue, Ephrata, PA 17522, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an unregulated underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Lebanon Plaza Mall Dry Cleaners Site**, North Cornwall Township, **Lebanon County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Prestige Properties & Development Company, Inc., 546 Fifth Avenue, 15th Floor, New York, NY 10036, submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Determination of Applicability for General Permit 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. §§ 4000.1904); 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 17105-8472.*

**General Permit Application No. WMGR081D018. E-Waste Recycling**, P. O. Box 1392, Mechanicsburg, PA 17055.

The general permit WMGR081D018 is for the processing (that is, sizing, shaping, separating, and volume reduction only) of e-waste (that is, damaged, obsolete, and/or reusable electronic devices) prior to reuse or

recycling. The processing operation will be conducted at the E-Waste Recycling facility, located in Mechanicsburg Borough, **Cumberland County**. Central Office approved the determination of applicability on December 22, 2009.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### REGISTRATION FOR MUNICIPAL WASTE GENERAL PERMITS

**Registration for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Municipal Waste Regulations for a General Permit To Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM038-SC001. Agri Marketing, Inc., d/b/a USA Gypsum**, 1802 Texter Mountain Road, Reinholds, PA 17569. The Department of Environmental Protection (Department) has issued a registration under General Permit WMGM038 to Agri Marketing, Inc. This registration is for their location at 1802 Texter Mountain Road, Reinholds, PA.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### 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. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**58-399-006GP5: Cabot Oil & Gas Corp.** (5 Penn Center, Suite 401, Pittsburgh, PA 15276) on December 21, 2009, to construct and operate a Natural Gas Compressor engine at their Gesford No. 9 Well site Compressor Station site in Dimock Township, **Susquehanna County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**46-0005AE: Merck & Company, Inc.** (770 Sumneytown Pike, West Point, PA 19486) on December 23, 2009, for a 20.1 ton VOC emission increase from disinfecting operations (Source 105) at an existing Title V facility in **Montgomery County**. The VOC emission limit shall be increased from 35.9 to 56.0 tons/yr. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0061B: Donaldson Company, Inc., d/b/a Tetratrac** (85 Railroad Drive, Ivyland, PA 18974) on December 21, 2009, to operate a second polytetrafluoroethylene in Northampton Township, **Bucks County**.

**09-0193: Basic Chemical Solutions, LLC** (5 Steel Road East, Morrisville, PA 19067) on December 22, 2009, to operate acid storage tank/control devices in Falls Township, **Bucks County**.

**46-0005AA: Merck & Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on December 21, 2009, to operate a disinfectant operations in Upper Gwynedd Township, **Montgomery County**.

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

**38-03055A: Always Bagels, Inc.** (10 Keyland Court, Bohemia, PA 11716) on December 17, 2009, for their bagel manufacturing facility in North Lebanon Township, **Lebanon County**. This plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*

**25-066G: Accuride Corp.** (1015 East 12th Street, Erie, PA 16503) on December 31, 2009, for installation of two (2) 7,000 ton forging presses with associated control devices at their Erie Facility in the City of Erie, **Erie County**.

**37-371A: Ellwood Mill Products** (712 Moravia Street, New Castle, PA 16101) on November 30, 2009, for construction of a new Forge shop and a solvent parts washer for their New Castle City facility in **Lawrence County**. The plan approval includes a limit to keep the facility minor. This is a State Only facility.

**42-011B: International Waxes, Inc.** (45 Route 446, Smethport, PA 16749) on December 31, 2009, for construction of a 99.8 mmbtu package boiler that will primarily use fuel oil and natural gas as the pilot. This boiler will have Low NOx Burners and Flue Gas Recirculation at their Keating Township, **McKean County** facility. This is a Title V facility.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Yasmin Neidlinger, Facilities Permitting Chief—Telephone: 717-705-4702.*

**22-05026: Pennsylvania Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105-2621) on December 22, 2009, for their bulk petroleum product storage and loading facility in the City of Harrisburg, **Dauphin County**. This is a renewal of the Title V permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**42-00174: Rustick, LLC** (19 Ness Lane, Kane, PA 16735) on December 12, 2009, for an administrative amendment to their Title V Operating Permit to incorporate the conditions of plan approval 42-174F for the McKean County Landfill in Sergeant Township, **McKean County**.

**43-00142: Salem Tube, Inc.** (951 4th Street, Reynolds Industrial Park, Greenville, PA 16125) on December 21, 2009, for the re-issuance of a Title V Permit to operate a process steel tube manufacturing facility in Pymatuning Township, **Mercer County**. The facility's major emission include Degreaser System Boiler, Miscellaneous Natural gas usage, a Trichloroethylene (TCE) Degreasing System, (4) Annealing Furnaces, General Solvent Cleaning, Lubricating Operations, two TCE Storage Tanks, Solvent Cleaning Degreaser, Batch pickling tank, Vacuum cleaning and degreasing machine. The facility is a Title V facility due to its potential to emit Trichloroethylene, a hazardous air pollutant (HAP).

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**46-00045: PECO Energy—West Conshohocken Gas Plant** (300 Front Street, Building 3, West Conshohocken, PA 19428) on December 24, 2009, for compression and storage of liquid natural gas in West Conshohocken Borough, **Montgomery County**. The facility's major air emission points include: vaporizers, pre-heaters, emergency generators, and, a combustion turbine, which emit major levels of Nitrogen Oxides (NOx) and Particulate Matter (PM-10). The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64).

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

**39-00033: Lutron Electronics—Alburtis** (7200 Suter Road, Coopersburg, PA 18036-1249) on December 23, 2009, a State Only Operating Permit to manufacture electrical equipment and supplies in Lower Macungie Township, **Lehigh County**.



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

**GP5-63-00953: Antero Resources Appalachian Corp.** (1625 17th Street, Suite 300, Denver, CO 80202) on December 22, 2009, to operate one Caterpillar 3516LE natural gas compressor engine, one Caterpillar 3512LE natural gas compressor engine, and one Valerus natural gas dehydrator at the Doerfler Compressor Station on Locust Road, West Pike Run Township, **Washington County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**42-00172: Borden Chemical, Inc.** (P. O. Box 7227, Mount Jewett, PA 16740) on December 21, 2009, to issue a Natural Minor Operating Permit to this producer of urea-formaldehyde resins located in Sergeant Township, **McKean County**. The facility's primary emission sources include storage tanks and a resin kettle. The emissions from this facility are well below major source levels.

**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.**

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

**15-00015: Sartomer Co., Inc.** (502 Thomas Jones Way, Exton, PA 19341) on December 23, 2009, was amended to incorporate the requirements of Plan Approval No. 15-0015C into the Title V Operating Permit for a plant in West Chester Borough and **Chester County**. The amended Title V Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits.

**46-00206: Merck & Co, Inc.** (1180 Church Road, Lansdale, PA) on December 23, 2009, for operation of a pharmaceutical preparation facility in Lansdale Borough, **Montgomery County**. This amendment is to address a name change from Merck & Co., Inc. to Merck, Sharpe, & Dohme Corp. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00191: Merck & Co, Inc.** (351 North Sumneytown Pike, North Wales, PA 19454) on December 23, 2009, for operation of their office complex in Upper Gwynedd Township, **Montgomery County**. This amendment is to address a name change from Merck & Co., Inc. to Merck, Sharpe & Dohme Corp. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

## 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

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

**32080101 and NPDES No. PA0262561. P & N Coal Company, Inc.,** P. O. Box 332, Punxsutawney, PA 15767, transfer of an existing bituminous surface mine from Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, located in Banks Township, **Indiana County**, affecting 9.4 acres. Receiving stream(s): unnamed tributaries to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2009. Permit issued: December 15, 2009.

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

**16030101 and NPDES Permit No. PA0242349. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Michael and Mary L. Kennemuth and Sue Arbuckle properties in Redbank and Limestone Townships, **Clarion County**. Receiving streams: Unnamed tributaries to Town Creek. Application received: September 17, 2009. Permit Issued: December 16, 2009.

**33990112 and NPDES Permit No. PA0241636. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 122.1 acres. Receiving streams: Unnamed tributary to Ugly Run. This renewal is issued for reclamation only. Application received: October 8, 2009. Permit Issued: December 18, 2009.

**33010107 and NPDES Permit No. PA0242012. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830) Renewal of an existing bituminous strip operation in Snyder Township, **Jefferson County** affecting 348.0 acres. Receiving streams: Rattlesnake Creek and unnamed tributaries to Toby Creek. Application received: July 6, 2009. Permit Issued: December 18, 2009.

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

**17930127 and NPDES No. PA0219703. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County** affecting 186.2 acres. Receiving stream(s): Moshannon Creek, unnamed tributary to Moshannon Creek, Whiteside Run, unnamed tributary to Whiteside Run, classified for the following uses: Trout Stocked Fishery, Cold Water Fishery, Cold Water Fishery, Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 18, 2009. Renewal permit issued: November 13, 2009. Permit expires: September 22, 2014.

**17070107 and NPDES No. PA0256536. P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767), revision of an existing bituminous surface mine to request a variance to conduct surface mining and coal removal within 100 feet of State Route 720, in Penn Township, **Clearfield County**, affecting 114.6 acres. Receiving stream(s): unnamed tributary to Kratzer Run, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 3, 2009. Permit issued: December 11, 2009.

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

**40990202R2. HUD, Inc. t/a Emerald Anthracite II**, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Newport and Hanover Townships, **Luzerne County** affecting 104.2 acres, receiving stream: none. Application received: April 21, 2009. Renewal issued: December 23, 2009.

#### *Noncoal Permits Actions*

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

**16030302. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of NPDES Permit No. PA0242365 in Richland Township, **Clarion County** affecting 129.5 acres. Receiving streams: Two unnamed tributaries to Turkey Run and Turkey Run; two unnamed tributaries to the Clarion River. Application received: October 20, 2009. Permit Issued: December 16, 2009.

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

**7174SM1C6. Hempt Brothers, Inc.**, (205 Creek Road, Camp Hill, PA 17011), correction to an existing quarry operation to authorize a final depth of mining of 70 feet MSL in Swatara Township and Steelton Borough, **Dauphin County** affecting 213.3 acres, receiving stream: Susquehanna River. Application received: March 27, 2009. Correction issued: December 7, 2009. This notice is being republished to correct a typographical error in the previous *Pennsylvania Bulletin* Notice of December 19, 2009. The previous indicated an erroneous final depth of mining of 75 feet.

#### **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*

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

**08094010. S & K Stone** (R. R. 3, Box 179A, Meshoppen, PA 18630), blasting for the Kipar well located in Stevensville Township, **Bradford County**. Permit issued: December 22, 2009. Permit expires: December 14, 2010.

**08095002. John Brainard** (3978 SR 2073, Kingsley, PA 18826), permit by rule for blasting for a well site located in Stevensville Township, **Bradford County**. Permit issued: December 18, 2009. Permit expires: December 22, 2009.

**17094015. Little Pine Resources** (4245 N. Central, Suite 590, Dallas, TX 75205), seismic blasting in Bradford Township, **Clearfield County**. Permit issued December 16, 2009. Permit expires December 31, 2010.

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

**36094190. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for commercial development on Spring Hollow Road in West Lampeter Township, **Lancaster County** with an expiration date of December 17, 2010. Permit issued: December 23, 2009.

**36094191. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Bent Creek in East Hempfield and Manheim Townships, **Lancaster County** with an expiration date of December 31, 2010. Permit issued: December 23, 2009.

**67094123. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Ashcrombe Farms South in Dover Township, **York County** with an expiration date of December 31, 2010. Permit issued: December 23, 2009.

#### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute

provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E40-696. Greater Hazelton Joint Sewer Authority**, P. O. Box 651, Hazelton, PA 18201-0651. West Hazelton Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a stormwater outfall and rip-rap apron in the floodway of Black Creek (CWF) and to place fill in a de minimus area of PEM wetlands equal to 0.05 acre for the purpose of upgrading an existing wastewater treatment plant. The site is located 1.0 mile southeast of the intersection of SR 93 and I-81 (Conyngham, PA Quadrangle Latitude: 40° 58' 19"; Longitude: -76° 1' 22") in West Hazelton Borough, Luzerne County. Subbasin: 5D.

**E40-686. Butler Township**, 415 West Butler Drive, Drums, PA 18222, in Dennison Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a sediment basin in wetlands and on a tributary to Oley Creek (CWF) for the purpose of reducing sediment loading to Oley Creek and Beech Mountain Lake. The project includes the construction of a 70-foot long boulder step-pool channel immediately upstream of the basin and includes the removal of sediment from approximately 170 feet of riprap-lined channel immediately downstream of the basin. The project will impact 0.24 acre of PEM wetlands. The permittee is required to provide 0.25 acre of replacement wetlands. The project is located 0.4 mile east and 0.3 mile

north of the intersection of Four Seasons and Shingle Mill Drives (Freeland, PA Quadrangle Latitude: 41° 03' 04"; Longitude: -75° 54' 40") in Dennison Township, Luzerne County. Subbasin: 5D.

**E54-339. Borough of Tamaqua**, 320 East Broad Street, Tamaqua, PA 18252. Borough of Tamaqua, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an at-grade 6-foot wide asphalt walkway with railing for a length of approximately 800-feet in the floodway of the Little Schuylkill River (CWF). The project is located approximately 0.10 mile northeast of the intersection of Cedar Street and State Highway 309 in the Borough of Tamaqua, Schuylkill County (Tamaqua, PA Quadrangle Latitude: 40° 47' 48"; Longitude: -75° 58' 00"). Subbasin: 3A.

**E54-333. P. S. Macbeth, Inc.**, 108 Berger Lane, Hamburg, PA 19526. Port Clinton Borough, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a steel foot bridge having a span of 29 feet and an underclearance of 7.5 feet across Rattling Run Creek (CWF). The project is located approximately 0.20 mile west of the intersection of SR 0061 and Clinton Street in Port Clinton Borough, Schuylkill County (Auburn, PA Quadrangle Latitude: 40° 34' 54"; Longitude: -76° 1' 29"). Subbasin: 3A.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E12-174. Leonard W. Bosworth**, 784 Sizerville Road, Emporium, PA 15834. Leonard Bosworth Utility Shed in Portage Branch-Sinnemahoning Creek Floodway, Shippen Township, **Cameron County**, ACOE Baltimore District (Sinnemahoning, PA Quadrangle Latitude: 41° 31' 46.7"; Longitude: 78° 12' 52.3").

The applicant proposes to place, operate and maintain a prefabricated utility shed that will be located in the 100-year floodway of Portage Branch, Sinnemahoning Creek. Dimensions of the prefabricated shed shall be limited to 24-feet by 12-feet with gravel base for stability being placed at grade, such that there shall be no diminished flood storage capacity of the Portage Branch floodway. The project is located along the western right-of-way of SR 0155 approximately 4,196-feet north of SR 0120 and SR 0155 intersection. This permit was issued under Section 105.13(e) "Small Projects."

**E53-423. Allegheny Enterprises, Inc.**, 3885 Roller Coaster Road, Corsica, PA 15829-3833. Allegheny Enterprises Edgerton Natural Gas Transmission Pipeline Project, Bingham Township, **Potter County**, ACOE Pittsburgh District (Ulysses, PA Quadrangle Latitude: 41° 56' 31.2"; Longitude: 77° 46' 07.8").

Allegheny Enterprises, Inc. proposes to construct, operate, repair and maintain gas pipelines and road crossings for natural gas transmission that require encroachment of the following of two (2) Exceptional Value wetlands and High Quality-Cold Water Fishery streams:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
Wetland 1	Pipeline Crossing	Tributary Turner Creek	EV	41° 57' 03.30"	77° 46' 05.31"
Stream 1	Pipeline Crossing	Tributary Turner Creek	HQ-CWF	41° 57' 02.71"	77° 46' 03.99"

Permit ID	Activity	Resource	Water Quality	Latitude	Longitude
Wetland 2	Pipeline Crossing	Tributary Turner Creek	EV	41° 56' 50.55"	77° 46' 02..17"
Stream 2	Pipeline Crossing	Tributary Turner Creek	HQ-CWF	41° 56' 47.70"	77° 46' 02.00"

All in-stream construction, repair and maintenance work shall be conducted in dry work conditions by boring, dam and pumping, fluming or diverting stream flow around work areas. Since Turner Creek is wild trout fishery, no construction or future repair work shall be done in or along the stream channels between October 1 and December 31 without prior written approval from the Fish and Boat Commission. This permit also authorizes the construction, operation, maintenance and removal of temporary stream diversions, flumes, cofferdams, roadways and causeways necessary for pipeline construction and repair. All impacts incurred for activities authorized herein shall be temporary, and the permittee shall perform all activities strictly in accordance with the maps, plans, profiles, specifications provided for this authorization. The project is located along the southern right-of-way of Windfall approximately 1,300-feet east of Collins Hill and Windfall Roads intersection. The Department of Environmental Protection (Department) has deemed the 0.10-acre wetland impacts incurred by constructing the pipeline and right-of-way solely as temporary, for which replacement wetlands as mitigation of the impacts shall not be required. If upon investigation the Department determines the activities authorized by this permit are serving to degrade the unnamed tributaries, Turner Creek or associated wetlands, the permittee shall develop and implement a corrective action plan that fully abates the degradation. The permittee shall submit all corrective action plans to the Department for review and approval prior to implementation.

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

**E20-573A, Ms. Sharon Rice**, 24448 Willow Street, Union City, PA 16438-4252. Sharon Rice Dock, in Bloomfield Township, **Crawford County**, ACOE Pittsburgh District (Canadohta Lake, PA Quadrangle N: 41° 49' 00"; W: 79° 50' 3.45").

To amend existing permit E20-573 which allowed construction and maintenance of a 65 ft. long by 32 in. wide walking deck connected to a 20 ft. by 4 ft. private boat dock on Canadohta Lake, across the street from 24448 Willow Street, Bloomfield Township, Crawford County, approximately 100 ft. south of the intersection of Willow Street and Lakeview Drive in Bloomfield Township, Crawford County.

The permit amendment is to construct and maintain a 80 ft. long by 48 in. wide walking deck connected to a 20 ft. by 6 ft. private boat dock on Canadohta Lake, across the street from 24448 Willow Street (Canadohta Lake, PA Quadrangle N: 41° 49' 00"; W: 79° 50' 3.45"), Bloomfield Township, Crawford County, approximately 100 ft. south of the intersection of Willow Street and Lakeview Drive in Bloomfield Township, Crawford County. The deck and dock will be raised approximately 2 ft. above normal summer lake pool elevation.

**E61-287, Department of Transportation, District 1-0.** SR 0322, Section A01, Halls Run Realignment, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Cranberry, PA Quadrangle N: 41° 20' 43"; W: 79° 41' 48").

To conduct the following activities associated with the realignment of approximately 0.8 mile of SR 0322, Segment 0450, Offset 0121 to Segment 0470, Offset 1909 approximately 0.5 mile east of SR 257 (Cranberry, PA Quadrangle N: 41° 20' 43"; W: 79° 41' 48") in Cranberry Township, Venango County:

1. Construct and maintain a 221-foot long concrete arch stream enclosure having a clear span of 36 feet and a maximum underclearance of 14.75 feet in Halls Run (CWF, Wild Trout).

2. Remove an existing driveway culvert and to construct and maintain a 97-foot long concrete box culvert having a 12-foot wide by 4-foot high waterway opening (5-foot high box w/1-ft depressed invert and baffles) in a tributary to Halls Run (CWF, Wild Trout).

3. To realign a tributary to Halls Run (channel 5) along the south side of the proposed roadway having a contributory drainage area less than 100 acres and a length of approximately 450 feet.

4. To realign a tributary to Halls Run (channel 14) along the north side of the proposed roadway having a contributory drainage area less than 100 acres and a length of approximately 775 feet.

5. To perform repairs and install scour protection and stream bank stabilization at the existing SR 322 bridge affecting a total length of approximately 75 feet of Halls Run.

#### ENVIRONMENTAL ASSESSMENTS

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

**D23-011EA. Aston Township**, 5021 Pennell Road, Aston, PA 19014. Aston Township, **Delaware County**, ACOE Philadelphia District.

Project proposes to breach and remove an unnamed dam across West Branch Chester Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2,700 feet of stream channel. The dams are located approximately 1 mile north of the intersection of SR 261 and Aston Mills Road (Media, PA Quadrangle Latitude: 39° 53' 05"; Longitude: -75° 26' 46") (Media, PA Quadrangle Latitude: 39° 53' 16"; Longitude: -75° 26' 37").

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second

Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

ESCGP-1 #: ESX09-115-0022  
 Applicant Name: EXCO—North Coast Energy  
 Contact Person: Joel Heiser  
 Address: 3000 Ericsson Dr, Ste 200  
 City, State, Zip: Warrendale PA 15086  
 County: Susquehanna  
 Township(s): Clifford Township  
 Receiving Stream(s) and Classification(s): UNT to Idlewild Creek/East Branch Tunkhannock Creek Watershed; secondary—Idlewild Creek (subshed)

ESCGP-1 #: ESX09-081-0017  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person:  
 Address: 380 Southpointe Blvd, Ste 300  
 City, State, Zip: Canonsburg, PA 15317  
 County: Lycoming  
 Township(s): Cummings Township  
 Receiving Stream(s) and Classification(s): Dog Run; UNT to First Fork Larry's Creek

ESCGP-1 #: ESG09-117-0031  
 Applicant Name: Fortuna Energy, Inc.  
 Contact Person: Eric Potter  
 Address: 337 Daniel Zenker Drive  
 City, State, Zip: Horseheads, Ny 14845  
 County: Tioga  
 Township(s): Ward Township  
 Receiving Stream(s) and Classification(s): UNT to Fall Brook, CWF/MF Secondary—Fall Brook

**STORAGE TANKS**

**SITE-SPECTIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-35-006	VersaCold Logistics 200 First Avenue Gouldsboro, PA 18424 Attn.: Mr. Roberto Figueroa	Lackawanna	Covington Township	2 ASTs storing diesel fuel	32,000 gallons total

**SPECIAL NOTICES**

**DRINKING WATER STATE REVOLVING FUND**

**Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C.A. § 300f, et seq.**

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

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	762 W. Lancaster Avenue Bryn Mawr, PA 19010	Venango

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Aqua PA, Inc., Emlenton Water System, proposes to replace the existing water treatment plant with a new water treatment plant to be located next to the existing reservoir on Kerr Avenue, as

well as the construction of a new raw water pump station at the existing water treatment plant site, located on River Street. Both locations are in Emlenton Borough, Venango County, PA. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Borough of Sharpshill	1 S. Walnut Street Sharpshill, PA 16150	Mercer

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The proposed project will involve distribution system replacement and upgrades to specific areas within the Borough of Sharpshill. More specifically, system replacement will occur within the following areas: Hazen Road; Elenor Avenue; Mercer

Avenue; Tenth Street; Hittle Drive; Milken Avenue; Third Street; First Street; Ashton Street; Fifteenth Street; Victory Drive between Mercer Avenue and Leona Street; Fourth Street between Victory and Hittle Drives; Second Street between Victory and Hittle Drives; Quarry Way between Fourth and Seventh Streets; Seventh Street between Quarry Way to Ridge Avenue; Ridge Avenue between Seventh and Walnut Streets; Walnut Street between Ridge Avenue and Main Street; Main Street between Walnut Street and Mercer Avenue; Sixth Street between Ridge Avenue and Shenango Street; Shenango Street between Sixth and Mercer Avenue, and Pierce Avenue between Fifteenth and Seventh Streets. The following is a summary of total project upgrade requirements: 20,000 LF of 12-inch waterline; 7,500 LF of 10-inch waterline, and 9,000 LF of 8-inch waterline. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 10-65. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Bid Opportunity

**S35-043-101.1, Racket Brook Creek Stream Rehabilitation Project, City of Carbondale, Lackawanna County.** The principal items of work include stream rehabilitation. This project issues on January 8, 2010, and bids will be opened on February 18, 2010 at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A mandatory prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Failure to attend will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 10-66. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Clean Air Interstate Rule (CAIR); Final 2010-2013 Annual and Ozone Season CAIR Nitrogen Oxides (NOx) Allowance Allocations

In accordance with 25 Pa. Code §§ 145.211(d) and 145.221(d) (relating to timing requirements for CAIR NOx allowance allocations; and timing requirements for CAIR NOx ozone season allowance allocations), the Department of Environmental Protection (Department) is providing notice of the finalization of the 2010-2013 annual and ozone season CAIR NOx allowance allocations. The Commonwealth's NOx budget for the annual CAIR program contains 99,049 NOx allowances; 97,761 NOx allowances are allocated. The remaining 1,288 (1.3% of the annual

CAIR program budget) NOx allowances are set-aside for future allocation in accordance with 25 Pa. Code § 145.221(f)(2). The Commonwealth's NOx Budget for the ozone season CAIR program contains 42,171 NOx allowances, all of which are allocated.

For each CAIR unit and qualifying resource receiving a NOx allocation, Tables 1—8 that follow, list the following: the facility name, ORIS code, unit ID for each CAIR unit, either the gross loading or steam loading depending on type of unit, county, converted heat input from the base year and control period allowance allocation. Copies of these tables can also be found on the Department's Air Quality web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP keyword "Air Quality"). On December 10, 2009, the United States Environmental Protection Agency (EPA) adopted a final rule approving the Commonwealth's CAIR State Implementation Plan (SIP) revision. (74 FR 65446, December 10, 2009). Therefore, these allocations replace those under the EPA's Federal Implementation Plan.

The Department made changes in the allocations based on comments from three commentators who provided revised gross loading values for their CAIR units. This resulted in redistribution of the available NOx allowance allocations.

Action at the Federal or State level could affect these allocations. Annual and ozone season CAIR NOx allowances do not constitute property rights.

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 may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Questions concerning this notice should be directed to Randy Bordner, Chief, Stationary Source Section, Bureau of Air Quality at (717) 772-3921 or to [ranbordner@state.pa.us](mailto:ranbordner@state.pa.us). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

JOHN HANGER,  
Secretary

Table 1: Final Pennsylvania 2010 Annual CAIR NO<sub>x</sub> Allowance Allocations

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NO<sub>x</sub> Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	3,076,421	Beaver	3,711,894	332
AES Beaver Valley, LLC	10676	33	0	3,178,213	Beaver	3,834,712	343
AES Beaver Valley, LLC	10676	34	0	2,712,209	Beaver	3,272,449	293
AES Beaver Valley, LLC	10676	35	0	1,497,451	Beaver	1,806,768	162
AES Ironwood	55337	1	347,651	0	Lebanon	2,320,570	208
AES Ironwood	55337	2	335,049	0	Lebanon	2,236,452	200
Allegheny Energy Hunlock Unit 4	56397	4	51,842	0	Luzerne	346,045	31
Allegheny Energy Unit 1 and Unit 2	55196	1	55,257	0	Allegheny	368,840	33
Allegheny Energy Unit 1 and Unit 2	55196	2	53,289	0	Allegheny	355,704	32
Allegheny Energy Unit 8 and Unit 9	55377	8	49,079	0	Fayette	327,602	29
Allegheny Energy Unit 8 and Unit 9	55377	9	48,927	0	Fayette	326,588	29
Allegheny Energy Units 3, 4 and 5	55710	3	174,002	0	Allegheny	1,161,463	104
Allegheny Energy Units 3, 4 and 5	55710	4	160,867	0	Allegheny	1,073,787	96
Armstrong Energy Ltd. Part	55347	1	67,950	0	Armstrong	453,566	41
Armstrong Energy Ltd. Part	55347	2	21,399	0	Armstrong	142,838	13
Armstrong Energy Ltd. Part	55347	3	62,059	0	Armstrong	414,244	37
Armstrong Energy Ltd. Part	55347	4	69,759	0	Armstrong	465,641	42
Armstrong Power Station	3178	1	1,106,651	0	Armstrong	8,742,543	783
Armstrong Power Station	3178	2	1,127,734	0	Armstrong	8,909,099	798
Bethlehem Power Plant	55690	1	164,015	0	Northampton	1,094,801	98
Bethlehem Power Plant	55690	2	160,575	0	Northampton	1,071,837	96
Bethlehem Power Plant	55690	3	165,646	0	Northampton	1,105,685	99

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NOx Allowance Allocation</i>
Bethlehem Power Plant	55690	5	164,046	0	Northampton	1,095,010	98
Bethlehem Power Plant	55690	6	155,848	0	Northampton	1,040,285	93
Bethlehem Power Plant	55690	7	159,142	0	Northampton	1,062,276	95
Bruce Mansfield	6094	1	6,558,687	0	Beaver	51,813,627	4,641
Bruce Mansfield	6094	2	6,590,764	0	Beaver	52,067,036	4,663
Bruce Mansfield	6094	3	6,850,611	0	Beaver	54,119,827	4,847
Brunner Island	3140	1	2,475,912	0	York	19,559,705	1,752
Brunner Island	3140	2	2,749,676	0	York	21,722,440	1,946
Brunner Island	3140	3	5,732,660	0	York	45,288,014	4,056
Brunot Island Power Station	3096	2A	740	0	Allegheny	4,940	0
Brunot Island Power Station	3096	2B	3,646	0	Allegheny	24,337	2
Brunot Island Power Station	3096	3	4,180	0	Allegheny	27,902	2
Cambria Cogen	10641	1	0	3,519,861	Cambria	4,246,932	380
Cambria Cogen	10641	2	0	3,409,276	Cambria	4,113,505	368
Chambersburg Units 12 and 13	55654	12	61,411	0	Franklin	409,918	37
Chambersburg Units 12 and 13	55654	13	59,128	0	Franklin	394,679	35
Cheswick	8226	1	3,331,994	0	Allegheny	26,322,753	2,358
Colver Power Project	10143	AAB01	936,140	0	Cambria	7,395,506	662
Conemaugh	3118	1	7,343,486	0	Indiana	58,013,539	5,196
Conemaugh	3118	2	6,439,070	0	Indiana	50,868,653	4,556
Cromby	3159	1	774,759	0	Chester	6,120,596	548
Cromby	3159	2	256,545	0	Chester	1,712,438	153
Croydon Generating Station	8012	11	375	0	Bucks	2,502	0
Croydon Generating Station	8012	12	375	0	Bucks	2,502	0
Croydon Generating Station	8012	21	434	0	Bucks	2,896	0



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NOx Allowance Allocation</i>
Croydon Generating Station	8012	22	407	0	Bucks	2,717	0
Croydon Generating Station	8012	31	380	0	Bucks	2,538	0
Croydon Generating Station	8012	32	1,050	0	Bucks	7,007	1
Croydon Generating Station	8012	41	370	0	Bucks	2,467	0
Croydon Generating Station	8012	42	964	0	Bucks	6,435	1
Delaware	3160	71	0	0	Philadelphia	0	0
Delaware	3160	81	26,695	0	Philadelphia	178,189	16
Ebensburg Power Company	10603	31	0	4,961,789	Cambria	5,986,709	536
Eddystone Generating Station	3161	1	1,398,159	0	Delaware	11,045,456	989
Eddystone Generating Station	3161	2	1,621,667	0	Delaware	12,811,169	1,147
Eddystone Generating Station	3161	3	377,607	0	Delaware	2,520,527	226
Eddystone Generating Station	3161	4	310,044	0	Delaware	2,069,544	185
Elrama	3098	1	341,728	0	Washington	2,699,651	242
Elrama	3098	2	522,852	0	Washington	4,130,531	370
Elrama	3098	3	433,429	0	Washington	3,424,089	307
Elrama	3098	4	796,643	0	Washington	6,293,480	564
FPL Energy MH50	50074	1	37,506	0	Delaware	250,353	22
FPL Energy Marcus Hook, LP	55801	1	69,185	0	Delaware	461,810	41
FPL Energy Marcus Hook, LP	55801	2	59,429	0	Delaware	396,689	36
FPL Energy Marcus Hook, LP	55801	3	55,183	0	Delaware	368,347	33
Fairless Energy, LLC	55298	1A	438,400	0	Bucks	2,926,320	262

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NOx Allowance Allocation</i>
Fairless Energy, LLC	55298	1B	430,895	0	Bucks	2,876,224	258
Fairless Energy, LLC	55298	2A	417,205	0	Bucks	2,784,843	249
Fairless Energy, LLC	55298	2B	445,338	0	Bucks	2,972,631	266
Fairless Hills Generating Station	7701	PHBLR3	319	0	Bucks	2,517	0
Fairless Hills Generating Station	7701	PHBLR4	108,772	0	Bucks	859,300	77
Fairless Hills Generating Station	7701	PHBLR5	58,996	0	Bucks	466,071	42
Fayette Energy Facility	55516	CTG1	141,074	0	Fayette	941,669	84
Fayette Energy Facility	55516	CTG2	148,964	0	Fayette	994,335	89
G F Weaton	50130	34	296,073	0	Beaver	2,338,978	209
G F Weaton	50130	35	329,289	0	Beaver	2,601,382	233
Gilberton Power Company	10113	31	0	3,385,942	Schuylkill	4,085,351	366
Gilberton Power Company	10113	32	0	3,393,363	Schuylkill	4,094,305	367
Grays Ferry Cogen Partnership	54785	2	432,900	0	Philadelphia	2,889,608	259
Grays Ferry Cogen Partnership	54785	25	0	1,853,489	Philadelphia	2,236,350	200
Handsome Lake Energy	55233	EU-1A	2,024	0	Venango	13,510	1
Handsome Lake Energy	55233	EU-1B	2,040	0	Venango	13,617	1
Handsome Lake Energy	55233	EU-2A	2,375	0	Venango	15,853	1
Handsome Lake Energy	55233	EU-2B	2,344	0	Venango	15,646	1
Handsome Lake Energy	55233	EU-3A	1,647	0	Venango	10,994	1
Handsome Lake Energy	55233	EU-3B	1,825	0	Venango	12,182	1
Handsome Lake Energy	55233	EU-4A	1,489	0	Venango	9,939	1

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NOx Allowance Allocation</i>
Handsome Lake Energy	55233	EU-4B	1,498	0	Venango	9,999	1
Handsome Lake Energy	55233	EU-5A	1,518	0	Venango	10,133	1
Handsome Lake Energy	55233	EU-5B	1,534	0	Venango	10,239	1
Hatfields Ferry Power Station	3179	1	3,714,746	0	Greene	29,346,493	2,628
Hatfields Ferry Power Station	3179	2	1,910,504	0	Greene	15,092,982	1,352
Hatfields Ferry Power Station	3179	3	3,237,877	0	Greene	25,579,228	2,291
Homer City	3122	1	4,634,921	0	Indiana	36,615,876	3,279
Homer City	3122	2	5,002,972	0	Indiana	39,523,479	3,540
Homer City	3122	3	4,494,562	0	Indiana	35,507,040	3,180
Hunlock Power Station	3176	6	303,122	0	Luzerne	2,394,664	214
Hunterstown Combined Cycle	55976	CT101	67,810	0	Adams	452,632	41
Hunterstown Combined Cycle	55976	CT201	61,661	0	Adams	411,587	37
Hunterstown Combined Cycle	55976	CT301	73,565	0	Adams	491,046	44
Keystone	3136	1	6,801,613	0	Armstrong	53,732,743	4,812
Keystone	3136	2	6,205,368	0	Armstrong	49,022,407	4,391
Liberty Electric Power Plant	55231	1	447,482	0	Delaware	2,986,942	268
Liberty Electric Power Plant	55231	2	466,122	0	Delaware	3,111,364	279
Lower Mount Bethel Energy	55667	CT01	318,272	0	Northampton	2,124,466	190
Lower Mount Bethel Energy	55667	CT02	310,192	0	Northampton	2,070,532	185
Martins Creek	3148	1	558,409	0	Northampton	4,411,431	395
Martins Creek	3148	2	598,520	0	Northampton	4,728,308	423
Martins Creek	3148	3	1,236,982	0	Northampton	8,256,855	740
Martins Creek	3148	4	829,778	0	Northampton	5,538,768	496
Mitchell Power Station	3181	1	1,502	0	Washington	10,026	1
Mitchell Power Station	3181	2	959	0	Washington	6,401	1

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NOx Allowance Allocation</i>
Mitchell Power Station	3181	3	0	0	Washington	0	0
Mitchell Power Station	3181	33	1,551,398	0	Washington	12,256,044	1,098
Montour	3149	1	5,319,040	0	Montour	42,020,416	3,763
Montour	3149	2	5,008,737	0	Montour	39,569,022	3,544
Mountain	3111	31	2,242	0	Cumberland	14,965	1
Mountain	3111	32	842	0	Cumberland	5,620	1
Mt. Carmel Cogeneration	10343	SG-101	312,043	0	Northumberland	2,465,140	221
New Castle	3138	3	480,365	0	Lawrence	3,794,884	340
New Castle	3138	4	412,641	0	Lawrence	3,259,864	292
New Castle	3138	5	714,465	0	Lawrence	5,644,274	506
North East Cogeneration Plant	54571	1	10,358	0	Erie	69,140	6
North East Cogeneration Plant	54571	2	7,404	0	Erie	49,422	4
Northampton Generating Plant	50888	NGC01	906,115	0	Northampton	7,158,309	641
Northeastern Power Company	50039	31	487,727	0	Schuylkill	3,853,043	345
Ontelaunee Energy Center	55193	CT1	425,562	0	Berks	2,840,626	254
Ontelaunee Energy Center	55193	CT2	424,797	0	Berks	2,835,520	254
Panther Creek Energy Facility	50776	1	372,159	0	Carbon	2,940,056	263
Panther Creek Energy Facility	50776	2	369,193	0	Carbon	2,916,625	261
Piney Creek Power Plant	54144	31	293,253	0	Clarion	2,316,699	207
Portland	3113	1	865,712	0	Northampton	6,839,125	613
Portland	3113	2	1,298,216	0	Northampton	10,255,906	919
Portland	3113	5	39,931	0	Northampton	266,539	24
Richmond	3168	91	643	0	Philadelphia	4,292	0
Richmond	3168	92	603	0	Philadelphia	4,025	0
Schuylkill	3169	1	79,071	0	Philadelphia	527,799	47
Scrubgrass Generating Plant	50974	1	384,666	0	Venango	3,038,861	272

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NOx Allowance Allocation</i>
Scrubgrass Generating Plant	50974	2	385,614	0	Venango	3,046,351	273
Seward	3130	1	510,057	0	Indiana	4,029,450	361
Seward	3130	12	0	0	Indiana	0	0
Seward	3130	14	0	0	Indiana	0	0
Seward	3130	15	0	0	Indiana	0	0
Seward	3130	2	732,700	0	Indiana	5,788,330	518
Shawville	3131	1	716,183	0	Clearfield	5,657,846	507
Shawville	3131	2	751,080	0	Clearfield	5,933,532	531
Shawville	3131	3	1,088,211	0	Clearfield	8,596,867	770
Shawville	3131	4	824,786	0	Clearfield	6,515,809	584
St. Nicholas Cogeneration Project	54634	1	0	6,665,372	Schuylkill	8,042,188	720
Sunbury	3152	1A	274,065	0	Snyder	2,165,117	194
Sunbury	3152	1B	174,239	0	Snyder	1,376,485	123
Sunbury	3152	2A	178,115	0	Snyder	1,407,108	126
Sunbury	3152	2B	196,404	0	Snyder	1,551,592	139
Sunbury	3152	3	393,318	0	Snyder	3,107,212	278
Sunbury	3152	4	465,936	0	Snyder	3,680,894	330
Titus	3115	1	404,754	0	Berks	3,197,557	286
Titus	3115	2	384,879	0	Berks	3,040,544	272
Titus	3115	3	420,386	0	Berks	3,321,049	297
Tolna	3116	31	2,649	0	York	17,682	2
Tolna	3116	32	2,772	0	York	18,503	2
Trigen Energy— Schuylkill	50607	23	0	223,669	Philadelphia	269,871	24
Trigen Energy— Schuylkill	50607	24	0	507,819	Philadelphia	612,715	55
Trigen Energy— Schuylkill	50607	26	0	861,050	Philadelphia	1,038,911	93
Trigen Energy Corporation— Edison St.	880006	1	0	4,574	Philadelphia	5,519	0
Trigen Energy Corporation— Edison St.	880006	2	0	3,754	Philadelphia	4,529	0

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 Converted Heat Input (MMBtu)</i>	<i>2010 CAIR NOx Allowance Allocation</i>
Trigen Energy Corporation-Edison St.	880006	3	0	4,493	Philadelphia	5,421	0
Trigen Energy Corporation-Edion St.	880006	4	0	4,332	Philadelphia	5,227	0
WPS Westwood Generation, LLC	50611	31	236,528	0	Schuylkill	1,868,571	167
Warren	3132	5	1,633	0	Warren	10,900	1
Wayne	3134	31	770	0	Crawford	5,140	0
Wheelabrator—Frackville	50879	GEN1	0	3,393,096	Schuylkill	4,093,982	367
Williams Generation Co. (Hazleton)	10870	TURB2	888	0	Luzerne	5,927	1
Williams Generation Co. (Hazleton)	10870	TURB3	1,462	0	Luzerne	9,759	1
Williams Generation Co. (Hazleton)	10870	TURB4	969	0	Luzerne	6,468	1
Williams Generation Co. (Hazleton)	10870	TURBIN	1,372	0	Luzerne	9,158	1
					<b>Total</b>	<b>1,091,632,349</b>	<b>97,761</b>

**Table 2: Final Pennsylvania 2010 CAIR NOx Ozone Season Allowance Allocations**

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOx Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	1,285,234	Beaver	1,550,716	141
AES Beaver Valley, LLC	10676	33	0	1,351,203	Beaver	1,630,311	148
AES Beaver Valley, LLC	10676	34	0	1,073,618	Beaver	1,295,387	118
AES Beaver Valley, LLC	10676	35	0	619,812	Beaver	747,841	68
AES Ironwood	55337	1	265,364	0	Lebanon	1,771,305	161
AES Ironwood	55337	2	252,656	0	Lebanon	1,686,479	153
Allegheny Energy Hunlock Unit 4	56397	4	27,714	0	Luzerne	184,991	17
Allegheny Energy Unit 1 and Unit 2	55196	1	23,302	0	Allegheny	155,541	14

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOX Allowance Allocation</i>
Allegheny Energy Unit 1 and Unit 2	55196	2	22,950	0	Allegheny	153,191	14
Allegheny Energy Unit 8 and Unit 9	55377	8	21,671	0	Fayette	144,654	13
Allegheny Energy Unit 8 and Unit 9	55377	9	21,983	0	Fayette	146,737	13
Allegheny Energy Units 3, 4 and 5	55710	3	78,472	0	Allegheny	523,801	48
Allegheny Energy Units 3, 4 and 5	55710	4	71,933	0	Allegheny	480,153	44
Armstrong Energy Ltd. Part	55347	1	29,082	0	Armstrong	194,122	18
Armstrong Energy Ltd. Part	55347	2	15,661	0	Armstrong	104,537	10
Armstrong Energy Ltd. Part	55347	3	30,135	0	Armstrong	201,151	18
Armstrong Energy Ltd. Part	55347	4	32,450	0	Armstrong	216,604	20
Armstrong Power Station	3178	1	414,248	0	Armstrong	3,272,559	298
Armstrong Power Station	3178	2	448,091	0	Armstrong	3,539,919	322
Bethlehem Power Plant	55690	1	73,179	0	Northampton	488,470	44
Bethlehem Power Plant	55690	2	68,975	0	Northampton	460,408	42
Bethlehem Power Plant	55690	3	69,638	0	Northampton	464,834	42
Bethlehem Power Plant	55690	5	84,993	0	Northampton	567,328	52
Bethlehem Power Plant	55690	6	82,619	0	Northampton	551,482	50
Bethlehem Power Plant	55690	7	81,613	0	Northampton	544,767	50
Bruce Mansfield	6094	1	2,798,472	0	Beaver	22,107,929	2,011
Bruce Mansfield	6094	2	2,780,946	0	Beaver	21,969,473	1,998
Bruce Mansfield	6094	3	2,949,353	0	Beaver	23,299,889	2,119
Brunner Island	3140	1	932,681	0	York	7,368,180	670
Brunner Island	3140	2	1,052,353	0	York	8,313,589	756
Brunner Island	3140	3	2,277,171	0	York	17,989,651	1,636
Brunot Island Power Station	3096	2A	567	0	Allegheny	3,785	0

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOX Allowance Allocation</i>
Brunot Island Power Station	3096	2B	3,338	0	Allegheny	22,281	2
Brunot Island Power Station	3096	3	3,873	0	Allegheny	25,852	2
Cambria Cogen	10641	1	0	1,498,906	Cambria	1,808,524	165
Cambria Cogen	10641	2	0	1,458,418	Cambria	1,759,672	160
Chambersburg Units 12 and 13	55654	12	34,487	0	Franklin	230,201	21
Chambersburg Units 12 and 13	55654	13	33,558	0	Franklin	224,000	20
Cheswick	8226	1	917,589	0	Allegheny	7,248,953	659
Colver Power Project	10143	AAB01	413,586	0	Cambria	3,267,329	297
Conemaugh	3118	1	3,188,285	0	Indiana	25,187,452	2,291
Conemaugh	3118	2	2,571,838	0	Indiana	20,317,520	1,848
Cromby	3159	1	364,212	0	Chester	2,877,275	262
Cromby	3159	2	99,951	0	Chester	667,173	61
Croydon Generating Station	8012	11	70	0	Bucks	467	0
Croydon Generating Station	8012	12	70	0	Bucks	467	0
Croydon Generating Station	8012	21	81	0	Bucks	541	0
Croydon Generating Station	8012	22	76	0	Bucks	507	0
Croydon Generating Station	8012	31	71	0	Bucks	474	0
Croydon Generating Station	8012	32	196	0	Bucks	1,308	0
Croydon Generating Station	8012	41	69	0	Bucks	461	0
Croydon Generating Station	8012	42	180	0	Bucks	1,202	0
Delaware	3160	71	0	0	Philadelphia	0	0
Delaware	3160	81	0	0	Philadelphia	0	0



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOX Allowance Allocation</i>
Ebensburg Power Company	10603	31	0	2,053,748	Cambria	2,477,975	225
Eddystone Generating Station	3161	1	705,198	0	Delaware	5,571,064	507
Eddystone Generating Station	3161	2	629,041	0	Delaware	4,969,424	452
Eddystone Generating Station	3161	3	141,525	0	Delaware	944,679	86
Eddystone Generating Station	3161	4	139,547	0	Delaware	931,476	85
Elrama	3098	1	34,663	0	Washington	273,838	25
Elrama	3098	2	155,672	0	Washington	1,229,809	112
Elrama	3098	3	177,724	0	Washington	1,404,020	128
Elrama	3098	4	339,665	0	Washington	2,683,354	244
Fairless Energy, LLC	55298	1A	312,181	0	Bucks	2,083,808	190
Fairless Energy, LLC	55298	1B	318,838	0	Bucks	2,128,244	194
Fairless Energy, LLC	55298	2A	292,994	0	Bucks	1,955,735	178
Fairless Energy, LLC	55298	2B	306,595	0	Bucks	2,046,522	186
Fairless Hills Generating Station	7701	PHBLR3	332	0	Bucks	2,215	0
Fairless Hills Generating Station	7701	PHBLR4	48,480	0	Bucks	323,603	29
Fairless Hills Generating Station	7701	PHBLR5	18,892	0	Bucks	126,106	11
Fayette Energy Facility	55516	CTG1	75,522	0	Fayette	504,109	46
Fayette Energy Facility	55516	CTG2	80,355	0	Fayette	536,370	49
FPL Energy Marcus Hook, LP	55801	1	15,513	0	Delaware	103,549	9
FPL Energy Marcus Hook, LP	55801	2	13,211	0	Delaware	88,183	8
FPL Energy Marcus Hook, LP	55801	3	11,549	0	Delaware	77,090	7

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOX Allowance Allocation</i>
FPL Energy MH50	50074	1	37,506	0	Delaware	250,353	23
G F Weaton	50130	34	113,306	0	Beaver	895,117	81
G F Weaton	50130	35	129,377	0	Beaver	1,022,078	93
Gilberton Power Company	10113	31	0	1,437,690	Schuylkill	1,734,663	158
Gilberton Power Company	10113	32	0	1,441,947	Schuylkill	1,739,799	158
Grays Ferry Cogen Partnership	54785	2	252,594	0	Philadelphia	1,686,065	153
Grays Ferry Cogen Partnership	54785	25	0	261,913	Philadelphia	316,014	29
Handsome Lake Energy	55233	EU-1A	514	0	Venango	3,431	0
Handsome Lake Energy	55233	EU-1B	535	0	Venango	3,571	0
Handsome Lake Energy	55233	EU-2A	687	0	Venango	4,586	0
Handsome Lake Energy	55233	EU-2B	689	0	Venango	4,599	0
Handsome Lake Energy	55233	EU-3A	485	0	Venango	3,237	0
Handsome Lake Energy	55233	EU-3B	509	0	Venango	3,398	0
Handsome Lake Energy	55233	EU-4A	342	0	Venango	2,283	0
Handsome Lake Energy	55233	EU-4B	351	0	Venango	2,343	0
Handsome Lake Energy	55233	EU-5A	402	0	Venango	2,683	0
Handsome Lake Energy	55233	EU-5B	400	0	Venango	2,670	0
Hatfields Ferry Power Station	3179	1	1,644,057	0	Greene	12,988,050	1,181
Hatfields Ferry Power Station	3179	2	911,838	0	Greene	7,203,520	655
Hatfields Ferry Power Station	3179	3	966,442	0	Greene	7,634,892	694
Homer City	3122	1	2,083,100	0	Indiana	16,456,490	1,497
Homer City	3122	2	1,964,262	0	Indiana	15,517,670	1,412
Homer City	3122	3	2,336,160	0	Indiana	18,455,664	1,679

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOX Allowance Allocation</i>
Hunlock Power Station	3176	6	105,342	0	Luzerne	832,202	76
Hunterstown Combined Cycle	55976	CT101	58,693	0	Adams	391,776	36
Hunterstown Combined Cycle	55976	CT201	54,899	0	Adams	366,451	33
Hunterstown Combined Cycle	55976	CT301	64,667	0	Adams	431,652	39
Keystone	3136	1	2,889,537	0	Armstrong	22,827,342	2,076
Keystone	3136	2	2,639,591	0	Armstrong	20,852,769	1,897
Liberty Electric Power Plant	55231	1	279,042	0	Delaware	1,862,605	169
Liberty Electric Power Plant	55231	2	290,382	0	Delaware	1,938,300	176
Lower Mount Bethel Energy	55667	CT01	189,960	0	Northampton	1,267,983	115
Lower Mount Bethel Energy	55667	CT02	202,980	0	Northampton	1,354,892	123
Martins Creek	3148	1	200,302	0	Northampton	1,582,386	144
Martins Creek	3148	2	227,038	0	Northampton	1,793,600	163
Martins Creek	3148	3	472,800	0	Northampton	3,155,940	287
Martins Creek	3148	4	257,176	0	Northampton	1,716,650	156
Mitchell Power Station	3181	1	1,256	0	Washington	8,384	1
Mitchell Power Station	3181	2	772	0	Washington	5,153	0
Mitchell Power Station	3181	3	0	0	Washington	0	0
Mitchell Power Station	3181	33	691,964	0	Washington	5,466,516	497
Montour	3149	1	2,281,125	0	Montour	18,020,888	1,639
Montour	3149	2	2,490,505	0	Montour	19,674,990	1,790
Mountain	3111	31	1,304	0	Cumberland	8,704	1
Mountain	3111	32	842	0	Cumberland	5,620	1
Mt. Carmel Cogeneration	10343	SG-101	127,597	0	Northumberland	1,008,016	92
New Castle	3138	3	182,386	0	Lawrence	1,440,849	131
New Castle	3138	4	209,801	0	Lawrence	1,657,428	151
New Castle	3138	5	277,137	0	Lawrence	2,189,382	199

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOX Allowance Allocation</i>
North East Cogeneration Plant	54571	1	1,843	0	Erie	12,302	1
North East Cogeneration Plant	54571	2	1,926	0	Erie	12,856	1
Northampton Generating Plant	50888	NGC01	307,144	0	Northampton	2,426,438	221
Northeastern Power Company	50039	31	211,610	0	Schuylkill	1,671,719	152
Ontelaunee Energy Center	55193	CT1	257,263	0	Berks	1,717,231	156
Ontelaunee Energy Center	55193	CT2	252,778	0	Berks	1,687,293	153
Panther Creek Energy Facility	50776	1	149,576	0	Carbon	1,181,650	107
Panther Creek Energy Facility	50776	2	152,951	0	Carbon	1,208,313	110
Piney Creek Power Plant	54144	31	110,893	0	Clarion	876,055	80
Portland	3113	1	397,228	0	Northampton	3,138,101	285
Portland	3113	2	502,916	0	Northampton	3,973,036	361
Portland	3113	5	9,816	0	Northampton	65,522	6
Richmond	3168	91	643	0	Philadelphia	4,292	0
Richmond	3168	92	356	0	Philadelphia	2,376	0
Schuylkill	3169	1	38,380	0	Philadelphia	256,187	23
Scrubgrass Generating Plant	50974	1	149,576	0	Venango	1,181,650	107
Scrubgrass Generating Plant	50974	2	152,951	0	Venango	1,208,313	110
Seward	3130	1	219,233	0	Indiana	1,731,941	158
Seward	3130	2	300,018	0	Indiana	2,370,142	216
Shawville	3131	1	243,992	0	Clearfield	1,927,537	175
Shawville	3131	2	256,011	0	Clearfield	2,022,487	184
Shawville	3131	3	393,010	0	Clearfield	3,104,779	282
Shawville	3131	4	437,100	0	Clearfield	3,453,090	314
St. Nicholas Cogeneration Project	54634	1	0	2,733,631	Schuylkill	3,298,297	300
Sunbury	3152	1A	81,420	0	Snyder	643,217	59
Sunbury	3152	1B	160,426	0	Snyder	1,267,365	115

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOX Allowance Allocation</i>
Sunbury	3152	2A	67,850	0	Snyder	536,017	49
Sunbury	3152	2B	79,006	0	Snyder	624,148	57
Sunbury	3152	3	179,861	0	Snyder	1,420,902	129
Sunbury	3152	4	202,322	0	Snyder	1,598,344	145
Titus	3115	1	186,134	0	Berks	1,470,459	134
Titus	3115	2	170,887	0	Berks	1,350,007	123
Titus	3115	3	185,481	0	Berks	1,465,300	133
Tolna	3116	31	2,649	0	York	17,682	2
Tolna	3116	32	1,614	0	York	10,773	1
Trigen Energy— Schuylkill	50607	23	0	1,569	Philadelphia	1,893	0
Trigen Energy— Schuylkill	50607	24	0	72,767	Philadelphia	87,798	8
Trigen Energy— Schuylkill	50607	26	0	125,035	Philadelphia	150,863	14
Trigen Energy Corporation— Edison St.	880006	1	0	1,583	Philadelphia	1,910	0
Trigen Energy Corporation— Edison St.	880006	2	0	1,147	Philadelphia	1,384	0
Trigen Energy Corporation— Edison St.	880006	3	0	2,016	Philadelphia	2,432	0
Trigen Energy Corporation— Edison St.	880006	4	0	2,089	Philadelphia	2,521	0
WPS Westwood Generation, LLC	50611	31	94,634	0	Schuylkill	747,609	68
Warren	3132	5	99	0	Warren	661	0
Wayne	3134	31	0	0	Crawford	0	0
Wheelabrator— Frackville	50879	GEN1	0	1,450,098	Schuylkill	1,749,634	159
Williams Generation Co. (Hazleton)	10870	TURB2	638	0	Luzerne	4,259	0
Williams Generation Co. (Hazleton)	10870	TURB3	1,117	0	Luzerne	7,456	1
Williams Generation Co. (Hazleton)	10870	TURB4	517	0	Luzerne	3,451	0

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2004 OS Converted Heat Input (MMBtu)</i>	<i>2010 Seasonal CAIR NOx Allowance Allocation</i>
Williams Generation Co. (Hazleton)	10870	TURBIN	332	0	Luzerne	2,216	0
					<b>Total</b>	<b>463,726,173</b>	<b>42,171</b>

**Table 3: Final Pennsylvania 2011 Annual CAIR NOx Allowance Allocations**

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NOx Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	2,907,655	Beaver	3,508,268	301
AES Beaver Valley, LLC	10676	33	0	2,897,466	Beaver	3,495,974	300
AES Beaver Valley, LLC	10676	34	0	2,834,538	Beaver	3,420,047	294
AES Beaver Valley, LLC	10676	35	0	1,452,842	Beaver	1,752,944	151
AES Ironwood	55337	1	251,157	0	Lebanon	1,676,473	144
AES Ironwood	55337	2	246,448	0	Lebanon	1,645,040	141
Allegheny Energy Hunlock Unit 4	56397	4	67,120	0	Luzerne	448,026	38
Allegheny Energy Unit 1 and Unit 2	55196	1	56,603	0	Allegheny	377,825	32
Allegheny Energy Unit 1 and Unit 2	55196	2	56,501	0	Allegheny	377,144	32
Allegheny Energy Unit 8 and Unit 9	55377	8	37,358	0	Fayette	249,365	21
Allegheny Energy Unit 8 and Unit 9	55377	9	36,739	0	Fayette	245,233	21
Allegheny Energy Units 3, 4 and 5	55710	3	46,069	0	Allegheny	307,511	26
Allegheny Energy Units 3, 4 and 5	55710	4	52,642	0	Allegheny	351,385	30
Armstrong Energy Ltd. Part	55347	1	41,900	0	Armstrong	279,683	24
Armstrong Energy Ltd. Part	55347	2	56,281	0	Armstrong	375,676	32
Armstrong Energy Ltd. Part	55347	3	37,643	0	Armstrong	251,267	22
Armstrong Energy Ltd. Part	55347	4	56,092	0	Armstrong	374,414	32
Armstrong Power Station	3178	1	1,075,703	0	Armstrong	8,498,054	730

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NOx Allowance Allocation</i>
Armstrong Power Station	3178	2	1,104,531	0	Armstrong	8,725,795	750
Bethlehem Power Plant	55690	1	270,348	0	Northampton	1,804,573	155
Bethlehem Power Plant	55690	2	269,543	0	Northampton	1,799,200	155
Bethlehem Power Plant	55690	3	262,194	0	Northampton	1,750,145	150
Bethlehem Power Plant	55690	5	165,192	0	Northampton	1,102,657	95
Bethlehem Power Plant	55690	6	184,722	0	Northampton	1,233,019	106
Bethlehem Power Plant	55690	7	177,305	0	Northampton	1,183,511	102
Bruce Mansfield	6094	1	5,370,616	0	Beaver	42,427,866	3,646
Bruce Mansfield	6094	2	7,178,118	0	Beaver	56,707,132	4,873
Bruce Mansfield	6094	3	7,350,662	0	Beaver	58,070,230	4,990
Brunner Island	3140	1	2,470,149	0	York	19,514,177	1,677
Brunner Island	3140	2	2,531,342	0	York	19,997,602	1,718
Brunner Island	3140	3	5,717,559	0	York	45,168,716	3,881
Brunot Island Power Station	3096	2A	3,449	0	Allegheny	23,022	2
Brunot Island Power Station	3096	2B	4,227	0	Allegheny	28,215	2
Brunot Island Power Station	3096	3	4,601	0	Allegheny	30,712	3
Cambria Cogen	10641	1	0	3,292,811	Cambria	3,972,982	341
Cambria Cogen	10641	2	0	3,292,811	Cambria	3,972,982	341
Chambersburg Units 12 and 13	55654	12	86,333	0	Franklin	576,273	50
Chambersburg Units 12 and 13	55654	13	84,251	0	Franklin	562,375	48
Cheswick	8226	1	3,010,302	0	Allegheny	23,781,386	2,043
Colver Power Project	10143	AAB01	915,462	0	Cambria	7,232,150	621
Conemaugh	3118	1	6,455,910	0	Indiana	51,001,689	4,382
Conemaugh	3118	2	7,293,288	0	Indiana	57,616,975	4,951
Cromby	3159	1	780,057	0	Chester	6,162,450	530
Cromby	3159	2	333,558	0	Chester	2,226,500	191

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NOx Allowance Allocation</i>
Croydon Generating Station	8012	11	478	0	Bucks	3,191	0
Croydon Generating Station	8012	12	6,676	0	Bucks	44,562	4
Croydon Generating Station	8012	21	5,908	0	Bucks	39,436	3
Croydon Generating Station	8012	22	11,948	0	Bucks	79,753	7
Croydon Generating Station	8012	31	8,646	0	Bucks	57,712	5
Croydon Generating Station	8012	32	1,452	0	Bucks	9,692	1
Croydon Generating Station	8012	41	7,456	0	Bucks	49,769	4
Croydon Generating Station	8012	42	7,992	0	Bucks	53,347	5
Ebensburg Power Company	10603	31	0	4,713,863	Cambria	5,687,570	489
Eddystone Generating Station	3161	1	1,577,858	0	Delaware	12,465,078	1,071
Eddystone Generating Station	3161	2	1,756,769	0	Delaware	13,878,475	1,192
Eddystone Generating Station	3161	3	458,852	0	Delaware	3,062,837	263
Eddystone Generating Station	3161	4	484,549	0	Delaware	3,234,365	278
Elrama	3098	1	335,058	0	Washington	2,646,958	227
Elrama	3098	2	391,502	0	Washington	3,092,866	266
Elrama	3098	3	325,744	0	Washington	2,573,378	221
Elrama	3098	4	757,523	0	Washington	5,984,432	514
FPL Energy MH50	50074	1	85,323	0	Delaware	569,531	49
FPL Energy Marcus Hook, LP	55801	1	341,630	0	Delaware	2,280,380	196



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NOx Allowance Allocation</i>
FPL Energy Marcus Hook, LP	55801	2	363,356	0	Delaware	2,425,401	208
FPL Energy Marcus Hook, LP	55801	3	359,628	0	Delaware	2,400,517	206
Fairless Energy, LLC	55298	1A	584,849	0	Bucks	3,903,867	335
Fairless Energy, LLC	55298	1B	615,971	0	Bucks	4,111,606	353
Fairless Energy, LLC	55298	2A	566,577	0	Bucks	3,781,901	325
Fairless Energy, LLC	55298	2B	500,606	0	Bucks	3,341,545	287
Fairless Hills Generating Station	7701	PHBLR3	0		Bucks	0	0
Fairless Hills Generating Station	7701	PHBLR4	70,791	0	Bucks	472,528	41
Fairless Hills Generating Station	7701	PHBLR5	157,596	0	Bucks	1,051,956	90
Fayette Energy Facility	55516	CTG1	167,010	0	Fayette	1,114,792	96
Fayette Energy Facility	55516	CTG2	164,607	0	Fayette	1,098,752	94
G F Weaton	50130	34	309,799	0	Beaver	2,447,414	210
G F Weaton	50130	35	289,125	0	Beaver	2,284,086	196
Gilberton Power Company	10113	31	0	3,353,081	Schuylkill	4,045,702	348
Gilberton Power Company	10113	32	0	3,329,506	Schuylkill	4,017,257	345
Grays Ferry Cogen Partnership	54785	2	394,233	0	Philadelphia	2,631,505	226
Grays Ferry Cogen Partnership	54785	25	0	1,992,882	Philadelphia	2,404,537	207
Handsome Lake Energy	55233	EU-1A	8,779	0	Venango	58,600	5
Handsome Lake Energy	55233	EU-1B	8,672	0	Venango	57,886	5
Handsome Lake Energy	55233	EU-2A	10,243	0	Venango	68,372	6
Handsome Lake Energy	55233	EU-2B	10,117	0	Venango	67,531	6

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NOx Allowance Allocation</i>
Handsome Lake Energy	55233	EU-3A	7,446	0	Venango	49,702	4
Handsome Lake Energy	55233	EU-3B	8,252	0	Venango	55,082	5
Handsome Lake Energy	55233	EU-4A	9,530	0	Venango	63,613	5
Handsome Lake Energy	55233	EU-4B	9,676	0	Venango	64,587	6
Handsome Lake Energy	55233	EU-5A	7,852	0	Venango	52,412	5
Handsome Lake Energy	55233	EU-5B	7,865	0	Venango	52,499	5
Hatfields Ferry Power Station	3179	1	2,225,125	0	Greene	17,578,488	1,510
Hatfields Ferry Power Station	3179	2	3,495,762	0	Greene	27,616,520	2,373
Hatfields Ferry Power Station	3179	3	3,413,812	0	Greene	26,969,115	2,317
Homer City	3122	1	4,529,326	0	Indiana	35,781,675	3,075
Homer City	3122	2	5,124,622	0	Indiana	40,484,514	3,479
Homer City	3122	3	4,858,383	0	Indiana	38,381,226	3,298
Hunlock Power Station	3176	6	265,596	0	Luzerne	2,098,208	180
Hunterstown Combined Cycle	55976	CT101	177,345	0	Adams	1,183,778	102
Hunterstown Combined Cycle	55976	CT201	134,704	0	Adams	899,149	77
Hunterstown Combined Cycle	55976	CT301	183,060	0	Adams	1,221,926	105
Keystone	3136	1	7,215,057	0	Armstrong	56,998,950	4,898
Keystone	3136	2	7,053,118	0	Armstrong	55,719,632	4,788
Liberty Electric Power Plant	55231	1	140,437	0	Delaware	937,417	81
Liberty Electric Power Plant	55231	2	144,570	0	Delaware	965,005	83
Lower Mount Bethel Energy	55667	CT01	384,721	0	Northampton	2,568,013	221
Lower Mount Bethel Energy	55667	CT02	419,195	0	Northampton	2,798,127	240
Martins Creek	3148	1	460,976	0	Northampton	3,641,710	313
Martins Creek	3148	2	334,940	0	Northampton	2,646,026	227
Martins Creek	3148	3	1,505,598	0	Northampton	10,049,867	864

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NOx Allowance Allocation</i>
Martins Creek	3148	4	1,216,616	0	Northampton	8,120,912	698
Martins Creek	3148	AUX4B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	1,406	0	Washington	9,385	1
Mitchell Power Station	3181	2	1,952	0	Washington	13,030	1
Mitchell Power Station	3181	3	0	0	Washington	0	0
Mitchell Power Station	3181	33	1,844,036	0	Washington	14,567,884	1,252
Montour	3149	1	5,234,055	0	Montour	41,349,035	3,553
Montour	3149	2	5,688,402	0	Montour	44,938,376	3,861
Mountain	3111	31	4,107	0	Cumberland	27,414	2
Mountain	3111	32	4,107	0	Cumberland	27,414	2
Mt. Carmel Cogeneration	10343	SG-101	320,160	0	Northumberland	2,529,264	217
New Castle	3138	3	406,662	0	Lawrence	3,212,630	276
New Castle	3138	4	431,607	0	Lawrence	3,409,695	293
New Castle	3138	5	583,661	0	Lawrence	4,610,922	396
North East Cogeneration Plant	54571	1	19,814	0	Erie	132,258	11
North East Cogeneration Plant	54571	2	10,336	0	Erie	68,993	6
Northampton Generating Plant	50888	NGC01	901,669	0	Northampton	7,123,185	612
Northeastern Power Company	50039	31	346,772	0	Schuylkill	2,739,499	235
Ontelaunee Energy Center	55193	CT1	405,935	0	Berks	2,709,616	233
Ontelaunee Energy Center	55193	CT2	445,446	0	Berks	2,973,352	255
Panther Creek Energy Facility	50776	1	361,168	0	Carbon	2,853,223	245
Panther Creek Energy Facility	50776	2	361,168	0	Carbon	2,853,223	245
Piney Creek Power Plant	54144	31	297,896	0	Clarion	2,353,378	202
Portland	3113	1	863,327	0	Northampton	6,820,283	586
Portland	3113	2	1,436,497	0	Northampton	11,348,326	975

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NOx Allowance Allocation</i>
Portland	3113	5	57,401	0	Northampton	383,152	33
Richmond	3168	91	3,373	0	Philadelphia	22,515	2
Richmond	3168	92	3,625	0	Philadelphia	24,197	2
Schuylkill	3169	1	140,699	0	Philadelphia	939,166	81
Scrubgrass Generating Plant	50974	1	373,532	0	Venango	2,950,903	254
Scrubgrass Generating Plant	50974	2	378,398	0	Venango	2,989,344	257
Seward	3130	1	1,639,643	0	Indiana	12,953,180	1,113
Seward	3130	2	1,610,977	0	Indiana	12,726,718	1,094
Shawville	3131	1	781,269	0	Clearfield	6,172,025	530
Shawville	3131	2	664,559	0	Clearfield	5,250,016	451
Shawville	3131	3	1,033,673	0	Clearfield	8,166,017	702
Shawville	3131	4	1,001,653	0	Clearfield	7,913,059	680
St. Nicholas Cogeneration Project	54634	1	0	6,576,411	Schuylkill	7,934,851	682
Sunbury	3152	1A	237,304	0	Snyder	1,874,705	161
Sunbury	3152	1B	247,928	0	Snyder	1,958,628	168
Sunbury	3152	2A	251,251	0	Snyder	1,984,882	171
Sunbury	3152	2B	266,323	0	Snyder	2,103,952	181
Sunbury	3152	3	413,185	0	Snyder	3,264,163	280
Sunbury	3152	4	397,593	0	Snyder	3,140,988	270
Titus	3115	1	464,758	0	Berks	3,671,588	315
Titus	3115	2	449,768	0	Berks	3,553,167	305
Titus	3115	3	454,196	0	Berks	3,588,148	308
Tolna	3116	31	5,261	0	York	35,117	3
Tolna	3116	32	5,354	0	York	35,738	3
Trigen Energy— Schuylkill	50607	23	0	616,761	Philadelphia	744,161	64
Trigen Energy— Schuylkill	50607	24	0	488,251	Philadelphia	589,105	51
Trigen Energy— Schuylkill	50607	26	0	655,489	Philadelphia	790,888	68
Trigen Energy Corporation— Edison St.	880006	1	0	3,131	Philadelphia	3,778	0

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 Converted Heat Input (MMBtu)</i>	<i>2011 CAIR NO<sub>x</sub> Allowance Allocation</i>
Trigen Energy Corporation—Edison St.	880006	2	0	2,294	Philadelphia	2,768	0
Trigen Energy Corporation—Edison St.	880006	3	0	5,386	Philadelphia	6,499	1
Trigen Energy Corporation—Edison St.	880006	4	0	4,127	Philadelphia	4,979	0
WPS Westwood Generation, LLC	50611	31	261,427	0	Schuylkill	2,065,273	177
Warren	3132	5	0	0	Warren	0	0
Wheelabrator—Frackville	50879	GEN1	0	3,508,844	Schuylkill	4,233,640	364
Williams Generation Co. (Hazleton)	10870	TURB2	6,116	0	Luzerne	40,824	4
Williams Generation Co. (Hazleton)	10870	TURB3	6,549	0	Luzerne	43,715	4
Williams Generation Co. (Hazleton)	10870	TURB4	7,296	0	Luzerne	48,701	4
Williams Generation Co. (Hazleton)	10870	TURBIN	3,077	0	Luzerne	20,539	2
					<b>Total</b>	<b>1,137,808,116</b>	<b>97,761</b>

**Table 4: Final Pennsylvania 2011 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation**

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NO<sub>x</sub> Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	1,199,724	Beaver	1,447,542	120
AES Beaver Valley, LLC	10676	33	0	1,075,890	Beaver	1,298,129	108
AES Beaver Valley, LLC	10676	34	0	1,139,104	Beaver	1,374,401	114
AES Beaver Valley, LLC	10676	35	0	590,019	Beaver	711,894	59
AES Ironwood	55337	1	223,712	0	Lebanon	1,493,278	124
AES Ironwood	55337	2	219,779	0	Lebanon	1,467,025	122
Allegheny Energy Hunlock Unit 4	56397	4	34,581	0	Luzerne	230,828	19

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOX Allowance Allocation</i>
Allegheny Energy Unit 1 and Unit 2	55196	1	27,543	0	Allegheny	183,850	15
Allegheny Energy Unit 1 and Unit 2	55196	2	28,037	0	Allegheny	187,147	16
Allegheny Energy Unit 8 and Unit 9	55377	8	18,550	0	Fayette	123,821	10
Allegheny Energy Unit 8 and Unit 9	55377	9	18,311	0	Fayette	122,226	10
Allegheny Energy Units 3, 4 and 5	55710	3	33,841	0	Allegheny	225,889	19
Allegheny Energy Units 3, 4 and 5	55710	4	46,308	0	Allegheny	309,106	26
Armstrong Energy Ltd. Part	55347	1	40,314	0	Armstrong	269,096	22
Armstrong Energy Ltd. Part	55347	2	23,845	0	Armstrong	159,165	13
Armstrong Energy Ltd. Part	55347	3	21,482	0	Armstrong	143,392	12
Armstrong Energy Ltd. Part	55347	4	28,789	0	Armstrong	192,167	16
Armstrong Power Station	3178	1	443,655	0	Armstrong	3,504,875	291
Armstrong Power Station	3178	2	439,379	0	Armstrong	3,471,094	288
Bethlehem Power Plant	55690	1	164,113	0	Northampton	1,095,454	91
Bethlehem Power Plant	55690	2	161,547	0	Northampton	1,078,326	89
Bethlehem Power Plant	55690	3	155,383	0	Northampton	1,037,182	86
Bethlehem Power Plant	55690	5	128,476	0	Northampton	857,577	71
Bethlehem Power Plant	55690	6	126,836	0	Northampton	846,630	70
Bethlehem Power Plant	55690	7	122,021	0	Northampton	814,490	68
Bruce Mansfield	6094	1	2,805,817	0	Beaver	22,165,954	1840
Bruce Mansfield	6094	2	3,020,334	0	Beaver	23,860,639	1980
Bruce Mansfield	6094	3	3,092,076	0	Beaver	24,427,400	2027
Brunner Island	3140	1	988,609	0	York	7,810,011	648
Brunner Island	3140	2	993,391	0	York	7,847,789	651
Brunner Island	3140	3	2,410,262	0	York	19,041,070	1580

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOX Allowance Allocation</i>
Brunot Island Power Station	3096	2A	2,191	0	Allegheny	14,625	1
Brunot Island Power Station	3096	2B	2,906	0	Allegheny	19,398	2
Brunot Island Power Station	3096	3	3,353	0	Allegheny	22,381	2
Cambria Cogen	10641	1	0	1,479,522	Cambria	1,785,136	148
Cambria Cogen	10641	2	0	1,465,989	Cambria	1,768,807	147
Chambersburg Units 12 and 13	55654	12	55,083	0	Franklin	367,679	31
Chambersburg Units 12 and 13	55654	13	55,145	0	Franklin	368,093	31
Cheswick	8226	1	1,310,781	0	Allegheny	10,355,170	859
Colver Power Project	10143	AAB01	380,147	0	Cambria	3,003,161	249
Conemaugh	3118	1	2,750,460	0	Indiana	21,728,634	1803
Conemaugh	3118	2	2,952,424	0	Indiana	23,324,150	1936
Cromby	3159	1	324,360	0	Chester	2,562,444	213
Cromby	3159	2	185,058	0	Chester	1,235,262	103
Croydon Generating Station	8012	11	239	0	Bucks	1,595	0
Croydon Generating Station	8012	12	3,338	0	Bucks	22,281	2
Croydon Generating Station	8012	21	2,954	0	Bucks	19,718	2
Croydon Generating Station	8012	22	5,974	0	Bucks	39,876	3
Croydon Generating Station	8012	31	4,323	0	Bucks	28,856	2
Croydon Generating Station	8012	32	726	0	Bucks	4,846	0
Croydon Generating Station	8012	41	3,728	0	Bucks	24,884	2
Croydon Generating Station	8012	42	3,996	0	Bucks	26,673	2

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOX Allowance Allocation</i>
Ebensburg Power Company	10603	31	0	1,910,681	Cambria	2,305,356	191
Eddystone Generating Station	3161	1	764,656	0	Delaware	6,040,782	501
Eddystone Generating Station	3161	2	837,688	0	Delaware	6,617,735	549
Eddystone Generating Station	3161	3	306,552	0	Delaware	2,046,235	170
Eddystone Generating Station	3161	4	326,141	0	Delaware	2,176,991	181
Elrama	3098	1	186,273	0	Washington	1,471,557	122
Elrama	3098	2	185,890	0	Washington	1,468,531	122
Elrama	3098	3	160,240	0	Washington	1,265,896	105
Elrama	3098	4	413,826	0	Washington	3,269,225	271
Fairless Energy, LLC	55298	1A	360,169	0	Bucks	2,404,128	200
Fairless Energy, LLC	55298	1B	371,043	0	Bucks	2,476,712	206
Fairless Energy, LLC	55298	2A	329,051	0	Bucks	2,196,415	182
Fairless Energy, LLC	55298	2B	305,893	0	Bucks	2,041,836	169
Fairless Hills Generating Station	7701	PHBLR3	0	0	Bucks	0	0
Fairless Hills Generating Station	7701	PHBLR4	34,633	0	Bucks	231,175	19
Fairless Hills Generating Station	7701	PHBLR5	63,191	0	Bucks	421,800	35
Fayette Energy Facility	55516	CTG1	116,426	0	Fayette	777,144	65
Fayette Energy Facility	55516	CTG2	117,462	0	Fayette	784,059	65
FPL Energy Marcus Hook, LP	55801	1	228,261	0	Delaware	1,523,642	126
FPL Energy Marcus Hook, LP	55801	2	257,839	0	Delaware	1,721,075	143
FPL Energy Marcus Hook, LP	55801	3	246,872	0	Delaware	1,647,871	137



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOX Allowance Allocation</i>
FPL Energy MH50	50074	1	85,107	0	Delaware	568,089	47
G F Weaton	50130	34	135,072	0	Beaver	1,067,069	89
G F Weaton	50130	35	126,058	0	Beaver	995,858	83
Gilberton Power Company	10113	31		1,452,631	Schuylkill	1,752,690	145
Gilberton Power Company	10113	32		1,417,206	Schuylkill	1,709,948	142
Grays Ferry Cogen Partnership	54785	2	217,733	0	Philadelphia	1,453,368	121
Grays Ferry Cogen Partnership	54785	25		298,905	Philadelphia	360,648	30
Handsome Lake Energy	55233	EU-1A	5,953	0	Venango	39,736	3
Handsome Lake Energy	55233	EU-1B	5,860	0	Venango	39,116	3
Handsome Lake Energy	55233	EU-2A	7,339	0	Venango	48,988	4
Handsome Lake Energy	55233	EU-2B	7,286	0	Venango	48,634	4
Handsome Lake Energy	55233	EU-3A	3,869	0	Venango	25,826	2
Handsome Lake Energy	55233	EU-3B	4,675	0	Venango	31,206	3
Handsome Lake Energy	55233	EU-4A	6,108	0	Venango	40,771	3
Handsome Lake Energy	55233	EU-4B	6,083	0	Venango	40,604	3
Handsome Lake Energy	55233	EU-5A	4,322	0	Venango	28,849	2
Handsome Lake Energy	55233	EU-5B	4,316	0	Venango	28,809	2
Hatfields Ferry Power Station	3179	1	970,357	0	Greene	7,665,820	636
Hatfields Ferry Power Station	3179	2	1,450,889	0	Greene	11,462,023	951
Hatfields Ferry Power Station	3179	3	1,376,135	0	Greene	10,871,467	902
Homer City	3122	1	2,279,229	0	Indiana	18,005,909	1494
Homer City	3122	2	2,336,526	0	Indiana	18,458,555	1532
Homer City	3122	3	1,843,551	0	Indiana	14,564,053	1209

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOX Allowance Allocation</i>
Hunlock Power Station	3176	6	108,314	0	Luzerne	855,681	71
Hunterstown Combined Cycle	55976	CT101	134,962	0	Adams	900,871	75
Hunterstown Combined Cycle	55976	CT201	104,462	0	Adams	697,284	58
Hunterstown Combined Cycle	55976	CT301	138,781	0	Adams	926,363	77
Keystone	3136	1	3,073,601	0	Armstrong	24,281,448	2015
Keystone	3136	2	2,933,857	0	Armstrong	23,177,470	1924
Liberty Electric Power Plant	55231	1	26,023	0	Delaware	173,704	14
Liberty Electric Power Plant	55231	2	27,224	0	Delaware	181,720	15
Lower Mount Bethel Energy	55667	CT01	297,532	0	Northampton	1,986,026	165
Lower Mount Bethel Energy	55667	CT02	332,565	0	Northampton	2,219,871	184
Martins Creek	3148	1	233,811	0	Northampton	1,847,107	153
Martins Creek	3148	2	125,347	0	Northampton	990,241	82
Martins Creek	3148	3	755,828	0	Northampton	5,045,152	419
Martins Creek	3148	4	544,792	0	Northampton	3,636,487	302
Martins Creek	3148	AUX4B		0	Northampton	0	0
Mitchell Power Station	3181	1	1,060	0	Washington	7,076	1
Mitchell Power Station	3181	2	1,635	0	Washington	10,914	1
Mitchell Power Station	3181	3		0	Washington	0	0
Mitchell Power Station	3181	33	720,551	0	Washington	5,692,353	472
Montour	3149	1	2,397,830	0	Montour	18,942,857	1572
Montour	3149	2	2,347,440	0	Montour	18,544,776	1539
Mountain	3111	31	2,882	0	Cumberland	19,237	2
Mountain	3111	32	2,731	0	Cumberland	18,229	2
Mt. Carmel Cogeneration	10343	SG-101	136,738	0	Northumberland	1,080,230	90
New Castle	3138	3	180,063	0	Lawrence	1,422,498	118
New Castle	3138	4	185,035	0	Lawrence	1,461,777	121
New Castle	3138	5	247,294	0	Lawrence	1,953,623	162

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOX Allowance Allocation</i>
North East Cogeneration Plant	54571	1	16,530	0	Erie	110,338	9
North East Cogeneration Plant	54571	2	6,972	0	Erie	46,538	4
Northampton Generating Plant	50888	NGC01	401,539	0	Northampton	3,172,158	263
Northeastern Power Company	50039	31	118,251	0	Schuylkill	934,183	78
Ontelaunee Energy Center	55193	CT1	328,938	0	Berks	2,195,661	182
Ontelaunee Energy Center	55193	CT2	349,114	0	Berks	2,330,336	193
Panther Creek Energy Facility	50776	1	136,536	0	Carbon	1,078,635	90
Panther Creek Energy Facility	50776	2	138,880	0	Carbon	1,097,152	91
Piney Creek Power Plant	54144	31	122,929	0	Clarion	971,139	81
Portland	3113	1	408,521	0	Northampton	3,227,316	268
Portland	3113	2	645,764	0	Northampton	5,101,536	423
Portland	3113	5	26,638	0	Northampton	177,809	15
Richmond	3168	91	3,373	0	Philadelphia	22,515	2
Richmond	3168	92	3,625	0	Philadelphia	24,197	2
Schuylkill	3169	1	83,280	0	Philadelphia	555,894	46
Scrubgrass Generating Plant	50974	1	171,857	0	Venango	1,357,670	113
Scrubgrass Generating Plant	50974	2	176,298	0	Venango	1,392,754	116
Seward	3130	1	901,571	0	Indiana	7,122,412	591
Seward	3130	2	797,486	0	Indiana	6,300,142	523
Shawville	3131	1	321,277	0	Clearfield	2,538,088	211
Shawville	3131	2	209,720	0	Clearfield	1,656,788	138
Shawville	3131	3	437,178	0	Clearfield	3,453,706	287
Shawville	3131	4	423,151	0	Clearfield	3,342,893	277
St. Nicholas Cogeneration Project	54634	1	0	3,051,060	Schuylkill	3,681,295	306
Sunbury	3152	1A	100,336	183,742	Snyder	792,654	66
Sunbury	3152	1B	83,406	0	Snyder	658,908	55

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOX Allowance Allocation</i>
Sunbury	3152	2A	92,603	196,900	Snyder	731,565	61
Sunbury	3152	2B	104,297	0	Snyder	823,945	68
Sunbury	3152	3	167,671	0	Snyder	1,324,601	110
Sunbury	3152	4	191,921	0	Snyder	1,516,176	126
Titus	3115	1	199,431	0	Berks	1,575,505	131
Titus	3115	2	183,157	0	Berks	1,446,940	120
Titus	3115	3	199,902	0	Berks	1,579,226	131
Tolna	3116	31	5,123	0	York	34,196	3
Tolna	3116	32	5,213	0	York	34,797	3
Trigen Energy— Schuylkill	50607	23	0	169,181	Philadelphia	204,127	17
Trigen Energy— Schuylkill	50607	24	0	2,848	Philadelphia	3,436	0
Trigen Energy— Schuylkill	50607	26	0	0	Philadelphia	0	0
Trigen Energy Corporation— Edison St.	880006	1	0	1,203	Philadelphia	1,451	0
Trigen Energy Corporation— Edison St.	880006	2	0	307	Philadelphia	370	0
Trigen Energy Corporation— Edison St.	880006	3	0	2,681	Philadelphia	3,235	0
Trigen Energy Corporation— Edison St.	880006	4	0	2,399	Philadelphia	2,895	0
WPS Westwood Generation, LLC	50611	31	102,804	0	Schuylkill	812,152	67
Warren	3132	5		0	Warren	0	0
Wheelabrator— Frackville	50879	GEN1	0	1,458,612	Schuylkill	1,759,907	146
Williams Generation Co. (Hazleton)	10870	TURB2	5,987	0	Luzerne	39,963	3
Williams Generation Co. (Hazleton)	10870	TURB3	6,263	0	Luzerne	41,806	3
Williams Generation Co. (Hazleton)	10870	TURB4	7,046	0	Luzerne	47,032	4

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2005 OS Converted Heat Input (MMBtu)</i>	<i>2011 Seasonal CAIR NOx Allowance Allocation</i>
Williams Generation Co. (Hazleton)	10870	TURBIN	3,077	0	Luzerne	20,539	2
					<b>Total</b>	<b>508,136,890</b>	<b>42,171</b>

Table 5: Final Pennsylvania 2012 Annual CAIR NOx Allowance Allocation

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	2,840,756	Beaver	3,427,550	296
AES Beaver Valley, LLC	10676	33	0	3,051,835	Beaver	3,682,230	318
AES Beaver Valley, LLC	10676	34	0	2,801,885	Beaver	3,380,649	292
AES Beaver Valley, LLC	10676	35	0	1,469,717	Beaver	1,773,305	153
AES Ironwood	55337	1	488,847	0	Lebanon	3,263,054	281
AES Ironwood	55337	2	444,645	0	Lebanon	2,968,005	256
Allegheny Energy Hunlock Unit 4	56397	4	22,177	0	Luzerne	148,031	13
Allegheny Energy Unit 1 and Unit 2	55196	1	23,626	0	Allegheny	157,704	14
Allegheny Energy Unit 1 and Unit 2	55196	2	23,165	0	Allegheny	154,626	13
Allegheny Energy Unit 8 and Unit 9	55377	8	16,590	0	Fayette	110,738	10
Allegheny Energy Unit 8 and Unit 9	55377	9	16,525	0	Fayette	110,304	10
Allegheny Energy Units 3, 4 and 5	55710	3	64,459	0	Allegheny	430,264	37
Allegheny Energy Units 3, 4 and 5	55710	4	71,295	0	Allegheny	475,894	41
Armstrong Energy Ltd. Part	55347	1	15,978	0	Armstrong	106,653	9
Armstrong Energy Ltd. Part	55347	2	19,199	0	Armstrong	128,153	11
Armstrong Energy Ltd. Part	55347	3	20,394	0	Armstrong	136,130	12
Armstrong Energy Ltd. Part	55347	4	7,237	0	Armstrong	48,307	4
Armstrong Power Station	3178	1	947,578	0	Armstrong	7,485,866	646

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
Armstrong Power Station	3178	2	1,005,265	0	Armstrong	7,941,594	685
Bethlehem Power Plant	55690	1	171,353	0	Northampton	1,143,781	99
Bethlehem Power Plant	55690	2	170,233	0	Northampton	1,136,305	98
Bethlehem Power Plant	55690	3	165,685	0	Northampton	1,105,947	95
Bethlehem Power Plant	55690	5	186,907	0	Northampton	1,247,604	108
Bethlehem Power Plant	55690	6	187,138	0	Northampton	1,249,146	108
Bethlehem Power Plant	55690	7	179,851	0	Northampton	1,200,505	104
Bruce Mansfield	6094	1	7,426,706	0	Beaver	58,670,977	5,060
Bruce Mansfield	6094	2	5,539,700	0	Beaver	43,763,630	3,775
Bruce Mansfield	6094	3	7,288,493	0	Beaver	57,579,095	4,966
Brunner Island	3140	1	2,332,333	0	York	18,425,431	1,589
Brunner Island	3140	2	2,910,813	0	York	22,995,423	1,983
Brunner Island	3140	3	4,391,756	0	York	34,694,872	2,992
Brunot Island Power Station	3096	2A	3,189	0	Allegheny	21,287	2
Brunot Island Power Station	3096	2B	3,290	0	Allegheny	21,961	2
Brunot Island Power Station	3096	3	2,873	0	Allegheny	19,177	2
Cambria Cogen	10641	1	0	3,519,874	Cambria	4,246,948	366
Cambria Cogen	10641	2	0	3,435,930	Cambria	4,145,664	358
Chambersburg Units 12 and 13	55654	12	57,712	0	Franklin	385,228	33
Chambersburg Units 12 and 13	55654	13	56,317	0	Franklin	375,916	32
Cheswick	8226	1	2,965,783	0	Allegheny	23,429,686	2,021
Colver Power Project	10143	AAB01	852,301	0	Cambria	6,733,178	581
Conemaugh	3118	1	7,703,744	0	Indiana	60,859,578	5,249
Conemaugh	3118	2	7,452,360	0	Indiana	58,873,644	5,078
Cromby	3159	1	742,546	0	Chester	5,866,113	506
Cromby	3159	2	74,778	0	Chester	499,143	43

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
Croydon Generating Station	8012	11	191	0	Bucks	1,273	0
Croydon Generating Station	8012	12	2,656	0	Bucks	17,731	2
Croydon Generating Station	8012	21	74	0	Bucks	492	0
Croydon Generating Station	8012	22	2,528	0	Bucks	16,874	1
Croydon Generating Station	8012	31	2,355	0	Bucks	15,720	1
Croydon Generating Station	8012	32	1,528	0	Bucks	10,202	1
Croydon Generating Station	8012	41	2,698	0	Bucks	18,011	2
Croydon Generating Station	8012	42	2,099	0	Bucks	14,014	1
Ebensburg Power Company	10603	31	0	4,895,604	Cambria	5,906,852	509
Eddystone Generating Station	3161	1	1,551,562	0	Delaware	12,257,340	1,057
Eddystone Generating Station	3161	2	1,712,142	0	Delaware	13,525,922	1,167
Eddystone Generating Station	3161	3	81,778	0	Delaware	545,868	47
Eddystone Generating Station	3161	4	73,228	0	Delaware	488,797	42
Elrama	3098	1	448,926	0	Washington	3,546,515	306
Elrama	3098	2	441,594	0	Washington	3,488,593	301
Elrama	3098	3	460,867	0	Washington	3,640,849	314
Elrama	3098	4	1,047,681	0	Washington	8,276,680	714
FPL Energy MH50	50074	1	89,714	0	Delaware	598,841	52
FPL Energy Marcus Hook, LP	55801	1	499,381	0	Delaware	3,333,368	288

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
FPL Energy Marcus Hook, LP	55801	2	505,013	0	Delaware	3,370,962	291
FPL Energy Marcus Hook, LP	55801	3	501,430	0	Delaware	3,347,045	289
Fairless Energy, LLC	55298	1A	651,694	0	Bucks	4,350,057	375
Fairless Energy, LLC	55298	1B	661,937	0	Bucks	4,418,429	381
Fairless Energy, LLC	55298	2A	746,088	0	Bucks	4,980,137	430
Fairless Energy, LLC	55298	2B	705,575	0	Bucks	4,709,713	406
Fairless Hills Generating Station	7701	PHBLR3	0	0	Bucks	0	0
Fairless Hills Generating Station	7701	PHBLR4	43,718	0	Bucks	291,818	25
Fairless Hills Generating Station	7701	PHBLR5	183,661	0	Bucks	1,225,937	106
Fayette Energy Facility	55516	CTG1	164,217	0	Fayette	1,096,148	95
Fayette Energy Facility	55516	CTG2	161,230	0	Fayette	1,076,210	93
G F Weaton	50130	34	296,957	0	Beaver	2,345,960	202
G F Weaton	50130	35	307,843	0	Beaver	2,431,960	210
Gilberton Power Company	10113	31	0	3,372,391	Schuylkill	4,069,001	351
Gilberton Power Company	10113	32	0	3,335,265	Schuylkill	4,024,206	347
Grays Ferry Cogen Partnership	54785	2	125,763	0	Philadelphia	839,468	72
Grays Ferry Cogen Partnership	54785	25	0	2,804,497	Philadelphia	3,383,801	292
Handsome Lake Energy	55233	EU-1A	10,110	0	Venango	67,484	6
Handsome Lake Energy	55233	EU-1B	9,804	0	Venango	65,442	6
Handsome Lake Energy	55233	EU-2A	9,185	0	Venango	61,310	5
Handsome Lake Energy	55233	EU-2B	9,231	0	Venango	61,617	5



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
Handsome Lake Energy	55233	EU-3A	9,807	0	Venango	65,462	6
Handsome Lake Energy	55233	EU-3B	10,032	0	Venango	66,964	6
Handsome Lake Energy	55233	EU-4A	9,142	0	Venango	61,023	5
Handsome Lake Energy	55233	EU-4B	9,183	0	Venango	61,297	5
Handsome Lake Energy	55233	EU-5A	8,699	0	Venango	58,066	5
Handsome Lake Energy	55233	EU-5B	8,657	0	Venango	57,785	5
Hatfields Ferry Power Station	3179	1	4,090,208	0	Greene	32,312,643	2,787
Hatfields Ferry Power Station	3179	2	3,260,637	0	Greene	25,759,032	2,222
Hatfields Ferry Power Station	3179	3	2,442,649	0	Greene	19,296,927	1,664
Homer City	3122	1	4,753,575	0	Indiana	37,553,243	3,239
Homer City	3122	2	4,452,800	0	Indiana	35,177,120	3,034
Homer City	3122	3	3,882,966	0	Indiana	30,675,431	2,646
Hunlock Power Station	3176	6	264,492	0	Luzerne	2,089,487	180
Hunterstown Combined Cycle	55976	CT101	187,367	0	Adams	1,250,675	108
Hunterstown Combined Cycle	55976	CT201	126,337	0	Adams	843,299	73
Hunterstown Combined Cycle	55976	CT301	184,646	0	Adams	1,232,512	106
Keystone	3136	1	6,204,925	0	Armstrong	49,018,908	4,228
Keystone	3136	2	7,265,385	0	Armstrong	57,396,542	4,950
Liberty Electric Power Plant	55231	1	320,547	0	Delaware	2,139,651	185
Liberty Electric Power Plant	55231	2	335,099	0	Delaware	2,236,786	193
Lower Mount Bethel Energy	55667	CT01	484,829	0	Northampton	3,236,234	279
Lower Mount Bethel Energy	55667	CT02	490,749	0	Northampton	3,275,750	283
Martins Creek	3148	1	685,016	0	Northampton	5,411,626	467
Martins Creek	3148	2	475,037	0	Northampton	3,752,792	324
Martins Creek	3148	3	272,019	0	Northampton	1,815,727	157

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
Martins Creek	3148	4	148,022	0	Northampton	988,047	85
Martins Creek	3148	AUX4B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	3,261	0	Washington	21,767	2
Mitchell Power Station	3181	2	1,023	0	Washington	6,829	1
Mitchell Power Station	3181	3	4,296	0	Washington	28,676	2
Mitchell Power Station	3181	33	1,768,469	0	Washington	13,970,905	1,205
Montour	3149	1	5,603,506	0	Montour	44,267,697	3,818
Montour	3149	2	5,849,762	0	Montour	46,213,120	3,986
Mountain	3111	31	7,595	0	Cumberland	50,697	4
Mountain	3111	32	3,396	0	Cumberland	22,668	2
Mt. Carmel Cogeneration	10343	SG-101	294,776	0	Northumberland	2,328,730	201
New Castle	3138	3	332,018	0	Lawrence	2,622,942	226
New Castle	3138	4	367,752	0	Lawrence	2,905,241	251
New Castle	3138	5	519,691	0	Lawrence	4,105,559	354
North East Cogeneration Plant	54571	1	15,040	0	Erie	100,392	9
North East Cogeneration Plant	54571	2	13,597	0	Erie	90,760	8
Northampton Generating Plant	50888	NGC01	1,005,963	0	Northampton	7,947,108	685
Northeastern Power Company	50039	31	487,197	0	Schuylkill	3,848,856	332
Ontelaunee Energy Center	55193	CT1	690,068	0	Berks	4,606,204	397
Ontelaunee Energy Center	55193	CT2	705,854	0	Berks	4,711,575	406
Panther Creek Energy Facility	50776	1	397,677	0	Carbon	3,141,652	271
Panther Creek Energy Facility	50776	2	383,317	0	Carbon	3,028,201	261
Piney Creek Power Plant	54144	31	306,172	0	Clarion	2,418,759	209
Portland	3113	1	950,858	0	Northampton	7,511,778	648
Portland	3113	2	1,342,128	0	Northampton	10,602,811	914

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
Portland	3113	5	7,693	0	Northampton	51,351	4
Richmond	3168	91	3,183	0	Philadelphia	21,247	2
Richmond	3168	92	4,969	0	Philadelphia	33,168	3
Schuylkill	3169	1	30,520	0	Philadelphia	203,721	18
Scrubgrass Generating Plant	50974	1	408,225	0	Venango	3,224,978	278
Scrubgrass Generating Plant	50974	2	400,437	0	Venango	3,163,452	273
Seward	3130	1	1,846,024	0	Indiana	14,583,593	1,258
Seward	3130	2	1,887,210	0	Indiana	14,908,962	1,286
Shawville	3131	1	719,232	0	Clearfield	5,681,933	490
Shawville	3131	2	804,439	0	Clearfield	6,355,068	548
Shawville	3131	3	1,110,791	0	Clearfield	8,775,249	757
Shawville	3131	4	1,135,751	0	Clearfield	8,972,433	774
St. Nicholas Cogeneration Project	54634	1	0	7,082,554	Schuylkill	8,545,544	737
Sunbury	3152	1A	218,809	0	Snyder	1,728,593	149
Sunbury	3152	1B	214,275	0	Snyder	1,692,772	146
Sunbury	3152	2A	199,238	0	Snyder	1,573,978	136
Sunbury	3152	2B	227,164	0	Snyder	1,794,597	155
Sunbury	3152	3	420,936	0	Snyder	3,325,395	287
Sunbury	3152	4	462,277	0	Snyder	3,651,991	315
Titus	3115	1	436,785	0	Berks	3,450,602	298
Titus	3115	2	375,399	0	Berks	2,965,652	256
Titus	3115	3	447,452	0	Berks	3,534,871	305
Tolna	3116	31	1,799	0	York	12,008	1
Tolna	3116	32	1,313	0	York	8,764	1
Trigen Energy— Schuylkill	50607	23	0	450,996	Philadelphia	544,155	47
Trigen Energy— Schuylkill	50607	24	0	573,163	Philadelphia	691,557	60
Trigen Energy— Schuylkill	50607	26	0	531,983	Philadelphia	641,871	55
Trigen Energy Corporation— Edison St.	880006	1	0	1,362	Philadelphia	1,643	0

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 Converted Heat Input (MMBtu)</i>	<i>2012 CAIR NOx Allowance Allocation</i>
Trigen Energy Corporation—Edison St.	880006	2	0	1,977	Philadelphia	2,385	0
Trigen Energy Corporation—Edison St.	880006	3	0	1,754	Philadelphia	2,116	0
Trigen Energy Corporation—Edison St.	880006	4	0	2,002	Philadelphia	2,416	0
WPS Westwood Generation, LLC	50611	31	237,041	0	Schuylkill	1,872,624	162
Warren	3132	5	0	0	Warren	0	0
Wheelabrator—Frackville	50879	GEN1	0	3,390,244	Schuylkill	4,090,541	353
Williams Generation Co. (Hazleton)	10870	TURB2	6,088	0	Luzerne	40,637	4
Williams Generation Co. (Hazleton)	10870	TURB3	6,325	0	Luzerne	42,219	4
Williams Generation Co. (Hazleton)	10870	TURB4	7,046	0	Luzerne	47,032	4
Williams Generation Co. (Hazleton)	10870	TURBIN	4,531	0	Luzerne	30,244	3
Bear Creek Windfarm and Locust Ridge Windfarm (PPL Energy Plus)	99990000 8831	RE	51,855	0		176,981	15
					<b>Total</b>	<b>1,133,372,247</b>	<b>97,761</b>

**Table 6: Final Pennsylvania 2012 CAIR NOx Ozone Season Allowance Allocation**

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOx Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	1,077,359	Beaver	1,299,901	109
AES Beaver Valley, LLC	10676	33	0	1,133,956	Beaver	1,368,189	115
AES Beaver Valley, LLC	10676	34	0	1,160,243	Beaver	1,399,905	118
AES Beaver Valley, LLC	10676	35	0	627,296	Beaver	756,872	64
AES Ironwood	55337	1	423,593	0	Lebanon	2,827,483	238

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOX Allowance Allocation</i>
AES Ironwood	55337	2	350,078	0	Lebanon	2,336,771	197
Allegheny Energy Hunlock Unit 4	56397	4	8,023	0	Luzerne	53,554	5
Allegheny Energy Unit 1 and Unit 2	55196	1	11,184	0	Allegheny	74,653	6
Allegheny Energy Unit 1 and Unit 2	55196	2	10,672	0	Allegheny	71,236	6
Allegheny Energy Unit 8 and Unit 9	55377	8	8,407	0	Fayette	56,117	5
Allegheny Energy Unit 8 and Unit 9	55377	9	8,755	0	Fayette	58,440	5
Allegheny Energy Units 3, 4 and 5	55710	3	46,747	0	Allegheny	312,036	26
Allegheny Energy Units 3, 4 and 5	55710	4	53,650	0	Allegheny	358,114	30
Armstrong Energy Ltd. Part	55347	1	15,595	0	Armstrong	104,097	9
Armstrong Energy Ltd. Part	55347	2	11,842	0	Armstrong	79,045	7
Armstrong Energy Ltd. Part	55347	3	14,937	0	Armstrong	99,704	8
Armstrong Energy Ltd. Part	55347	4	5,268	0	Armstrong	35,164	3
Armstrong Power Station	3178	1	390,639	0	Armstrong	3,086,048	260
Armstrong Power Station	3178	2	448,072	0	Armstrong	3,539,769	298
Bethlehem Power Plant	55690	1	136,355	0	Northampton	910,170	77
Bethlehem Power Plant	55690	2	135,066	0	Northampton	901,566	76
Bethlehem Power Plant	55690	3	132,846	0	Northampton	886,747	75
Bethlehem Power Plant	55690	5	132,923	0	Northampton	887,261	75
Bethlehem Power Plant	55690	6	132,295	0	Northampton	883,069	74
Bethlehem Power Plant	55690	7	128,196	0	Northampton	855,708	72
Bruce Mansfield	6094	1	3,201,702	0	Beaver	25,293,446	2,128
Bruce Mansfield	6094	2	2,242,058	0	Beaver	17,712,258	1,490
Bruce Mansfield	6094	3	3,077,340	0	Beaver	24,310,986	2,045
Brunner Island	3140	1	979,056	0	York	7,734,542	651

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOX Allowance Allocation</i>
Brunner Island	3140	2	1,159,711	0	York	9,161,717	771
Brunner Island	3140	3	1,890,020	0	York	14,931,158	1,256
Brunot Island Power Station	3096	2A	3,189	0	Allegheny	21,287	2
Brunot Island Power Station	3096	2B	3,290	0	Allegheny	21,961	2
Brunot Island Power Station	3096	3	2,748	0	Allegheny	18,343	2
Cambria Cogen	10641	1	0	1,454,465	Cambria	1,754,903	148
Cambria Cogen	10641	2	0	1,421,720	Cambria	1,715,394	144
Chambersburg Units 12 and 13	55654	12	34,740	0	Franklin	231,890	20
Chambersburg Units 12 and 13	55654	13	33,435	0	Franklin	223,179	19
Cheswick	8226	1	999,349	0	Allegheny	7,894,857	664
Colver Power Project	10143	AAB01	402,360	0	Cambria	3,178,644	267
Conemaugh	3118	1	3,251,182	0	Indiana	25,684,338	2,161
Conemaugh	3118	2	3,126,880	0	Indiana	24,702,352	2,078
Cromby	3159	1	341,947	0	Chester	2,701,381	227
Cromby	3159	2	45,274	0	Chester	302,204	25
Croydon Generating Station	8012	11	150	0	Bucks	1,001	0
Croydon Generating Station	8012	12	2,089	0	Bucks	13,944	1
Croydon Generating Station	8012	21	58	0	Bucks	387	0
Croydon Generating Station	8012	22	1,988	0	Bucks	13,270	1
Croydon Generating Station	8012	31	1,852	0	Bucks	12,362	1
Croydon Generating Station	8012	32	1,202	0	Bucks	8,023	1
Croydon Generating Station	8012	41	2,122	0	Bucks	14,164	1

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOX Allowance Allocation</i>
Croydon Generating Station	8012	42	1,651	0	Bucks	11,020	1
Ebensburg Power Company	10603	31	0	2,091,899	Cambria	2,524,007	212
Eddystone Generating Station	3161	1	669,697	0	Delaware	5,290,606	445
Eddystone Generating Station	3161	2	700,248	0	Delaware	5,531,959	465
Eddystone Generating Station	3161	3	68,714	0	Delaware	458,666	39
Eddystone Generating Station	3161	4	73,184	0	Delaware	488,503	41
Elrama	3098	1	155,121	0	Washington	1,225,456	103
Elrama	3098	2	190,259	0	Washington	1,503,046	126
Elrama	3098	3	181,166	0	Washington	1,431,211	120
Elrama	3098	4	440,283	0	Washington	3,478,236	293
Fairless Energy, LLC	55298	1A	348,169	0	Bucks	2,324,028	196
Fairless Energy, LLC	55298	1B	356,686	0	Bucks	2,380,879	200
Fairless Energy, LLC	55298	2A	414,522	0	Bucks	2,766,934	233
Fairless Energy, LLC	55298	2B	386,500	0	Bucks	2,579,888	217
Fairless Hills Generating Station	7701	PHBLR3	0	0	Bucks	0	0
Fairless Hills Generating Station	7701	PHBLR4	11,659	0	Bucks	77,824	7
Fairless Hills Generating Station	7701	PHBLR5	81,124	0	Bucks	541,503	46
Fayette Energy Facility	55516	CTG1	100,150	0	Fayette	668,501	56
Fayette Energy Facility	55516	CTG2	101,726	0	Fayette	679,021	57
FPL Energy Marcus Hook, LP	55801	1	286,245	0	Delaware	1,910,685	161

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOX Allowance Allocation</i>
FPL Energy Marcus Hook, LP	55801	2	287,263	0	Delaware	1,917,481	161
FPL Energy Marcus Hook, LP	55801	3	287,307	0	Delaware	1,917,774	161
FPL Energy MH50	50074	1	89,714	0	Delaware	598,841	50
G F Weaton	50130	34	138,320	0	Beaver	1,092,728	92
G F Weaton	50130	35	121,370	0	Beaver	958,823	81
Gilberton Power Company	10113	31	0	1,447,700	Schuylkill	1,746,741	147
Gilberton Power Company	10113	32	0	1,424,491	Schuylkill	1,718,737	145
Grays Ferry Cogen Partnership	54785	2	58,774	0	Philadelphia	392,316	33
Grays Ferry Cogen Partnership	54785	25	0	768,594	Philadelphia	927,357	78
Handsome Lake Energy	55233	EU-1A	8,473	0	Venango	56,557	5
Handsome Lake Energy	55233	EU-1B	8,223	0	Venango	54,889	5
Handsome Lake Energy	55233	EU-2A	8,075	0	Venango	53,901	5
Handsome Lake Energy	55233	EU-2B	8,099	0	Venango	54,061	5
Handsome Lake Energy	55233	EU-3A	8,540	0	Venango	57,005	5
Handsome Lake Energy	55233	EU-3B	8,566	0	Venango	57,178	5
Handsome Lake Energy	55233	EU-4A	7,810	0	Venango	52,132	4
Handsome Lake Energy	55233	EU-4B	7,832	0	Venango	52,279	4
Handsome Lake Energy	55233	EU-5A	7,501	0	Venango	50,069	4
Handsome Lake Energy	55233	EU-5B	7,468	0	Venango	58,997	5
Hatfields Ferry Power Station	3179	1	1,657,883	0	Greene	13,097,276	1,102
Hatfields Ferry Power Station	3179	2	1,387,325	0	Greene	10,959,868	922
Hatfields Ferry Power Station	3179	3	1,060,150	0	Greene	8,375,185	705



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOX Allowance Allocation</i>
Homer City	3122	1	2,218,858	0	Indiana	17,528,978	1,475
Homer City	3122	2	1,888,732	0	Indiana	14,920,983	1,255
Homer City	3122	3	2,127,191	0	Indiana	16,804,809	1,414
Hunlock Power Station	3176	6	113,369	0	Luzerne	895,615	75
Hunterstown Combined Cycle	55976	CT101	166,275	0	Adams	1,109,886	93
Hunterstown Combined Cycle	55976	CT201	123,725	0	Adams	825,864	69
Hunterstown Combined Cycle	55976	CT301	162,480	0	Adams	1,084,554	91
Keystone	3136	1	3,087,430	0	Armstrong	24,390,697	2,052
Keystone	3136	2	3,154,669	0	Armstrong	24,921,885	2,096
Liberty Electric Power Plant	55231	1	228,942	0	Delaware	1,528,188	129
Liberty Electric Power Plant	55231	2	237,147	0	Delaware	1,582,956	133
Lower Mount Bethel Energy	55667	CT01	384,106	0	Northampton	2,563,908	216
Lower Mount Bethel Energy	55667	CT02	384,139	0	Northampton	2,564,128	216
Martins Creek	3148	1	263,536	0	Northampton	2,081,934	175
Martins Creek	3148	2	194,674	0	Northampton	1,537,925	129
Martins Creek	3148	3	267,392	0	Northampton	1,784,842	150
Martins Creek	3148	4	122,595	0	Northampton	818,322	69
Martins Creek	3148	AUX4B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	2,549	0	Washington	17,015	1
Mitchell Power Station	3181	2	0	0	Washington	0	0
Mitchell Power Station	3181	3	3,211	0	Washington	21,433	2
Mitchell Power Station	3181	33	721,262	0	Washington	5,697,970	479
Montour	3149	1	2,393,420	0	Montour	18,908,018	1,591
Montour	3149	2	2,429,026	0	Montour	19,189,305	1,614
Mountain	3111	31	5,444	0	Cumberland	36,339	3
Mountain	3111	32	3,396	0	Cumberland	22,668	2
Mt. Carmel Cogeneration	10343	SG-101	139,020	0	Northumberland	1,098,258	92

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOX Allowance Allocation</i>
New Castle	3138	3	111,338	0	Lawrence	879,570	74
New Castle	3138	4	145,812	0	Lawrence	1,151,915	97
New Castle	3138	5	217,181	0	Lawrence	1,715,730	144
North East Cogeneration Plant	54571	1	13,120	0	Erie	87,576	7
North East Cogeneration Plant	54571	2	11,187	0	Erie	74,673	6
Northampton Generating Plant	50888	NGC01	422,396	0	Northampton	3,336,928	281
Northeastern Power Company	50039	31	212,068	0	Schuylkill	1,675,337	141
Ontelaunee Energy Center	55193	CT1	438,571	0	Berks	2,927,461	246
Ontelaunee Energy Center	55193	CT2	455,550	0	Berks	3,040,796	256
Panther Creek Energy Facility	50776	1	144,283	0	Carbon	1,139,834	96
Panther Creek Energy Facility	50776	2	148,793	0	Carbon	1,175,467	99
Piney Creek Power Plant	54144	31	124,304	0	Clarion	982,002	83
Portland	3113	1	393,001	0	Northampton	3,104,708	261
Portland	3113	2	504,934	0	Northampton	3,988,979	336
Portland	3113	5	6,751	0	Northampton	45,063	4
Richmond	3168	91	3,183	0	Philadelphia	21,247	2
Richmond	3168	92	3,984	0	Philadelphia	26,593	2
Schuylkill	3169	1	27,626	0	Philadelphia	184,404	16
Scrubgrass Generating Plant	50974	1	168,659	0	Venango	1,332,406	112
Scrubgrass Generating Plant	50974	2	162,287	0	Venango	1,282,067	108
Seward	3130	1	683,534	0	Indiana	5,399,917	454
Seward	3130	2	682,072	0	Indiana	5,388,369	453
Shawville	3131	1	311,959	0	Clearfield	2,464,476	207
Shawville	3131	2	323,601	0	Clearfield	2,556,448	215
Shawville	3131	3	449,984	0	Clearfield	3,554,874	299
Shawville	3131	4	489,726	0	Clearfield	3,868,835	325

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOX Allowance Allocation</i>
St. Nicholas Cogeneration Project	54634	1	0	2,872,507	Schuylkill	3,465,859	292
Sunbury	3152	1A	82,458	0	Snyder	651,421	55
Sunbury	3152	1B	93,948	0	Snyder	742,186	62
Sunbury	3152	2A	65,381	0	Snyder	516,508	43
Sunbury	3152	2B	129,845	0	Snyder	1,025,778	86
Sunbury	3152	3	182,717	0	Snyder	1,443,464	121
Sunbury	3152	4	211,736	0	Snyder	1,672,714	141
Titus	3115	1	187,374	0	Berks	1,480,255	125
Titus	3115	2	169,039	0	Berks	1,335,408	112
Titus	3115	3	194,251	0	Berks	1,534,583	129
Tolna	3116	31	1,608	0	York	10,733	1
Tolna	3116	32	1,313	0	York	8,764	1
Trigen Energy—Schuylkill	50607	23	0	151,001	Philadelphia	182,192	15
Trigen Energy—Schuylkill	50607	24	0	233,837	Philadelphia	282,139	24
Trigen Energy—Schuylkill	50607	26	0	80,754	Philadelphia	97,435	8
Trigen Energy Corporation—Edison St.	880006	1	0	253	Philadelphia	305	0
Trigen Energy Corporation—Edison St.	880006	2	0	581	Philadelphia	701	0
Trigen Energy Corporation—Edison St.	880006	3	0	535	Philadelphia	646	0
Trigen Energy Corporation—Edison St.	880006	4	0	218	Philadelphia	263	0
WPS Westwood Generation, LLC	50611	31	92,022	0	Schuylkill	726,974	61
Warren	3132	5	0	0	Warren	0	0
Wheelabrator—Frackville	50879	GEN1	0	1,324,621	Schuylkill	1,598,238	134
Williams Generation Co. (Hazleton)	10870	TURB2	4,829	0	Luzerne	32,234	3
Williams Generation Co. (Hazleton)	10870	TURB3	4,822	0	Luzerne	32,187	3

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2006 OS Converted Heat Input (MMBtu)</i>	<i>2012 Seasonal CAIR NOx Allowance Allocation</i>
Williams Generation Co. (Hazleton)	10870	TURB4	5,887	0	Luzerne	39,296	3
Williams Generation Co. (Hazleton)	10870	TURBIN	3,815	0	Luzerne	25,465	2
Bear Creek Windfarm and Locust Ridge Windfarm (PPL Energy Plus)	99990000 8831	RE	14,569	0		49,724	4
					<b>Totals</b>	<b>501,319,401</b>	<b>42,171</b>

Table 7: Final Pennsylvania 2013 Annual CAIR NOx Allowance Allocation Table

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	3,039,526	Beaver	3,667,378	305
AES Beaver Valley, LLC	10676	33	0	2,846,987	Beaver	3,435,068	286
AES Beaver Valley, LLC	10676	34	0	2,844,663	Beaver	3,432,264	286
AES Beaver Valley, LLC	10676	35	0	1,500,570	Beaver	1,810,531	151
AES Ironwood	55337	1	786,084	0	Lebanon	5,247,111	437
AES Ironwood	55337	2	766,758	0	Lebanon	5,118,110	426
Allegheny Energy Hunlock Unit 4	56397	4	38,052	0	Luzerne	253,997	21
Allegheny Energy Unit 1 and Unit 2	55196	1	43,914	0	Allegheny	293,126	24
Allegheny Energy Unit 1 and Unit 2	55196	2	39,424	0	Allegheny	263,155	22
Allegheny Energy Unit 8 and Unit 9	55377	8	9,982	0	Fayette	66,630	6
Allegheny Energy Unit 8 and Unit 9	55377	9	35,034	0	Fayette	233,852	19
Allegheny Energy Units 3, 4 and 5	55710	3	194,133	0	Allegheny	1,295,838	108
Allegheny Energy Units 3, 4 and 5	55710	4	216,707	0	Allegheny	1,446,519	120
Armstrong Energy Ltd. Part	55347	1	10,411	0	Armstrong	69,493	6

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
Armstrong Energy Ltd. Part	55347	2	23,863	0	Armstrong	159,286	13
Armstrong Energy Ltd. Part	55347	3	24,653	0	Armstrong	164,559	14
Armstrong Energy Ltd. Part	55347	4	10,298	0	Armstrong	68,739	6
Armstrong Power Station	3178	1	1,153,711	0	Armstrong	9,114,317	759
Armstrong Power Station	3178	2	1,119,506	0	Armstrong	8,844,097	736
Bethlehem Power Plant	55690	1	331,366	0	Northampton	2,211,868	184
Bethlehem Power Plant	55690	2	329,728	0	Northampton	2,200,934	183
Bethlehem Power Plant	55690	3	320,743	0	Northampton	2,140,960	178
Bethlehem Power Plant	55690	5	284,874	0	Northampton	1,901,534	158
Bethlehem Power Plant	55690	6	282,603	0	Northampton	1,886,375	157
Bethlehem Power Plant	55690	7	280,040	0	Northampton	1,869,267	156
Bruce Mansfield	6094	1	6,448,972	0	Beaver	50,946,879	4,241
Bruce Mansfield	6094	2	6,900,505	0	Beaver	54,513,990	4,538
Bruce Mansfield	6094	3	6,021,153	0	Beaver	47,567,109	3,959
Brunner Island	3140	1	2,185,416	0	York	17,264,786	1,437
Brunner Island	3140	2	2,944,138	0	York	23,258,690	1,936
Brunner Island	3140	3	5,858,829	0	York	46,284,749	3,853
Brunot Island Power Station	3096	2A	2,730	0	Allegheny	18,223	2
Brunot Island Power Station	3096	2B	2,837	0	Allegheny	18,937	2
Brunot Island Power Station	3096	3	3,551	0	Allegheny	23,703	2
Cambria Cogen	10641	1	0	3,497,926	Cambria	4,220,466	351
Cambria Cogen	10641	2	0	3,376,621	Cambria	4,074,104	339
Chambersburg Units 12 and 13	55654	12	53,130	0	Franklin	354,643	30
Chambersburg Units 12 and 13	55654	13	74,373	0	Franklin	496,440	41
Cheswick	8226	1	3,085,749	0	Allegheny	24,377,417	2,029

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
Colver Power Project	10143	AAB01	964,607	0	Cambria	7,620,395	634
Conemaugh	3118	1	7,159,816	0	Indiana	56,562,546	4,708
Conemaugh	3118	2	6,585,098	0	Indiana	52,022,274	4,330
Cromby	3159	1	790,447	0	Chester	6,244,531	520
Cromby	3159	2	134,793	0	Chester	899,743	75
Croydon Generating Station	8012	11	498	0	Bucks	3,324	0
Croydon Generating Station	8012	12	473	0	Bucks	3,157	0
Croydon Generating Station	8012	21	960	0	Bucks	6,408	1
Croydon Generating Station	8012	22	852	0	Bucks	5,687	0
Croydon Generating Station	8012	31	479	0	Bucks	3,197	0
Croydon Generating Station	8012	32	540	0	Bucks	3,605	0
Croydon Generating Station	8012	41	378	0	Bucks	2,523	0
Croydon Generating Station	8012	42	578	0	Bucks	3,858	0
Ebensburg Power Company	10603	31	0	4,967,966	Cambria	5,994,161	499
Eddystone Generating Station	3161	1	1,506,313	0	Delaware	11,899,873	990
Eddystone Generating Station	3161	2	1,553,452	0	Delaware	12,272,271	1,021
Eddystone Generating Station	3161	3	186,174	0	Delaware	1,242,711	103
Eddystone Generating Station	3161	4	170,717	0	Delaware	1,139,536	95
Elrama	3098	1	405,734	0	Washington	3,205,299	267
Elrama	3098	2	388,419	0	Washington	3,068,510	255

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
Elrama	3098	3	500,963	0	Washington	3,957,608	329
Elrama	3098	4	936,502	0	Washington	7,398,366	616
FPL Energy MH50	50074	1	179,815	0	Delaware	1,200,265	100
FPL Energy Marcus Hook, LP	55801	1	518,114	0	Delaware	3,458,411	288
FPL Energy Marcus Hook, LP	55801	2	562,187	0	Delaware	3,752,598	312
FPL Energy Marcus Hook, LP	55801	3	555,946	0	Delaware	3,710,940	309
Fairless Energy, LLC	55298	1A	858,590	0	Bucks	5,731,088	477
Fairless Energy, LLC	55298	1B	887,396	0	Bucks	5,923,368	493
Fairless Energy, LLC	55298	2A	1,023,479	0	Bucks	6,831,722	569
Fairless Energy, LLC	55298	2B	1,020,955	0	Bucks	6,814,875	567
Fairless Hills Generating Station	7701	PHBLR3	0	0	Bucks	0	0
Fairless Hills Generating Station	7701	PHBLR4	120,495	0	Bucks	804,304	67
Fairless Hills Generating Station	7701	PHBLR5	118,281	0	Bucks	789,526	66
Fayette Energy Facility	55516	CTG1	331,502	0	Fayette	2,212,776	184
Fayette Energy Facility	55516	CTG2	323,893	0	Fayette	2,161,986	180
G F Weaton	50130	34	267,180	0	Beaver	2,110,722	176
G F Weaton	50130	35	290,247	0	Beaver	2,292,951	191
Gilberton Power Company	10113	31	0	3,282,915	Schuylkill	3,961,042	330
Gilberton Power Company	10113	32	0	3,226,253	Schuylkill	3,892,676	324
Grays Ferry Cogen Partnership	54785	2	289,048	0	Philadelphia	1,929,395	161
Grays Ferry Cogen Partnership	54785	25	0	2,775,820	Philadelphia	3,349,200	279

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
Handsome Lake Energy	55233	EU-1A	14,494	0	Venango	96,747	8
Handsome Lake Energy	55233	EU-1B	14,240	0	Venango	95,052	8
Handsome Lake Energy	55233	EU-2A	16,550	0	Venango	110,471	9
Handsome Lake Energy	55233	EU-2B	16,561	0	Venango	110,545	9
Handsome Lake Energy	55233	EU-3A	15,077	0	Venango	100,639	8
Handsome Lake Energy	55233	EU-3B	15,011	0	Venango	100,198	8
Handsome Lake Energy	55233	EU-4A	9,012	0	Venango	60,155	5
Handsome Lake Energy	55233	EU-4B	13,855	0	Venango	92,482	8
Handsome Lake Energy	55233	EU-5A	13,333	0	Venango	88,998	7
Handsome Lake Energy	55233	EU-5B	12,678	0	Venango	84,626	7
Hatfields Ferry Power Station	3179	1	3,998,351	0	Greene	31,586,973	2,629
Hatfields Ferry Power Station	3179	2	3,083,323	0	Greene	24,358,252	2,027
Hatfields Ferry Power Station	3179	3	3,949,473	0	Greene	31,200,837	2,597
Homer City	3122	1	4,836,563	0	Indiana	38,208,848	3,180
Homer City	3122	2	4,340,020	0	Indiana	34,286,158	2,854
Homer City	3122	3	5,346,270	0	Indiana	42,235,533	3,516
Hunlock Power Station	3176	6	293,312	0	Luzerne	2,317,165	193
Hunterstown Combined Cycle	55976	CT101	307,103	0	Adams	2,049,913	171
Hunterstown Combined Cycle	55976	CT201	183,468	0	Adams	1,224,649	102
Hunterstown Combined Cycle	55976	CT301	322,787	0	Adams	2,154,603	179
Keystone	3136	1	7,380,040	0	Armstrong	58,302,316	4,853
Keystone	3136	2	5,627,837	0	Armstrong	44,459,912	3,701
Liberty Electric Power Plant	55231	1	585,819	0	Delaware	3,910,342	325
Liberty Electric Power Plant	55231	2	586,106	0	Delaware	3,912,258	326



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
Lower Mount Bethel Energy	55667	CT01	655,656	0	Northampton	4,376,504	364
Lower Mount Bethel Energy	55667	CT02	635,394	0	Northampton	4,241,255	353
Martins Creek	3148	1	509,240	0	Northampton	4,022,996	335
Martins Creek	3148	2	461,647	0	Northampton	3,647,011	304
Martins Creek	3148	3	500,390	0	Northampton	3,340,103	278
Martins Creek	3148	4	259,162	0	Northampton	1,729,906	144
Martins Creek	3148	AUX4B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	1,928	0	Washington	12,869	1
Mitchell Power Station	3181	2	446	0	Washington	2,977	0
Mitchell Power Station	3181	3	1,480	0	Washington	9,879	1
Mitchell Power Station	3181	33	948,641	0	Washington	7,494,264	624
Montour	3149	1	5,496,212	0	Montour	43,420,075	3,614
Montour	3149	2	5,103,141	0	Montour	40,314,814	3,356
Mountain	3111	31	9,140	0	Cumberland	61,010	5
Mountain	3111	32	8,134	0	Cumberland	54,294	5
Mt. Carmel Cogeneration	10343	SG-101	312,481	0	Northumberland	2,468,600	205
New Castle	3138	3	461,477	0	Lawrence	3,645,668	303
New Castle	3138	4	508,309	0	Lawrence	4,015,641	334
New Castle	3138	5	574,923	0	Lawrence	4,541,892	378
North East Cogeneration Plant	54571	1	9,251	0	Erie	61,750	5
North East Cogeneration Plant	54571	2	14,497	0	Erie	96,767	8
Northampton Generating Plant	50888	NGC01	924,061	0	Northampton	7,300,082	608
Northeastern Power Company	50039	31	491,900	0	Schuylkill	3,886,010	323
Ontelaunee Energy Center	55193	CT1	534,851	0	Berks	3,570,130	297
Ontelaunee Energy Center	55193	CT2	683,174	0	Berks	4,560,186	380

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
Panther Creek Energy Facility	50776	1	361,089	0	Carbon	2,852,603	237
Panther Creek Energy Facility	50776	2	376,100	0	Carbon	2,971,190	247
Piney Creek Power Plant	54144	31	299,239	0	Clarion	2,363,988	197
Portland	3113	1	975,476	0	Northampton	7,706,260	641
Portland	3113	2	1,410,853	0	Northampton	11,145,739	928
Portland	3113	5	14,633	0	Northampton	97,675	8
Richmond	3168	91	1,076	0	Philadelphia	7,182	1
Richmond	3168	92	637	0	Philadelphia	4,252	0
Schuylkill	3169	1	86,025	0	Philadelphia	574,217	48
Scrubgrass Generating Plant	50974	1	383,055	0	Venango	3,026,135	252
Scrubgrass Generating Plant	50974	2	397,413	0	Venango	3,139,563	261
Seward	3130	1	2,119,538	0	Indiana	16,744,350	1,394
Seward	3130	2	1,942,918	0	Indiana	15,349,052	1,278
Shawville	3131	1	806,968	0	Clearfield	6,375,047	531
Shawville	3131	2	773,653	0	Clearfield	6,111,859	509
Shawville	3131	3	967,690	0	Clearfield	7,644,751	636
Shawville	3131	4	1,169,799	0	Clearfield	9,241,412	769
St. Nicholas Cogeneration Project	54634	1	0	6,508,961	Schuylkill	7,853,468	654
Sunbury	3152	1A	316,733	0	Snyder	2,502,187	208
Sunbury	3152	1B	296,492	0	Snyder	2,342,285	195
Sunbury	3152	2A	303,437	0	Snyder	2,397,156	200
Sunbury	3152	2B	315,462	0	Snyder	2,492,147	207
Sunbury	3152	3	657,605	0	Snyder	5,195,080	432
Sunbury	3152	4	457,241	0	Snyder	3,612,206	301
Titus	3115	1	529,713	0	Berks	4,184,733	348
Titus	3115	2	510,685	0	Berks	4,034,412	336
Titus	3115	3	440,584	0	Berks	3,480,614	290
Tolna	3116	31	3,655	0	York	24,397	2
Tolna	3116	32	3,149	0	York	21,020	2

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 Converted Heat Input (MMBtu)</i>	<i>2013 CAIR NOx Allowance Allocation</i>
Trigen Energy— Schuylkill	50607	23	0	332,928	Philadelphia	401,698	33
Trigen Energy— Schuylkill	50607	24	0	403,764	Philadelphia	487,167	41
Trigen Energy— Schuylkill	50607	26	0	262,419	Philadelphia	316,625	26
Trigen Energy Corporation— Edison St.	880006	1	0	101,570	Philadelphia	122,551	10
Trigen Energy Corporation— Edison St.	880006	2	0	94,030	Philadelphia	113,453	9
Trigen Energy Corporation— Edison St.	880006	3	0	176,519	Philadelphia	212,981	18
Trigen Energy Corporation— Edison St.	880006	4	0	130,309	Philadelphia	157,226	13
WPS Westwood Generation, LLC	50611	31	175,787	0	Schuylkill	1,388,717	116
Warren	3132	5	3	0	Warren	20	0
Wheelabrator— Frackville	50879	GEN1	0	3,472,041	Schuylkill	4,189,234	349
Williams Generation Co. (Hazleton)	10870	TURB2	3,580	0	Luzerne	23,897	2
Williams Generation Co. (Hazleton)	10870	TURB3	3,147	0	Luzerne	21,006	2
Williams Generation Co. (Hazleton)	10870	TURB4	4,054	0	Luzerne	27,060	2
Williams Generation Co. (Hazleton)	10870	TURBIN	1,395	0	Luzerne	9,312	1
Bear Creek Windfarm and Locust Ridge Windfarm (PPL Energy Plus)	99990000 8831	RE	124,456	0	0	424,768	35
					<b>Total</b>	<b>1,174,515,625</b>	<b>97,761</b>

Table 8: Final Pennsylvania 2013 CAIR NOx Ozone Season Allowance Allocation

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
AES Beaver Valley, LLC	10676	32	0	1,325,711	Beaver	1,599,553	131
AES Beaver Valley, LLC	10676	33	0	1,226,733	Beaver	1,480,130	121
AES Beaver Valley, LLC	10676	34	0	1,164,797	Beaver	1,405,400	115
AES Beaver Valley, LLC	10676	35	0	610,352	Beaver	736,428	60
AES Ironwood	55337	1	469,186	0	Lebanon	3,131,817	257
AES Ironwood	55337	2	445,244	0	Lebanon	2,972,004	244
Allegheny Energy Hunlock Unit 4	56397	4	19,819	0	Luzerne	132,292	11
Allegheny Energy Unit 1 and Unit 2	55196	1	26,839	0	Allegheny	179,150	15
Allegheny Energy Unit 1 and Unit 2	55196	2	21,131	0	Allegheny	141,049	12
Allegheny Energy Unit 8 and Unit 9	55377	8	3,223	0	Fayette	21,514	2
Allegheny Energy Unit 8 and Unit 9	55377	9	19,701	0	Fayette	131,504	11
Allegheny Energy Units 3, 4 and 5	55710	3	176,340	0	Allegheny	1,177,070	97
Allegheny Energy Units 3, 4 and 5	55710	4	195,458	0	Allegheny	1,304,682	107
Armstrong Energy Ltd. Part	55347	1	10,134	0	Armstrong	67,644	6
Armstrong Energy Ltd. Part	55347	2	13,874	0	Armstrong	92,609	8
Armstrong Energy Ltd. Part	55347	3	19,336	0	Armstrong	129,068	11
Armstrong Energy Ltd. Part	55347	4	6,740	0	Armstrong	44,990	4
Armstrong Power Station	3178	1	493,558	0	Armstrong	3,899,108	320
Armstrong Power Station	3178	2	516,052	0	Armstrong	4,076,811	334
Bethlehem Power Plant	55690	1	190,625	0	Northampton	1,272,422	104
Bethlehem Power Plant	55690	2	188,790	0	Northampton	1,260,173	103
Bethlehem Power Plant	55690	3	184,417	0	Northampton	1,230,983	101

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
Bethlehem Power Plant	55690	5	169,607	0	Northampton	1,132,127	93
Bethlehem Power Plant	55690	6	167,319	0	Northampton	1,116,854	92
Bethlehem Power Plant	55690	7	165,855	0	Northampton	1,107,082	91
Bruce Mansfield	6094	1	2,923,872	0	Beaver	23,098,589	1,895
Bruce Mansfield	6094	2	3,050,433	0	Beaver	24,098,421	1,977
Bruce Mansfield	6094	3	2,505,710	0	Beaver	19,795,109	1,624
Brunner Island	3140	1	852,334	0	York	6,733,439	552
Brunner Island	3140	2	1,176,855	0	York	9,297,155	763
Brunner Island	3140	3	2,303,966	0	York	18,201,331	1,493
Brunot Island Power Station	3096	2A	1,874	0	Allegheny	12,509	1
Brunot Island Power Station	3096	2B	1,970	0	Allegheny	13,150	1
Brunot Island Power Station	3096	3	2,728	0	Allegheny	18,209	1
Cambria Cogen	10641	1	0	1,405,695	Cambria	1,696,059	139
Cambria Cogen	10641	2	0	1,365,620	Cambria	1,647,706	135
Chambersburg Units 12 and 13	55654	12	33,573	0	Franklin	224,100	18
Chambersburg Units 12 and 13	55654	13	41,664	0	Franklin	278,107	23
Cheswick	8226	1	1,187,411	0	Allegheny	9,380,547	770
Colver Power Project	10143	AAB01	390,336	0	Cambria	3,083,654	253
Conemaugh	3118	1	3,003,487	0	Indiana	23,727,547	1,947
Conemaugh	3118	2	2,430,708	0	Indiana	19,202,593	1,575
Cromby	3159	1	349,647	0	Chester	2,762,211	227
Cromby	3159	2	80,812	0	Chester	539,420	44
Croydon Generating Station	8012	11	489	0	Bucks	3,264	0
Croydon Generating Station	8012	12	473	0	Bucks	3,157	0
Croydon Generating Station	8012	21	960	0	Bucks	6,408	1

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
Croydon Generating Station	8012	22	852	0	Bucks	5,687	0
Croydon Generating Station	8012	31	479	0	Bucks	3,197	0
Croydon Generating Station	8012	32	540	0	Bucks	3,605	0
Croydon Generating Station	8012	41	378	0	Bucks	2,523	0
Croydon Generating Station	8012	42	578	0	Bucks	3,858	0
Ebensburg Power Company	10603	31	0	2,192,298	Cambria	2,645,145	217
Eddystone Generating Station	3161	1	771,505	0	Delaware	6,094,890	500
Eddystone Generating Station	3161	2	768,220	0	Delaware	6,068,938	498
Eddystone Generating Station	3161	3	101,740	0	Delaware	679,115	56
Eddystone Generating Station	3161	4	81,079	0	Delaware	541,202	44
Elrama	3098	1	149,934	0	Washington	1,184,479	97
Elrama	3098	2	205,726	0	Washington	1,625,235	133
Elrama	3098	3	177,042	0	Washington	1,398,632	115
Elrama	3098	4	339,003	0	Washington	2,678,124	220
Fairless Energy, LLC	55298	1A	454,326	0	Bucks	3,032,626	249
Fairless Energy, LLC	55298	1B	486,878	0	Bucks	3,249,911	267
Fairless Energy, LLC	55298	2A	503,423	0	Bucks	3,360,349	276
Fairless Energy, LLC	55298	2B	498,147	0	Bucks	3,325,131	273
Fairless Hills Generating Station	7701	PHBLR3	0	0	Bucks	0	0

## NOTICES

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
Fairless Hills Generating Station	7701	PHBLR4	87,284	0	Bucks	582,621	48
Fairless Hills Generating Station	7701	PHBLR5	12,952	0	Bucks	86,455	7
Fayette Energy Facility	55516	CTG1	225,818	0	Fayette	1,507,335	124
Fayette Energy Facility	55516	CTG2	228,346	0	Fayette	1,524,210	125
FPL Energy Marcus Hook, LP	55801	1	256,769	0	Delaware	1,713,933	141
FPL Energy Marcus Hook, LP	55801	2	276,792	0	Delaware	1,847,587	152
FPL Energy Marcus Hook, LP	55801	3	285,890	0	Delaware	1,908,316	157
FPL Energy MH50	50074	1	105,936	0	Delaware	707,123	58
G F Weaton	50130	34	121,370	0	Beaver	958,823	79
G F Weaton	50130	35	133,497	0	Beaver	1,054,626	87
Gilberton Power Company	10113	31	0	1,423,189	Schuylkill	1,717,166	141
Gilberton Power Company	10113	32	0	1,376,237	Schuylkill	1,660,516	136
Grays Ferry Cogen Partnership	54785	2	90,859	0	Philadelphia	606,484	50
Grays Ferry Cogen Partnership	54785	25	0	845,443	Philadelphia	1,020,080	84
Handsome Lake Energy	55233	EU-1A	8,118	0	Venango	54,188	4
Handsome Lake Energy	55233	EU-1B	8,001	0	Venango	53,407	4
Handsome Lake Energy	55233	EU-2A	8,025	0	Venango	53,567	4
Handsome Lake Energy	55233	EU-2B	7,986	0	Venango	53,307	4
Handsome Lake Energy	55233	EU-3A	7,187	0	Venango	47,973	4
Handsome Lake Energy	55233	EU-3B	7,185	0	Venango	47,960	4
Handsome Lake Energy	55233	EU-4A	3,978	0	Venango	26,553	2

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
Handsome Lake Energy	55233	EU-4B	7,199	0	Venango	48,053	4
Handsome Lake Energy	55233	EU-5A	7,926	0	Venango	52,906	4
Handsome Lake Energy	55233	EU-5B	7,918	0	Venango	62,552	5
Hatfields Ferry Power Station	3179	1	1,594,586	0	Greene	12,597,229	1,034
Hatfields Ferry Power Station	3179	2	1,371,964	0	Greene	10,838,516	889
Hatfields Ferry Power Station	3179	3	1,513,452	0	Greene	11,956,271	981
Homer City	3122	1	2,153,022	0	Indiana	17,008,874	1,396
Homer City	3122	2	2,088,524	0	Indiana	16,499,340	1,354
Homer City	3122	3	2,213,823	0	Indiana	17,489,202	1,435
Hunlock Power Station	3176	6	121,422	0	Luzerne	959,234	79
Hunterstown Combined Cycle	55976	CT101	195,113	0	Adams	1,302,379	107
Hunterstown Combined Cycle	55976	CT201	155,493	0	Adams	1,037,916	85
Hunterstown Combined Cycle	55976	CT301	206,668	0	Adams	1,379,509	113
Keystone	3136	1	3,119,412	0	Armstrong	24,643,355	2,022
Keystone	3136	2	2,951,609	0	Armstrong	23,317,711	1,913
Liberty Electric Power Plant	55231	1	348,679	0	Delaware	2,327,432	191
Liberty Electric Power Plant	55231	2	348,154	0	Delaware	2,323,928	191
Lower Mount Bethel Energy	55667	CT01	390,877	0	Northampton	2,609,104	214
Lower Mount Bethel Energy	55667	CT02	380,792	0	Northampton	2,541,787	209
Martins Creek	3148	1	279,880	0	Northampton	2,211,052	181
Martins Creek	3148	2	267,460	0	Northampton	2,112,934	173
Martins Creek	3148	3	263,161	0	Northampton	1,756,600	144
Martins Creek	3148	4	138,442	0	Northampton	924,100	76
Martins Creek	3148	AUX4B	0	0	Northampton	0	0
Mitchell Power Station	3181	1	1,130	0	Washington	7,543	1



<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
Mitchell Power Station	3181	2	0	0	Washington	0	0
Mitchell Power Station	3181	3	1,480	0	Washington	9,879	1
Mitchell Power Station	3181	33	139,747	0	Washington	1,104,001	91
Montour	3149	1	2,403,224	0	Montour	18,985,470	1,558
Montour	3149	2	1,892,161	0	Montour	14,948,072	1,226
Mountain	3111	31	5,988	0	Cumberland	39,970	3
Mountain	3111	32	5,329	0	Cumberland	35,571	3
Mt. Carmel Cogeneration	10343	SG-101	131,805	0	Northumberland	1,041,260	85
New Castle	3138	3	207,529	0	Lawrence	1,639,479	135
New Castle	3138	4	200,159	0	Lawrence	1,581,256	130
New Castle	3138	5	249,489	0	Lawrence	1,970,963	162
North East Cogeneration Plant	54571	1	4,432	0	Erie	29,584	2
North East Cogeneration Plant	54571	2	6,404	0	Erie	42,747	4
Northampton Generating Plant	50888	NGC01	389,975	0	Northampton	3,080,803	253
Northeastern Power Company	50039	31	209,715	0	Schuylkill	1,656,749	136
Ontelaunee Energy Center	55193	CT1	333,783	0	Berks	2,228,002	183
Ontelaunee Energy Center	55193	CT2	408,268	0	Berks	2,725,189	224
Panther Creek Energy Facility	50776	1	156,418	0	Carbon	1,235,702	101
Panther Creek Energy Facility	50776	2	170,453	0	Carbon	1,346,579	110
Piney Creek Power Plant	54144	31	119,372	0	Clarion	943,039	77
Portland	3113	1	416,705	0	Northampton	3,291,970	270
Portland	3113	2	668,924	0	Northampton	5,284,500	434
Portland	3113	5	6,199	0	Northampton	41,378	3
Richmond	3168	91	1,076	0	Philadelphia	7,182	1
Richmond	3168	92	637	0	Philadelphia	4,252	0
Schuylkill	3169	1	41,693	0	Philadelphia	278,301	23

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
Scrubgrass Generating Plant	50974	1	142,962	0	Venango	1,129,400	93
Scrubgrass Generating Plant	50974	2	151,893	0	Venango	1,199,955	98
Seward	3130	1	985,694	0	Indiana	7,786,983	639
Seward	3130	2	839,623	0	Indiana	6,633,022	544
Shawville	3131	1	336,099	0	Clearfield	2,655,182	218
Shawville	3131	2	305,166	0	Clearfield	2,410,811	198
Shawville	3131	3	454,664	0	Clearfield	3,591,846	295
Shawville	3131	4	469,074	0	Clearfield	3,705,685	304
St. Nicholas Cogeneration Project	54634	1	0	2,677,521	Schuylkill	3,230,596	265
Sunbury	3152	1A	122,773	0	Snyder	969,908	80
Sunbury	3152	1B	114,765	0	Snyder	906,643	74
Sunbury	3152	2A	118,313	0	Snyder	934,671	77
Sunbury	3152	2B	120,263	0	Snyder	950,077	78
Sunbury	3152	3	237,868	0	Snyder	1,879,160	154
Sunbury	3152	4	201,192	0	Snyder	1,589,415	130
Titus	3115	1	228,094	0	Berks	1,801,943	148
Titus	3115	2	210,390	0	Berks	1,662,081	136
Titus	3115	3	202,408	0	Berks	1,599,023	131
Tolna	3116	31	2,957	0	York	19,738	2
Tolna	3116	32	2,548	0	York	17,008	1
Trigen Energy— Schuylkill	50607	23	0	45,828	Philadelphia	55,294	5
Trigen Energy— Schuylkill	50607	24	0	60,364	Philadelphia	72,833	6
Trigen Energy— Schuylkill	50607	26	0	29,977	Philadelphia	36,169	3
Trigen Energy Corporation— Edison St.	880006	1	0	48,392	Philadelphia	58,388	5
Trigen Energy Corporation— Edison St.	880006	2	0	50,470	Philadelphia	60,895	5
Trigen Energy Corporation— Edison St.	880006	3	0	108,925	Philadelphia	131,425	11

<i>FACILITY NAME</i>	<i>ORIS CODE</i>	<i>UNIT ID</i>	<i>GROSS LOAD (Megawatt Hours)</i>	<i>STEAM LOAD (Thousand Lbs. of Steam)</i>	<i>COUNTY</i>	<i>2007 OS Converted Heat Input (MMBtu)</i>	<i>2013 Seasonal CAIR NOx Allowance Allocation</i>
Trigen Energy Corporation—Edison St.	880006	4	0	22,262	Philadelphia	26,860	2
WPS Westwood Generation, LLC	50611	31	90,206	0	Schuylkill	712,627	58
Warren	3132	5	3	0	Warren	20	0
Wheelabrator—Frackville	50879	GEN1	0	1,403,886	Schuylkill	1,693,876	139
Williams Generation Co. (Hazleton)	10870	TURB2	2,925	0	Luzerne	19,524	2
Williams Generation Co. (Hazleton)	10870	TURB3	2,752	0	Luzerne	18,370	2
Williams Generation Co. (Hazleton)	10870	TURB4	2,984	0	Luzerne	19,918	2
Williams Generation Co. (Hazleton)	10870	TURBIN	1,061	0	Luzerne	7,082	1
Bear Creek Windfarm and Locust Ridge Windfarm (PPL Energy Plus)	99990000 8831	RE	33,204	0		113,325	9
					<b>Total</b>	<b>514,059,197</b>	<b>42,171</b>

[Pa.B. Doc. No. 10-67. Filed for public inspection January 8, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

Schuylkill Medical Center—South Jackson Street Transitional Care Unit  
420 South Jackson Street  
Pottsville, PA 17901

UPMC Horizon Transitional Care Center Greenville  
110 North Main Street  
Greenville, PA 16125  
FAC ID 071902

UPMC Horizon Transitional Care Center Shenango  
2200 Memorial Drive  
Farrell, PA 16121  
FAC ID 196702

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the

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 an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address 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).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 10-68. Filed for public inspection January 8, 2010, 9:00 a.m.]

**Recognized Lifeguard Certifying Authorities for 2010**

The Department of Health has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized as lifeguard certifying authorities for 2010: The American Red Cross, Jeff Ellis and Associates, YMCA, The Boy Scouts of America, Starfish Aquatics Institute and National Aquatic Safety Company.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Bureau of Community Health Systems, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4366, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-69. Filed for public inspection January 8, 2010, 9:00 a.m.]

**DEPARTMENT OF LABOR AND INDUSTRY**

**Current Prevailing Wage Act Debarments**

The contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Comunale Automatic Sprinkler, Inc., and Mark J. Comunale, Individually	1180 Sand Run Road Akron, OH 44313-8014	12/11/2009

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-70. Filed for public inspection January 8, 2010, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE**

**Medical Assistance Program Fee Schedule for Select Services in the Consolidated and Person/Family Directed Support Waivers and Community Mental Retardation Base Program; Correction**

*Purpose*

The Department of Public Welfare (Department) is correcting the Fee Schedule Tables published at 39 Pa.B. 3238 (June 27, 2009). Specifically, some of the provider types, specialty codes, modifiers, selected services and rates of the Fee Schedule Tables are corrected.

The published notice did not include the Supported Employment service on the Agency with Choice Financial Management Services, including Benefits Fee Schedule Table. Therefore, Supported Employment has been included on the updated table. In addition, the published notice provided an incorrect Area 2 rate for Unlicensed Habilitation, level 4 enhanced on the same table. The published notice incorrectly stated "\$19.83" as the Area 2 rate for Unlicensed Habilitation, level 4 enhanced. Instead of "\$19.83" the notice should have stated "\$19.86" for the Area 2 rate for that service.

The revised Fee Schedule Tables with the corrected provider types, specialty codes, modifiers, selected services and rates are as follows:

**Fee Schedule Table: Select Community-Based Services**

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>																																												
Nursing Services: LPN	T2025	TE	05	051	15 minutes	\$11.02	\$10.31	\$9.78	\$8.89																																												
			16	161						Nursing Services: RN	T2025	TD	05	051	15 minutes	\$16.55	\$15.48	\$14.68	\$13.35	16	160	Physical Therapy	T2025	GP	17	170	15 minutes	\$15.64	\$14.63	\$13.87	\$12.61	Occupational Therapy	T2025	GO	17	171	15 minutes	\$17.12	\$16.02	\$15.19	\$13.81	Speech/Language Therapy	T2025	GN	17	173	15 minutes	\$18.73	\$17.52	\$16.62	\$15.10	Individual Behavioral Therapy	T2025
Nursing Services: RN	T2025	TD	05	051	15 minutes	\$16.55	\$15.48	\$14.68	\$13.35																																												
			16	160						Physical Therapy	T2025	GP	17	170	15 minutes	\$15.64	\$14.63	\$13.87	\$12.61	Occupational Therapy	T2025	GO	17	171	15 minutes	\$17.12	\$16.02	\$15.19	\$13.81	Speech/Language Therapy	T2025	GN	17	173	15 minutes	\$18.73	\$17.52	\$16.62	\$15.10	Individual Behavioral Therapy	T2025	HE	19	208	15 minutes	\$16.50	\$15.44	\$14.64	\$13.31				
Physical Therapy	T2025	GP	17	170	15 minutes	\$15.64	\$14.63	\$13.87	\$12.61																																												
Occupational Therapy	T2025	GO	17	171	15 minutes	\$17.12	\$16.02	\$15.19	\$13.81																																												
Speech/Language Therapy	T2025	GN	17	173	15 minutes	\$18.73	\$17.52	\$16.62	\$15.10																																												
Individual Behavioral Therapy	T2025	HE	19	208	15 minutes	\$16.50	\$15.44	\$14.64	\$13.31																																												

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Group Behavioral Therapy	T2025	HE & HQ	19	208	15 minutes	\$4.12	\$3.85	\$3.65	\$3.32
Visual/Mobility Therapy	W7246		51	517	15 minutes	\$18.73	\$17.52	\$16.62	\$15.10
Companion Services, Basic Staff Support	W1724		51	363	15 minutes	\$ .79	\$ .74	\$ .70	\$ .64
Companion Services, Level 1	W1725		51	363	15 minutes	\$ .99	\$ .93	\$ .88	\$ .80
Companion Services, Level 2	W1726		51	363	15 minutes	\$2.09	\$1.96	\$1.85	\$1.69
Companion Services, Level 3	W1727		51	363	15 minutes	\$4.69	\$4.39	\$4.16	\$3.78
Behavioral Support	W7095		51	510	15 minutes	\$17.96	\$16.80	\$15.93	\$14.48
Supports Broker	W7096		51	510	15 minutes	\$10.85	\$10.15	\$9.63	\$8.75
Home Finding	W7277		51 or 55	571	15 minutes	\$9.99	\$9.35	\$8.86	\$8.06
Homemaker/Chore	W7283	UA	51	430 or 431	Hour	\$22.87	\$21.39	\$20.29	\$18.44
			55	430 or 431					
			43	430					
			51	430 or 431					
			55	430 or 431					
			43	430					

**Fee Schedule Table: Unlicensed Out-of-Home Respite and Respite Camp Ineligible Services (Room and Board)**

<i>Service</i>	<i>Procedure Code</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Areas 1 through 4</i>
Respite— Unlicensed out of home, ineligible	W6066	51	513	15 minutes	\$4.00/unit, max of 3 units per day
	W6067	51	513	15 minutes	\$4.00/unit, max of 3 units per day
	W6068	51	513	15 minutes	\$4.00/unit, max of 3 units per day
		54	540 or 541		
	W6069	51	513	15 minutes	\$4.00/unit, max of 3 units per day
		54	540 or 541		
	W6070	51	513	15 minutes	\$4.00/unit, max of 3 units per day
		54	540 or 541		
	W6071	51	513	15 minutes	\$4.00/unit, max of 3 units per day
		54	540 or 541		
	W6060	51	513	Day	\$12.00/unit, max of 1 unit per day
	W6061	51	513	Day	\$12.00/unit, max of 1 unit per day
	W6062	51	513	Day	\$12.00/unit, max of 1 unit per day
		54	540 or 541		
W6063	51	513	Day	\$12.00/unit, max of 1 unit per day	
	54	540 or 541			

Service	Procedure Code	Provider Type	Specialty Code	Unit	Areas 1 through 4
	W6064	51	513	Day	\$12.00/unit, max of 1 unit per day
		54	540 or 541		
	W6065	51	513	Day	\$12.00/unit, max of 1 unit per day
		54	540 or 541		
Respite—Camp, Ineligible	W8400	51	555	15 minutes	\$4.00/unit, max of 3 units per day
		55	555		
		54	540 or 541		
	W8401	51	554	Day	\$12.00/unit, max of 1 unit per day
		55	554		
		54	540 or 541		

**Fee Schedule Table: Agency with Choice Financial Management Services, Excluding Benefits\***

\* Modifier U4 must be used with all procedures codes when billing for services excluding benefits.

Service	Procedure code	Modifier	Provider Type	Specialty Code	Unit	Area 1	Area 2	Area 3	Area 4
Companion, Level 3	W1727	U4	54	540	15 minutes	\$3.06	\$2.87	\$2.72	\$2.47
Unlicensed Habilitation, Level 3	W7060	U4	54	540	15 minutes	\$5.07	\$4.74	\$4.50	\$4.09
Unlicensed Habilitation, Level 3 enhanced	W7061	U4	54	540	15 minutes	\$8.39	\$7.85	\$7.44	\$6.77
		TD & U4							
		TE & U4							
Unlicensed Habilitation, Level 4	W7068	U4	54	540	15 minutes	\$10.13	\$9.48	\$8.99	\$8.17
Unlicensed Habilitation, Level 4 enhanced	W7069	U4	54	540	15 minutes	\$16.77	\$15.69	\$14.88	\$13.52
		TD & U4							
		TE & U4							
Supports Broker	W7096	U4	54	540	15 minutes	\$6.15	\$5.76	\$5.46	\$4.96
Supported Employment	W7235	U4	54	540	15 minutes	\$6.12	\$5.73	\$5.43	\$4.94
Respite—Unlicensed in home, Level 2	W7250	U4	54	540	Day	\$223.14	\$208.74	\$197.94	\$179.95
	W7258	U4	54	540	15 minutes	\$3.48	\$3.26	\$3.09	\$2.81
Respite—Unlicensed in home, Level 2 enhanced	W7251	U4	54	540	Day	\$478.66	\$447.77	\$424.61	\$386.01
		TD & U4							
		TE & U4							
	W7264	U4	54	540	15 minutes	\$7.48	\$7.00	\$6.64	\$6.03
		TD & U4							
		TE & U4							
Respite—Unlicensed in home, Level 3	W7252	U4	54	540	Day	\$446.27	\$417.48	\$395.89	\$359.90
	W7265	U4	54	540	15 minutes	\$6.97	\$6.52	\$6.19	\$5.62
Respite—Unlicensed in home, Level 3 enhanced	W7253	U4	54	540	Day	\$957.31	\$895.55	\$849.23	\$772.02
		TD & U4							
		TE & U4							
	W7266	U4	54	540	15 minutes	\$14.95	\$13.99	\$13.26	\$12.06
		TD & U4							
		TE & U4							

<i>Service</i>	<i>Procedure code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Homemaker/ Chore	W7283	U4	54	540	Hour	\$13.42	\$12.55	\$11.91	\$10.82
		UA & U4							
Respite— Unlicensed out of home, Level 2	W8002	U4	54	540	Day	\$223.14	\$208.74	\$197.94	\$179.95
	W8012	U4	54	540	15 minutes	\$3.48	\$3.26	\$3.09	\$2.81
Respite— Unlicensed out of home, Level 2 enhanced	W8003	U4	54	540	Day	\$478.66	\$447.77	\$424.61	\$386.01
		TD & U4							
		TE & U4							
	W8013	U4	54	540	15 minutes	\$7.48	\$7.00	\$6.64	\$6.03
		TD & U4							
		TE & U4							
Respite— Unlicensed out of home, Level 3	W8004	U4	54	540	Day	\$446.27	\$417.48	\$395.89	\$359.90
	W8014	U4	54	540	15 minutes	\$6.97	\$6.52	\$6.19	\$5.62
Respite— Unlicensed out of home, Level 3 enhanced	W8005	U4	54	540	Day	\$957.31	\$895.55	\$849.23	\$772.02
		TD & U4							
		TE & U4							
	W8015	U4	54	540	15 minutes	\$14.95	\$13.99	\$13.26	\$12.06
		TD & U4							
		TE & U4							

**Fee Schedule Table: Agency with Choice Financial Management Services, Including Benefits\*\***

\*\* No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Companion Level 3	W1727		54	540	15 minutes	\$3.88	\$3.63	\$3.44	\$3.13
Unlicensed Habilitation, Level 3	W7060		54	540	15 minutes	\$6.42	\$6.01	\$5.70	\$5.18
Unlicensed Habilitation, Level 3 enhanced	W7061		54	540	15 minutes	\$10.62	\$9.93	\$9.42	\$8.56
		TD TE							
Unlicensed Habilitation, Level 4	W7068		54	540	15 minutes	\$12.83	\$12.00	\$11.38	\$10.35
Unlicensed Habilitation, Level 4 enhanced	W7069		54	540	15 minutes	\$21.23	\$19.86	\$18.83	\$17.12
		TD TE							
Supports Broker	W7096		54	540	15 minutes	\$7.79	\$7.29	\$6.91	\$6.28
Supported Employment	W7235		54	540	15 minutes	\$7.75	\$7.25	\$6.88	\$6.25
Respite— Unlicensed in home, Level 2	W7250		54	540	Day	\$282.49	\$264.26	\$250.60	\$227.81
	W7258		54	540	15 minutes	\$4.41	\$4.13	\$3.91	\$3.56
Respite— Unlicensed in home, Level 2 enhanced	W7251		54	540	Day	\$605.98	\$566.88	\$537.56	\$488.69
		TD TE							
	W7264		54	540	15 minutes	\$9.47	\$8.86	\$8.40	\$7.64
		TD TE							

Service	Procedure code	Modifier	Provider Type	Specialty Code	Unit	Area 1	Area 2	Area 3	Area 4
Respite— Unlicensed in home, Level 3	W7252		54	540	Day	\$564.98	\$528.53	\$501.19	\$455.63
	W7265		54	540	15 minutes	\$8.83	\$8.26	\$7.83	\$7.12
Respite— Unlicensed in home, Level 3 enhanced	W7253		54	540	Day	\$1,211.96	\$1,133.76	\$1,075.12	\$977.38
		TD							
	W7266		54	540	15 minutes	\$18.93	\$17.71	\$16.79	\$15.27
		TD							
Homemaker/ Chore	W7283		54	540	Hour	\$16.99	\$15.89	\$15.07	\$13.70
		UA							
Respite— Unlicensed out of home, Level 2	W8002		54	540	Day	\$282.49	\$264.26	\$250.60	\$227.81
	W8012		54	540	15 minutes	\$4.41	\$4.13	\$3.91	\$3.56
Respite— Unlicensed out of home, Level 2 enhanced	W8003		54	540	Day	\$605.98	\$566.88	\$537.56	\$488.69
		TD							
	W8013		54	540	15 minutes	\$9.47	\$8.86	\$8.40	\$7.64
		TD							
Respite— Unlicensed out of home, Level 3	W8004		54	540	Day	\$564.98	\$528.53	\$501.19	\$455.63
	W8014		54	540	15 minutes	\$8.83	\$8.26	\$7.83	\$7.12
Respite— Unlicensed out of home, Level 3 enhanced	W8005		54	540	Day	\$1,211.96	\$1,133.76	\$1,075.12	\$977.38
		TD							
	W8015		54	540	15 minutes	\$18.93	\$17.71	\$16.79	\$15.27
		TD							

*Fiscal Impact*

There is no anticipated fiscal impact.

*Public Comment*

Comments received within 30 days will be reviewed and considered for any subsequent revisions to the fee schedules. Interested persons are invited to submit written comments regarding this notice to the Department at the following address:

*By E-mail:*

Use subject header "PN Fee Schedule; Correction" to the Office of Developmental Programs rate setting mailbox at: [ra-ratesetting@state.pa.us](mailto:ra-ratesetting@state.pa.us).

*By postal mail:*

Department of Public Welfare  
Office of Developmental Programs  
Division of Provider Assistance and Rate Setting  
4th Floor, Health and Welfare Building  
Harrisburg, PA 17120

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

ESTELLE B. RICHMAN  
*Secretary*

**Fiscal Note:** 14-NOT-628. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-71. Filed for public inspection January 8, 2010, 9:00 a.m.]



# DEPARTMENT OF REVENUE

## Pennsylvania Dublin Gold '10 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Dublin Gold '10.

2. *Price:* The price of a Pennsylvania Dublin Gold '10 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Dublin Gold '10 instant lottery game ticket will contain one play area featuring a "MONEYBAG NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "MONEYBAG NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Rainbow symbol (RAINBOW) and a \$\$ symbol (DBL\$).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$25<sup>.00</sup> (TWY FIV), \$40<sup>.00</sup> (FORTY), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,560,000 tickets will be printed for the Pennsylvania Dublin Gold '10 instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$500 (FIV HUN) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$500 (FIV HUN) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$400 (FOR HUN) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$100 (ONE HUN) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$100 (ONE HUN) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$25<sup>.00</sup> (TWY FIV) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$40<sup>.00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“MONEYBAG NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Rainbow symbol (RAINBOW), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Rainbow symbol (RAINBOW), on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Moneybag Numbers, Win With Prize(s) Of:*

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,560,000 Tickets</i>
\$5 w/RAINBOW	\$5	30	152,000
\$5	\$5	12	380,000
\$5 × 2	\$10	120	38,000
\$5 w/\$\$	\$10	40	114,000
\$10 w/RAINBOW	\$10	120	38,000
\$10	\$10	60	76,000
\$10 w/\$\$	\$20	60	76,000
\$20 w/RAINBOW	\$20	120	38,000
\$20	\$20	120	38,000
\$5 × 5	\$25	600	7,600
\$5 + (\$10 × 2)	\$25	600	7,600
(\$5 × 3) + \$10	\$25	200	22,800
\$25 w/RAINBOW	\$25	600	7,600
\$25	\$25	300	15,200
\$5 × 10	\$50	600	7,600
\$10 × 5	\$50	600	7,600
\$25 w/\$\$	\$50	150	30,400
\$50 w/RAINBOW	\$50	600	7,600
\$50	\$50	300	15,200
\$10 × 10	\$100	2,400	1,900
\$20 × 5	\$100	2,400	1,900
\$50 × 2	\$100	2,400	1,900
\$50 w/\$\$	\$100	1,034	4,408
\$100 w/RAINBOW	\$100	2,400	1,900
\$100	\$100	2,400	1,900
\$40 × 10	\$400	30,000	152
(\$50 w/\$\$) + (\$50 × 6)	\$400	30,000	152
\$100 × 4	\$400	30,000	152
\$400 w/RAINBOW	\$400	24,000	190
\$400	\$400	24,000	190
\$50 × 10	\$500	40,000	114
\$100 × 5	\$500	40,000	114

When Any Of Your  
Numbers Match Any Of  
The Moneybag Numbers,  
Win With Prize(s) Of:

(\$100 w/\$\$) + (\$100 × 3)  
\$500 w/RAINBOW  
\$500  
\$500 w/\$\$  
\$1,000  
\$50,000

Win:

\$500  
\$500  
\$500  
\$1,000  
\$1,000  
\$50,000

Approximate  
Odds Are 1 In:

40,000  
40,000  
40,000  
60,000  
60,000  
456,000

Approximate No.  
Of Winners Per  
4,560,000 Tickets

114  
114  
114  
76  
76  
10

Get a "Rainbow" (RAINBOW) symbol, win the prize under that symbol.

Get a "\$\$" (DBL\$) symbol, win double the prize under that symbol.

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 Dublin Gold '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Dublin Gold '10, prize money from winning Pennsylvania Dublin Gold '10 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Dublin Gold '10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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 Dublin Gold '10 or through normal communications methods.

C. DANIEL HASSELL,  
Acting Secretary

[Pa.B. Doc. No. 10-72. Filed for public inspection January 8, 2010, 9:00 a.m.]

## Pennsylvania Leprechaun Loot '10 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Leprechaun Loot '10.

2. *Price:* The price of a Pennsylvania Leprechaun Loot '10 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Leprechaun Loot '10 instant lottery game ticket will contain one play area featuring a "LUCKY NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "LUCKY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Leprechaun (LEPCH) symbol and a Moneybag (MNYBAG) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$17,000 (SVNTN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$17,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Leprechaun Loot '10 instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$17,000 (SVNTN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$17,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$40<sup>00</sup> (FORTY) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Leprechaun symbol (LEPCH), and a prize symbol of \$100 (ONE HUN) appears under the Leprechaun symbol (LEPCH), on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Leprechaun symbol (LEPCH), and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Leprechaun symbol (LEPCH), on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Leprechaun symbol

(LEPCH), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Leprechaun symbol (LEPCH), on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in each of the ten "prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Leprechaun symbol (LEPCH), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Leprechaun symbol (LEPCH), on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Leprechaun symbol (LEPCH), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the Leprechaun symbol (LEPCH) on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Leprechaun symbol (LEPCH), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Leprechaun symbol (LEPCH), on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Lucky Number, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$1 × 2	\$2	30	200,000
\$2 w/LEPRECHAUN	\$2	30	200,000
\$2	\$2	30	200,000
\$1 × 4	\$4	75	80,000
\$2 × 2	\$4	75	80,000
\$4 w/LEPRECHAUN	\$4	50	120,000
\$4	\$4	75	80,000
\$1 × 5	\$5	75	80,000
\$1 + (\$2 w/LEPRECHAUN) + \$2	\$5	75	80,000
\$5	\$5	150	40,000
MONEYBAG w/(\$1 × 10)	\$10	300	20,000
\$2 × 5	\$10	300	20,000
(\$2 w/LEPRECHAUN) + (\$2 × 4)	\$10	300	20,000
(\$5 w/LEPRECHAUN) + \$5	\$10	300	20,000
\$10	\$10	300	20,000
MONEYBAG w/(\$2 × 10)	\$20	750	8,000
\$4 × 5	\$20	750	8,000
\$5 × 4	\$20	750	8,000
\$10 × 2	\$20	750	8,000
\$20 w/LEPRECHAUN	\$20	750	8,000
\$20	\$20	750	8,000
MONEYBAG w/(\$4 × 10)	\$40	2,000	3,000
(\$4 × 5) + (\$5 × 4)	\$40	2,000	3,000
\$5 × 8	\$40	2,000	3,000
\$10 × 4	\$40	2,000	3,000
\$20 × 2	\$40	2,000	3,000
\$40 w/LEPRECHAUN	\$40	2,000	3,000
\$40	\$40	2,000	3,000
MONEYBAG w/(\$5 × 10)	\$50	3,000	2,000
\$10 × 5	\$50	3,000	2,000
(\$20 w/LEPRECHAUN) + (\$5 × 6)	\$50	3,000	2,000
(\$40 w/LEPRECHAUN) + \$10	\$50	3,000	2,000
\$50	\$50	3,000	2,000
MONEYBAG w/(\$10 × 10)	\$100	6,000	1,000
\$20 × 5	\$100	8,000	750
\$50 × 2	\$100	8,000	750
\$100 w/LEPRECHAUN	\$100	9,231	650
\$100	\$100	8,000	750
MONEYBAG w/(\$40 × 10)	\$400	120,000	50
\$100 × 4	\$400	120,000	50
(\$100 w/LEPRECHAUN) + (\$100 × 3)	\$400	120,000	50
\$400	\$400	120,000	50
MONEYBAG w/(\$100 × 10)	\$1,000	120,000	50
\$1,000	\$1,000	120,000	50
\$17,000	\$17,000	600,000	10

Get a "LEPRECHAUN" (LEPCH) symbol, win prize under that symbol.  
Get a "MONEYBAG" (MNYBAG) symbol win all 10 prizes shown.

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 Leprechaun Loot '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Leprechaun Loot '10, prize money from winning Pennsylvania Leprechaun Loot '10 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close

of the Pennsylvania Leprechaun Loot '10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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 Leprechaun Loot '10 or through normal communications methods.

C. DANIEL HASSELL,  
Acting Secretary

[Pa.B. Doc. No. 10-73. Filed for public inspection January 8, 2010, 9:00 a.m.]

**Pennsylvania Money Comb '10 Instant Lottery Game**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Comb '10.

2. *Price:* The price of a Pennsylvania Money Comb '10 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Money Comb '10 instant lottery game ticket will contain one play area designated as "Money Comb." There are 60 play symbols, 37 of which will be located in the play area, and which are the numbers 01 through 60. Each ticket will also contain a "YOUR MONEY COMB NUMBERS" area. The "YOUR MONEY COMB NUMBERS" area will consist of sixteen play symbol numbers. The play symbol numbers that may be located in the "YOUR MONEY COMB NUMBERS" area are: The numbers 01 through 60.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$10, \$30, \$50, \$100, \$1,000 and \$60,000. The player can win up to 5 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Money Comb '10 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets upon which ten of "YOUR MONEY COMB NUMBERS" play symbols match ten contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which nine of "YOUR MONEY COMB NUMBERS" play symbols match nine contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which eight of "YOUR MONEY COMB NUMBERS" play symbols match eight contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which seven of "YOUR MONEY COMB NUMBERS" play symbols match seven contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which six of "YOUR MONEY COMB NUMBERS" play symbols match six contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets upon which five of "YOUR MONEY COMB NUMBERS" play symbols match five contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets upon which four of "YOUR MONEY COMB NUMBERS" play symbols match four contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets upon which three of "YOUR MONEY COMB NUMBERS" play symbols match three contiguous (touching) "Money Comb" numbers play symbols, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
3 NUMBERS touching	\$3	10	960,000
4 NUMBERS touching	\$5	18.18	528,000
3 NUMBERS touching × 2	\$6	22.22	432,000
3 NUMBERS touching × 3	\$9	100	96,000
5 NUMBERS touching	\$10	100	96,000
4 NUMBERS touching × 3	\$15	250	38,400
4 NUMBERS touching + 5 NUMBERS touching	\$15	250	38,400
3 NUMBERS touching × 5	\$15	111.11	86,400
6 NUMBERS touching	\$30	500	19,200
7 NUMBERS touching	\$50	500	19,200
8 NUMBERS touching	\$100	400	24,000
9 NUMBERS touching	\$1,000	8,000	1,200
10 NUMBERS touching	\$60,000	480,000	20

NOTE: Only the highest prize won in each group of contiguous (touching) numbers will be paid.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Money Comb '10 instant lottery game tick-

ets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Comb '10,

prize money from winning Pennsylvania Money Comb '10 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money Comb '10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761—101-3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money Comb '10 or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 10-74. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Pennsylvania Triple Fortune '10 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple Fortune '10.

2. *Price:* The price of a Pennsylvania Triple Fortune '10 instant lottery game ticket is \$1.

3. *Prize Play Symbols:* Each Pennsylvania Triple Fortune '10 instant lottery game ticket will contain one play area. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$10.<sup>00</sup> (TEN DOL), \$15.<sup>00</sup> (FIFTN), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$1,000 (ONE THO), 2X symbol (DOUBLE) and a 3X symbol (TRIPLE).

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$6, \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$300 and \$1,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Triple Fortune '10 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching prize play symbols of \$300 (THR HUN) in the play area, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets with two matching prize play symbols of \$100 (ONE HUN) and a 3X (TRIPLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets with three matching prize play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets with two matching prize play symbols of \$100 (ONE HUN) and a 2X (DOUBLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with two matching prize play symbols of \$50.<sup>00</sup> (FIFTY) and a 2X (DOUBLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with three matching prize play symbols of \$50.<sup>00</sup> (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with three matching prize play symbols of \$30.<sup>00</sup> (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(j) Holders of tickets with two matching prize play symbols of \$15.<sup>00</sup> (FIFTN) and a 2X (DOUBLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets with two matching prize play symbols of \$10.<sup>00</sup> (TEN DOL) and a 3X (TRIPLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets with three matching prize play symbols of \$20.<sup>00</sup> (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with two matching prize play symbols of \$10.<sup>00</sup> (TEN DOL) and a 2X (DOUBLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with three matching prize play symbols of \$15.<sup>00</sup> (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets with two matching prize play symbols of \$5.<sup>00</sup> (FIV DOL) and a 3X (TRIPLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets with three matching prize play symbols of \$10.<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with two matching prize play symbols of \$5.<sup>00</sup> (FIV DOL) and a 2X (DOUBLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with three matching prize play symbols of \$6.<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets with two matching prize play symbols of \$3.<sup>00</sup> (THR DOL) and a 2X (DOUBLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets with two matching prize play symbols of \$2.<sup>00</sup> (TWO DOL) and a 3X (TRIPLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets with three matching prize play symbols of \$5<sup>.00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets with three matching prize play symbols of \$3<sup>.00</sup> (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(w) Holders of tickets with two matching prize play symbols of \$1<sup>.00</sup> (ONE DOL) and a 3X (TRIPLE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$3.

(x) Holders of tickets with three matching prize play symbols of \$2<sup>.00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets with two matching prize play symbols of \$1<sup>.00</sup> (ONE DOL) and a 2X (DOUBLE) symbol

in the play area, on a single ticket, shall be entitled to a prize of \$2.

(z) Holders of tickets with three matching prize play symbols of \$1<sup>.00</sup> (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(aa) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Triple Fortune instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Get 3 Like Amounts,  
Win That Amount.  
Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 14,400,000 Tickets
3-FREEs	FREE \$1 TICKET	12	1,200,000
3-\$1s	\$1	60	240,000
2-\$1s w/2X	\$2	37.50	384,000
3-\$2s	\$2	37.50	384,000
2-\$1s w/3X	\$3	75	192,000
3-\$3s	\$3	100	144,000
3-\$5s	\$5	150	96,000
2-\$2s w/3X	\$6	600	24,000
2-\$3s w/2X	\$6	600	24,000
3-\$6s	\$6	200	72,000
2-\$5s w/2X	\$10	300	48,000
3-\$10s	\$10	300	48,000
2-\$5s w/3X	\$15	750	19,200
3-\$15s	\$15	750	19,200
2-\$10s w/2X	\$20	1,000	14,400
3-\$20s	\$20	1,500	9,600
2-\$10s w/3X	\$30	4,000	3,600
2-\$15s w/2X	\$30	3,692	3,900
3-\$30s	\$30	3,871	3,720
3-\$50s	\$50	1,500	9,600
2-\$50s w/2X	\$100	4,800	3,000
3-\$100s	\$100	4,800	3,000
2-\$100s w/2X	\$200	120,000	120
3-\$200s	\$200	120,000	120
2-\$100s w/3X	\$300	120,000	120
3-\$300s	\$300	120,000	120
3-\$1,000s	\$1,000	120,000	120

2X = Get 2 like amounts and a 2X symbol, win double that amount.

3X = Get 2 like amounts and a 3X symbol, win triple that amount.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple Fortune '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple Fortune '10, prize money from winning Pennsylvania Triple Fortune '10 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of

the Pennsylvania Triple Fortune '10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote



Pennsylvania Triple Fortune '10 or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 10-75. Filed for public inspection January 8, 2010, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The January 19, 2010, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board is scheduled for Tuesday, February 16, 2010, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the February 16, 2010, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "EQB").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or to [mtate@state.pa.us](mailto:mtate@state.pa.us).

JOHN HANGER,  
*Chairperson*

[Pa.B. Doc. No. 10-76. Filed for public inspection January 8, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-410	Department of Transportation Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers	12/23/09	2/25/10
18-411	Department of Transportation School Bus Drivers	12/23/09	2/25/10

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-413	Department of Transportation Interstate Motor Carrier Safety Requirements	12/29/09	2/25/10
18-414	Department of Transportation Intrastate Motor Carrier Safety Requirements	12/29/09	2/25/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-77. Filed for public inspection January 8, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Aetna Health, Inc.—Individual Advantage HMO Plans; Rate Filing

On December 23, 2009, the Insurance Department (Department) received a filing from Aetna Health, Inc. submitted a filing for the Individual Advantage Plans, requesting an estimated overall rate increase of 3.9%. The filing will affect approximately 26,914 subscribers and generate additional revenue of approximately \$3.7 million annually. An effective date of July 1, 2010, is requested.

In addition, the filing requests approval for co-pay increases.

Unless formal administrative action is taken prior to March 25, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's Harrisburg Regional office.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, [jsabater@state.pa.us](mailto:jsabater@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-78. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Appeal of Central United Life Insurance Company; Rate Filing Disapproval Appeal; Doc. No. RT09- 12-023

A prehearing telephone conference initiated by this office is scheduled for January 26, 2010, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 22, 2010. A hearing will occur on

February 11, 2010, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance, or notices of intervention, if any, must be filed with the Hearings Administrator at the previous address on or before January 13, 2010. Answers to petitions to intervene, if any, shall be filed on or before January 22, 2010.

On or before January 13, 2010, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

A written request for continuance of the scheduled prehearing telephone conference and hearing, for good cause will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-79. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Application for Domestic Certificate of Authority by Essent of PA, Inc.

Essent of PA, Inc. has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—991).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 21 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance

Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-80. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Keystone Health Plan East; Commercial HMO; Rate Filing

On December 23, 2009, the Insurance Department (Department) received a filing from Keystone Health Plan East requesting approval to increase the rates for its Community Rate HMO product by 11.15%. This filing will impact approximately 134,000 subscribers and produce additional income of about \$101 million annually. The requested effective date is April 1, 2010.

Unless formal administrative action is taken prior to March 25, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the "At a Glance" tab, click on the link "Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation and Administration, Room 1311, Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-81. Filed for public inspection January 8, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Order

Public Meeting held  
December 17, 2009

*Commissioners Present:* James H. Cawley, Chairperson;  
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;  
Wayne E. Gardner; Robert F. Powelson

*Relief Plan for the 717 NPA;  
Doc. No. P-2009-2136951*

### Order

*By the Commission:*

#### *Introduction*

On October 20, 2009, the North American Numbering Plan Administrator ("NANPA"),<sup>1</sup> NeuStar, Inc., in its role

<sup>1</sup>The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the numbers available in the area code are nearing exhaust. The Industry Numbering Committee Guidelines provide that when an area code is nearing exhaust, the NANPA, which then becomes the NPA

as the neutral third party NPA Relief Planner for Pennsylvania, acting on behalf of the Pennsylvania telecommunications industry (“industry”) filed a petition with the Commission requesting approval of its plan to alleviate numbering exhaust for the 717 Numbering Plan Area (“NPA” or “area code”). According to the petition, the industry reached a consensus<sup>2</sup> to implement an all services distributed overlay for the geographic area covered by the 717 NPA which would create a new area code to service the area.

The Federal Communications Commission (“FCC”), which has plenary jurisdiction over numbering issues in the United States,<sup>3</sup> mandates that states must implement timely area code relief, i.e., add a new area code, when the area codes within their boundaries are about to exhaust their supply of NXX codes.<sup>4</sup> The Commission, therefore, is now faced with the decision of deciding when a new area code must be added and in what form that area code should be added. Because we need input from consumers, the industry and other interested parties involved regarding this difficult decision, we will now direct that the consensus relief plan for the 717 NPA shall not be implemented at this time. Rather, the Commission will seek comments as outlined in Section III below and a decision on this issue will be rendered at a later date once we review said comments. Further, while we are only seeking written comments at this time, this issue also may be subject to future public input hearings.

#### Discussion

### I. FCC Requirements Regarding Area Code Relief

The proliferation of new area codes is not the result of the unavailability of numbers for end-users. Rather, new area codes are needed when existing area codes exhaust their supply of NXX codes.<sup>5</sup> When there are no more NXX codes available to assign to telephone companies, then new area codes need to be opened. The system for allocating numbering resources was designed in 1947 to accommodate a monopoly system. In recent years, however, a combination of several factors has created an unprecedented demand for NXX codes leading to the exhaustion of existing area codes and the proliferation of new area codes to fill the void.

According to FCC regulations, new area codes can be introduced to relieve the shortage of NXX codes in an area code through the use of any of the following three methods:

1. A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;
2. An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;

Relief Planner, convenes a meeting of the industry to discuss relief alternatives. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.6.

<sup>2</sup>A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. *CLC Principles and Procedures*, May 1998, at § 6.8.8.

<sup>3</sup>47 U.S.C. § 251(e)(1).

<sup>4</sup>See *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 190029 (1998).

<sup>5</sup>Telephone numbers consist of 10 digits. The first three digits make up the area code, and the second three digits make up the NXX code. Each NXX code contains 10,000 numbers and each area code contains approximately 792 NXX codes.

3. An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code. See 47 CFR 52.19(c)(1)–(3).

Although the NANPA notifies the industry when an area code needs relief planning and conducts the relief planning meeting, it is a neutral third party that does not express an opinion on any proposed relief alternative. Additionally, the industry is encouraged to participate in the creation of the relief alternatives and is free to present any plans during the relief planning meeting.

## II. NANPA’s NPA Relief Planning for the 717 NPA

### A. The Relief Planning Meeting for the 717 NPA

Between 1940 and 1990, Pennsylvania had a total of only four area codes (412, 814, 717 and 215). The 717 area code is one of Pennsylvania’s original four area codes. Today, Pennsylvania has ten active area codes (215, 610<sup>6</sup>, 267, 484<sup>7</sup>, 717, 570<sup>8</sup>, 412, 724<sup>9</sup>, 878<sup>10</sup>, and 814).

The April NRUF (Number Resource Utilization Forecast) and NPA Exhaust Analysis April 24, 2009 Update (“2009 NRUF Report”) indicated that the 717 NPA will exhaust during the third quarter of 2012. Based upon the projected exhaust date, NANPA notified the Commission and the Industry on July 1, 2009, that NPA relief needed to be addressed. The Industry met via conference call on September 10, 2009, to discuss various relief alternatives. Pursuant to the NPA Relief Planning Guidelines, NANPA distributed an Initial Planning Document (“IPD”) to the Industry prior to the relief planning meeting. The IPD contained descriptions, maps, general facts and assumptions, and the projected lives of an all-services distributed overlay relief alternative, referred to in the IPD as Alternative #1, three two-way geographic split alternatives, referred to as Alternatives #2, #3 and #4, and a concentrated overlay, referred to as Alternative #5. Later, at the September 10th meeting, a Commission staff member proposed for consideration Alternative #6, an additional two-way geographic split.

During the relief planning meeting, the Industry members evaluated the six relief alternatives, described more fully below:

- Alternative #1—All Services Distributed Overlay: A new NPA code would be assigned to the same geographic area as the existing 717 NPA. Alternative #1 has a projected life of twenty-one years.
- Alternative #2—Two-Way Geographic Split: In a two-way geographic split, the exhausting NPA is split into two geographic areas and a new NPA is assigned to one of the areas formed by the split. For Alternative #2, the proposed split boundary line runs north to south along rate center boundaries tracking primarily along the Susquehanna River. The boundary line runs east of Liverpool, Duncannon, Marysville, Mechanicsburg, Lewis-

<sup>6</sup>In 1994, the original 215 NPA in southeastern Pennsylvania was geographically split and the 610 NPA was introduced.

<sup>7</sup>By Order entered May 21, 1998 Docket No. P-00961061, the Commission directed that the 215 and 610 NPAs, or area codes, in the southeastern portion of this Commonwealth receive individual overlay NPAs so as to address the prevailing NXX code shortage problem. The 215 NPA received the 267 overlay NPA and the 610 NPA received the 484 overlay NPA.

<sup>8</sup>The 570 NPA was a geographic split of the 717 NPA and was activated on April 8, 1999.

<sup>9</sup>By Order entered July 15, 1997, at P-00961027, the Commission directed that the original 412 NPA in western Pennsylvania be geographically split with the new 724 NPA. The Pittsburgh metropolitan area would retain the 412 NPA with the surrounding communities transferring to the new 724 NPA. The new 724 NPA was activated on February 1, 1998.

<sup>10</sup>The 412 NPA was declared to be in jeopardy on October of 1999, by the NANPA. On January 19, 2000, an industry consensus was reached to institute an all services multiple overlay. Therefore, on August 17, 2001, the 878 NPA was activated and overlays both the 412 and the 724 geographic areas.

berry, Manchester, Wrightsville, Brogue, Airville and Delta. The area west of the split line, referred to in the IPD as Area A, would have a projected NPA life of twenty-seven years to exhaust and the area east of the split line, Area B, would have a projected NPA life of seventeen years to exhaust.

- **Alternative #3—Two-Way Geographic Split:** The proposed split boundary line runs north-to-south along rate center boundaries tracking primarily along the Susquehanna River. The boundary line runs east of Liverpool, Duncannon, Marysville, Mechanicsburg, Lewisberry, Manchester, Wrightsville, Brogue and turns north of Rawlinsville, Quarryville, Strasburg, Intercourse, New Holland and Terre Hill. The western portion, Area A, would have a projected NPA life of twenty-four years to exhaust and the eastern portion, Area B, would have a projected NPA life of nineteen years to exhaust.

- **Alternative #4—Two-Way Geographic Split:** The proposed split boundary line runs along rate center boundaries in a west-to-east direction. The boundary line runs south of Dry Run, Chambersburg, Fayetteville, Biglerville, York Springs, Dillsburg, Dover, Manchester, Elizabethtown, Manheim, Lititz, Ephrata and Denver. The northern portion, Area A, would have a projected NPA life of twenty-three years to exhaust and the southern portion, Area B, would have a projected NPA life of twenty years to exhaust.

- **Alternative #5—Concentrated Overlay:** In a concentrated overlay, a new NPA code is assigned to only certain rate centers in the same geographic area occupied by the existing 717 NPA. Customers would retain their current telephone numbers; however, ten-digit local dialing would be required by all customers within the overlay area and between NPAs in the affected rate areas. Codes in the overlay NPA will be assigned upon request with the effective date of the new area code. All remaining 717 NXX codes would be assigned only to the non-overlaid area. Those customers in the non-overlaid area of the 717 NPA would retain seven-digit dialing until the remaining 717 NXX codes were assigned and the overlay would then be extended to all rate centers in the 717 NPA. At exhaust of the 717 all future code assignments will be made in the overlay area code. The proposed boundary for the concentrated overlay area in Alternative #5 runs along rate center boundaries carving out a northeastern portion, referred to as Area B, of the 717 NPA. The boundary line runs west of Millersburg, Halifax, Dauphin, Marysville, and Mechanicsburg and turns north of Dillsburg, Dover, Manchester, Elizabethtown, Manheim, Lititz, Ephrata and Denver. The overlay area inside Area B includes twenty-four rate centers, with Harrisburg City Zone 1 having the greatest number of NXX codes. The number of years before the overlay will need to be expanded is projected to be five years. In total, the NPA overlay is projected to last twenty-one years. It was assumed for the calculation of these lives that the concentrated overlay will be introduced in the next eighteen months.

- **Alternative #6—Two-Way Geographic Split:** A suggestion was made to move the boundary line for Alternative # 5 to include the Millerstown, Liverpool, Newport, Duncannon, New Bloomfield, Carlisle, Dillsburg, Manchester, Elizabethtown, Mount Joy, Marietta and Manheim rate centers in Area A and use this as a geographic split line instead of a concentrated overlay. The northeastern portion, Area B, would have a projected NPA life of twenty-seven years to exhaust and the remainder, Area A, would have a projected NPA life of seventeen years to exhaust.

**B. Industry’s Current Consensus to Recommend an Overlay**

At the September 10th meeting, the participants discussed the attributes of the relief alternatives and reached consensus to recommend to the Commission Alternative #1, the all services distributed overlay plan, as the preferred method of relief for the 717 NPA. All existing customers would retain the 717 area code and would not have to change their telephone numbers. Consistent with FCC regulations, the relief plan would require ten-digit dialing for all calls within and between the 717 NPA and the new NPA. The industry recommends that all local and toll calls between the 717 NPA and the new NPA be dialed as 10-digits, or permissively as 1+10 digits at each service provider’s discretion. All local and toll calls originating in the 717 NPA or the new NPA and terminating in other NPAs (NPAs other than the 717 or new NPA) must be dialed as 1+10 digits. Operator services calls would require customers to dial 0+10 digits.

The following table illustrates the recommended dialing plan:

<i>Type of Call</i>	<i>Call Terminating in</i>	<i>Dialing Plan</i>
Local & Toll Calls	Overlay Home NPAs (HNPA)	10 digits (NPA-NXX-XXXX)*
Local & Toll Calls	Foreign NPA (FNPA) outside of overlay	1+10 digits (1+NPA-NXX-XXXX)
Operator Services Credit card, collect, third party	HNPA or FNPA	0+10 digits (0+NPA-NXX-XXXX)

\* 1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider’s discretion.

When the 717 NPA exhausts, all CO code assignments will be made from the new overlay area code.

Industry participants also reached consensus to recommend to the Commission a thirteen-month schedule for implementation of the overlay. The recommended schedule is as follows:

**Recommended Implementation Schedule for All Services Distributed Overlay**

<i>Event</i>	<i>Time Frame</i>
Network Preparation Period	6 months
Permissive 10-Digit Dialing and Customer Education Period ( <i>Calls within 717 NPA can be dialed using 7 or 10 digits</i> ) Mandatory dialing begins at the end of the Permissive Dialing Period	6 months
First Code Activation after end of Permissive dialing period ( <i>Effective date for codes from the new NPA</i> )	1 month (after Mandatory Dialing Date)
Total Implementation Interval	13 months

The Industry states that adhering to the proposed timeframe will avoid the denial or delay of service to telecommunications providers’ customers due to the unavailability of CO codes.

**III. Comments Sought By the Commission**

The FCC has adamantly maintained that state commissions cannot engage in number conservation measures to the exclusion of, or as a substitute for, timely area code

relief.<sup>11</sup> Therefore, when Pennsylvania's area codes are about to exhaust their supply of NXX codes, the Commission must implement timely area code relief, i.e., add a new area code. When faced with the need to implement new area codes, the Commission must decide two very important issues. First, the Commission must decide how to implement the new area code (i.e., a geographic split or an overlay). Second, the Commission must determine when the new area code needs to be implemented. Therefore, we are seeking written comments from interested parties regarding what form of area code relief should be implemented upon exhaust of the 717 NPA and the timeframe for the implementation.

In addition to the submission of any written comments to the Commission's Secretary's Bureau on the relief plan, the Commission believes that public input hearings would also be a useful tool to help make this difficult decision. Therefore, the Commission hereby directs that public input hearings be held within the 717 geographic region so that oral testimony related to the form of relief for the 717 NPA can be received from interested parties as well. The locations and times for the public input hearings will be established by the Office of Administrative Law Judge as an administrative law judge will be assigned to this matter for the purpose of facilitating the hearings. A transcript of the hearings will be made and then certified to the Commission which will make the final decision on this matter.

#### **A. Form of Area Code Relief for the 717 NPA**

According to the FCC, state commissions must add new area codes when the existing area codes exhaust or are about to exhaust all their NXX codes. Consequently, the critical element for deciding when to add new area codes is to know when the area code will exhaust all of its NXX codes. State commissions have no involvement in predicting or projecting the exhaust dates for area codes. The FCC has delegated this responsibility to the NANPA.

The NANPA projects exhaust dates for area codes by averaging the past rate of assignment of NXX codes and using that to estimate the future rate at which NXX codes will be assigned. Because these variables are so fluid, projecting accurate exhaust dates is difficult. With constantly changing information such as this, the Commission has a difficult time trying to determine when Pennsylvania's area codes will exhaust thereby requiring the addition of new area codes to ensure that all telecommunications carriers have numbering resources.

Once it is determined that area code relief is necessary, based on the NANPA's projected forecasts, state commissions are faced with the task of deciding what form that relief should take. The Commission is seeking comments on the five initial relief alternatives submitted by the NANPA to the industry and is open to suggestions regarding any other potential alternatives for providing relief to the 717 NPA.

Pennsylvania has experienced both area code splits and overlays. There have been a total of five overlays since 1999 (484, 267 and 878 have been implemented and 835 and 445 were activated but later rescinded). Prior to 1999, three geographic splits have been implemented (610, 570, and 724). There are benefits and disadvantages to either method.

With the imposition of an overlay, existing land-based telephone customers are not likely to have to change telephone numbers. Therefore, customers will not need to

change their advertising and stationery. However, the FCC requires that ten digits be used to dial all numbers in the overlaid area when an overlay is implemented. New NXX numbers from the new area code are assigned to carriers that do not have numbers available in a given rate center. Therefore, the first three digits of a ten-digit telephone number around the corner or down the block might be from the new area code. Eventually, a single customer might have two different area codes for telephone lines serving his or her home or place of business if the existing carrier has run out of numbers in an NXX assigned to the old area code.

On the other hand, implementation of a geographic split involves dividing an existing area code into two or more parts, with one part retaining the old area code and other(s) receiving a new area code(s). Callers are presently able to continue using 7-digit dialing for calls made within the area code boundaries. Customers in the area retaining the old area code are minimally impacted. Customers in the new area code, however, must change their area codes. Businesses must revise their stationery and their advertising. Commercial customers may not be able to retain "vanity numbers," upon which they have spent advertising dollars. Callers, particularly at the border of the old and new area codes are temporarily inconvenienced. They often must dial 11 digits to make calls that were previously 7-digit numbers. Although local calling areas actually have not changed and calls that were local before the area code split remain local calls, even if they cross into the new area code, people are initially disconcerted and distrusting of the concept of an eleven-digit local call. Indeed, local calling areas do not change no matter which method of area code relief is implemented.

Specifically, the Commission is interested in the specific circumstances of the 717 NPA and whether these circumstances favor the implementation of one form of relief over the other. We ask parties that are submitting comments to keep in mind the following factors when advocating for a particular form of area code relief: (1) What form of area code relief would create longer lasting NPAs for the 717 region; and (2) What form of area code relief is the least disruptive to consumers.

#### **B. Implementation Schedule and Activation of the Relief Plan Chosen for the 717 NPA**

While a state commission may not utilize numbering optimization measures in lieu of implementing timely area code relief, a state commission may minimize the consumer impact of traditional area code relief by not implementing new area codes sooner than necessary. Accordingly, we would like comments from interested parties on the timeframe for when area code relief must be implemented and ultimately activated to relieve the 717 NPA. The current overlay relief plan proposed by the industry allows thirteen months for full implementation of the new NPA. According to this timeline, six months are devoted to network preparation, six months are devoted to "permissive" ten-digit dialing, and one month is devoted to "mandatory" ten-digit dialing. The Commission's experience with area code overlays is that they can be fully implemented within six months. Consequently, the Commission questions whether a thirteen-month timeline would really be necessary for implementation of an overlay for the 717 NPA.

We also seek comment on the following questions regarding implementation of a split to relieve the 717 NPA:

<sup>11</sup>In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (2000).

- What is the shortest amount of time this type of relief can be implemented?
- Would a 6-month timeframe for implementation of a split be feasible?
- What aspect of implementing a split is the most significant for the industry and how long does this take to complete?

Also, in Southeastern Pennsylvania (610/484 and 215/267), the Commission had ordered that additional proposed overlays (835 over 610/484 and 445 over 215/267) not be implemented until three months prior to total exhaustion of the underlying NPAs. Thus, the Commission posits the following questions:

- Is a similar situation possible for the 717 NPA?
- Could the industry undertake to implement an overlay for the 717 NPA but not actually activate that new overlay NPA until total exhaust of the 717 NPA?
- Could the requirement of ten-digit dialing be suspended until the new overlay NPA were fully activated?

Additionally, we would like comments from interested parties on the timeframe for when area code relief must be implemented to relieve the 717 NPA.

Moreover, we recently filed a petition with the FCC requesting additional delegated authority so that we could implement mandatory number pooling throughout each and every rate center within our NPAs. We believe that if the petition is granted by the FCC, it will add to the number of NXX codes available for assignment in our NPAs, particularly our more geographically rural NPAs, like the 717 NPA. We also believe that this may impact the implementation schedule for any new area code in the 717 NPA.

### Conclusion

The policy of the Commission is to ensure that numbering resources are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is as minimal as possible. In view of the well-documented disruption to customers caused by changes in their area code, it is in the public interest for us to seek comments from consumers, the industry and other interested parties involved regarding this difficult decision; Therefore,

*It Is Ordered That:*

1. The industry consensus recommendation set forth in the petition for an all services distributed overlay relief plan for the 717 NPA is denied, pending receipt of comments and any further proceedings, as necessary.
2. Comments, as requested by this Order, be filed with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, no later than 45 days after this Order is published in the *Pennsylvania Bulletin*.
3. The Office of Administrative Law Judge will establish dates, times and locations for the public input hearings so that oral testimony related to the form of relief for the 717 NPA can be received from interested parties.
4. The Secretary Bureau shall cause notice of the time, place, and subject of the hearings, be published in the newspapers of general circulation in the counties and areas of the hearings.

5. A copy of the press release regarding the public input hearings shall be posted on the Commission's web site at <http://www.puc.state.pa.us/>.

6. A copy of this Order shall be served on all jurisdictional telecommunications carriers, wireless carriers, the Office of Consumer Advocate, the Office of Small Business Advocate and Wayne Milby and Beth Sprague of the North American Numbering Plan Administrator.

7. A copy of this order shall be published both in the *Pennsylvania Bulletin* and on the Commission's web site.

8. A copy of this order shall be served upon the Office of Administrative Law Judge and the Office of Communications.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-82. Filed for public inspection January 8, 2010, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 25, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2009-2149771. J & G Paratransit Corporation** (2344 West Huntingdon Street, Philadelphia, Philadelphia County, PA 19132)—a corporation of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**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-2009-2148765. Norristown Transportation Co.** (37 Burnside Avenue, Montgomery, Montgomery County, PA 19403)—discontinuance of service and cancellation of its certificate-persons in limousine service between points in the Boroughs of Norristown and Bridgeport and the Townships of West Norriton, East Norriton, Plymouth,

Whitemarsh and Upper Merion, Montgomery County, and from points in the said boroughs and townships to points in Pennsylvania and vice versa. *Attorney:* Barnett Satinsky, 2000 Market Street, 20th Floor, Philadelphia, PA 19103.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-83. Filed for public inspection January 8, 2010, 9:00 a.m.]

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### Telecommunications

**A-2009-2149289. Verizon North, Inc. and Line Systems, Inc.** Joint petition of Verizon North, Inc. and Line Systems, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Line Systems, Inc., by its counsel, filed on December 23, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Line Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-84. Filed for public inspection January 8, 2010, 9:00 a.m.]

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### Telecommunications

**A-2009-2149303. Verizon North, Inc. and McGraw Communications, Inc.** Joint petition of Verizon North, Inc. and McGraw Communications, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and McGraw Communications, Inc., by its counsel, filed on December 23, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon North, Inc. and McGraw Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-85. Filed for public inspection January 8, 2010, 9:00 a.m.]

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### Telecommunications

**A-2009-2148506. Verizon North, Inc. and NexGen Networks Corp.** Joint petition of Verizon North, Inc. and NexGen Networks Corp., for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and NexGen Networks Corp., by its counsel, filed on December 18, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and NexGen Networks Corp. 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. 10-86. Filed for public inspection January 8, 2010, 9:00 a.m.]

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### Telecommunications

**A-2009-2149276. Verizon Pennsylvania, Inc. and Line Systems, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Line Systems, Inc. for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Line Systems, Inc., by its counsel, filed on December 23, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Line Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-87. Filed for public inspection January 8, 2010, 9:00 a.m.]

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### Telecommunications

**A-2009-2149541. Verizon Pennsylvania, Inc. and McGraw Communications, Inc.** Joint petition of Verizon Pennsylvania, Inc. and McGraw Communications, Inc. for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and McGraw Communications, Inc., by its counsel, filed on December 23, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and McGraw Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-88. Filed for public inspection January 8, 2010, 9:00 a.m.]

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### Telecommunications

**A-2009-2148520. Verizon Pennsylvania, Inc. and NexGen Networks Corp.** Joint petition of Verizon Pennsylvania, Inc. and NexGen Networks Corp., for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and NexGen Networks Corp., by its counsel, filed on December 18, 2009, at the

Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and NexGen Networks Corp. 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. 10-89. Filed for public inspection January 8, 2010, 9:00 a.m.]

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### Water Service

**A-2009-2149810. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in additional portions of Kingston Township, Luzerne County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 25, 2010. 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:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, Suite 500, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17101

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-90. Filed for public inspection January 8, 2010, 9:00 a.m.]





# STATEMENTS OF POLICY

## LOBBYING DISCLOSURE REGULATIONS COMMITTEE

### Manual for Accounting and Reporting—How to Comply with Act 134 of 2006

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##### Section I—Introduction

The Lobbying Disclosure Law, Act 2006-134 (65 Pa.C.S. § 13A01 *et seq.*), hereinafter the Act, requires reporting and recordkeeping by registered principals, lobbying firms and lobbyists.<sup>1</sup> This *Manual for Accounting and Reporting* (hereinafter Manual) was drafted by the Lobbying Disclosure Regulations Committee (Committee) in compliance with section 13A10(d)(5) of the Act, as a reference tool to assist registrants in complying with the requirements of the Act and related regulations at 51 Pa. Code § 51.1 *et seq.* On April 11, 2009, the final form regulations were published in the *Pennsylvania Bulletin* and were effective as of that date. Nothing in the Manual should be

<sup>1</sup> For information on the registration requirements for principals, lobbying firms and lobbyists, please refer to the Department of State website at [www.dos.state.pa.us](http://www.dos.state.pa.us). The site contains forms and instructions for registration statements, as well as a copy and summary of the Act. Section 13A04 of the Act addresses the registration requirements.

construed as superseding the provisions of the act or the regulations, although the Manual may be relied upon for guidance.

##### A. Comments on the Manual

Anyone interested in making comments or sending comments about bookkeeping and recordkeeping on the Manual may send comments to the Office of Attorney General at: [lobbyingdisclosure@attorneygeneral.gov](mailto:lobbyingdisclosure@attorneygeneral.gov).

##### B. Questions

For additional information, or if you have any questions about completing registration statements (statements) or quarterly expense reports (reports), please contact the Department of State, Bureau of Commissions, Elections and Legislation, 210 North Office Building, Capitol Complex, Harrisburg, PA 17120; phone (717) 787-5280; fax (717) 787-2854. Additional information on the Act, a summary of the Act, Frequently Asked Questions, copies of the registration statements and quarterly expense reports along with instructions, are located on the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us). Click on "Lobbying Disclosure" on the left or right tool bar. Email inquiries on registration statements or quarterly expense reports should be directed to the Department at: [RA-LobbyDisclosure@state.pa.us](mailto:RA-LobbyDisclosure@state.pa.us).

For official advice regarding compliance with the Act, contact the Ethics Commission at 309 Finance Building, P. O. Box 11470, Harrisburg, PA 17108-1470. For informal guidance, contact the Commission by telephone at 1-800-932-0936 or (717) 783-1610, although the Commission does not issue official advisory opinions by telephone. Additional information on lobbying disclosure may be obtained through the State Ethics Commission at: [www.ethics.state.pa.us](http://www.ethics.state.pa.us).

##### Section II—Reporting Periods & Filing Quarterly Reports

##### A. Quarterly Reporting Periods:

Section 13A05(a) of the Act requires quarterly reporting for quarters ending in March, June, September and December of each year. The due date of each report is *no later than 30 days* after the end of the quarterly reporting period.

However, if the 30th day falls on a weekend or holiday, or on another day the Department offices are closed or close early, the deadline is extended to the following Commonwealth business day.

Except when the 30th day falls on a weekend or holiday, as noted above, the quarterly "reporting periods" are as follows:

- (1) January 1 through March 31 (Deadline April 30);
- (2) April 1 through June 30 (Deadline July 30);
- (3) July 1 through September 30 (Deadline October 30); and
- (4) October 1 through December 31 (Deadline January 30).

Generally, the financial information that is to be disclosed in the quarterly expense report is to be limited to the particular quarter for which the report is being filed: do not list cumulative totals for the year. The only cumulative recordkeeping/reporting that is required concerns gifts, transportation, lodging and hospitality given

to or provided to state officials or employees. These requirements are discussed in Section VI.

#### B. *Filing Quarterly Reports:*

Section 13A05(a) of the Act requires a registered principal to file quarterly expense reports. If a lobbyist or lobbying firm reports all expenses to and through their respective principals, then the lobbyist or lobbying firm is not required to file quarterly expense reports.

However, if a principal does not submit a quarterly expense report, or if a principal does not include all expenses of a lobbying firm or lobbyist in its report, then section 13A05(b)(6) of the Act requires a lobbying firm or a lobbyist not associated with a lobbying firm to file a quarterly expense report for any expenses not included in a principal's quarterly expense report. (See page 2 of the Department's Instructions for Paper Quarterly Expense Reports and page 3 of the Instructions for Online Reports.)

#### *Section III—Reasonable Methods of Estimation and Allocation*

Section 13A05(b)(2.1) of the Act permits filers to use any reasonable methods of estimation and allocation. The initial determination that a registrant must make is whether the expense in question meets the definition of "lobbying" at section 13A03 of the Act. The first sentence of the definition of "lobbying" defines it as "[a]n effort to influence legislative action or administrative action in the Commonwealth." If the expense is not lobbying, then there is no requirement to report it on a quarterly expense report. If the expense is lobbying, however, then the registrant must report it.

The second sentence of the definition of "lobbying" at section 13A03 of the Act provides that the "term includes:

- (1) direct or indirect communication;
- (2) office expenses; and
- (3) providing any gift, hospitality, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist or principal."

Some examples of lobbying would include the following under the Act:

- Any efforts by a lobbyist or lobbying firm made on behalf of principals for the inclusion of funds into the capital budget is considered lobbying and would trigger the registration and reporting requirements of the Act.
- An association has members who routinely work on behalf of their clients with state departments and agencies on auditing, accounting, tax, and related matters. To the extent that such activities attempt to influence "administrative action," as that term is defined in section 13A03 of the Act, these activities could be considered "lobbying" as that term is also defined at section 13A03 of the Act, and would be subject to reporting by the members unless such members or their activities would be exempt under section 13A06 of the Act. If an attorney represents clients in administrative adjudications before the Department of Revenue's Board of Appeals or the Board of Finance and Revenue, that activity could be exempt from registration and reporting if the activity falls within the exemption at section 13A06(13) of the Act.

Sometimes, an event may require reporting of lobbying expenses by a principal, but not necessarily by its members, where the principal is a trade association or a labor

organization. An event requiring reporting of lobbying expenses by a principal will not require reporting by the principal's members unless the members incur expenses that are not paid by the principal. For example, annually a principal hosts an event in Harrisburg where members come to discuss issues of importance to the principal's profession. Part of the day is spent with members "walking the halls" of the capitol and in meetings with legislators and staff discussing and promoting the principal's legislative agenda and related matters. The activities of a principal's members would be reported as direct lobbying on the principal's next quarterly expense report. However, expenses paid by the members would be attributable to them and reportable by them to the extent the members would not be exempt.

Furthermore, section 13A05(b)(2)(iv) of the Act provides that all lobbying expenses shall be allocated to one of the three categories (gifts/hospitality/transportation/lodging, direct communication and indirect communication) listed in subsections 13A05(b)(2)(i)—(iii). Subsection 13A05(b)(2)(iv) also requires that "expenses shall not be included in more than one category." The Committee believes that this means that an expense shall not be reported twice, but it does not mean that an expense for an event cannot be allocated between two different categories, provided that a reasonable method of estimation and allocation is used. The Committee believes that the primary goal of the Act is to ensure that all expenses are fully reported and that issues of allocation between the direct communication and indirect communication categories (i.e. whether an item fits neatly into one category or another) are secondary.

As stated in the second category of lobbying above, which includes "office expenses" as lobbying, section 13A03 of the Act defines direct and indirect communication to include "personnel expenses" and "office expenses," which are also defined in the Act. Because the definitions of "gift" and "hospitality" in section 13A03 of the Act do not explicitly include personnel expenses and office expenses, if a principal sponsors an event for public officials and employees, the principal's expenses for mailing invitations, and the time its staff spends planning this event should be reported as direct or indirect communication.

In using any reasonable method of estimation and allocation permitted in section 13A05(b)(2.1), registrants could conceivably allocate personnel and office expenses differently from one calendar quarter to the next, depending on whether they conducted more direct or indirect communication during the calendar quarter. As an example, during the first quarter of 2009, a principal could spend most of its time communicating with the public or its employees, shareholders or members on its views of the important issues facing the Pennsylvania General Assembly during this legislative session, which constitute indirect communications. In estimating and allocating its personnel and office expenses, it is reasonable for such a principal to conclude that most of its personnel and office expenses were devoted to indirect communication, and that some expenses of its in-house lobbyists and the lobbying firms it hired were devoted to direct communication to new as well as incumbent legislators. The principal could then use the expense reports submitted by its in-house lobbyists and outside lobbying firms to report additional costs for hospitality as its lobbyists and lobbying firms sought to build relationships with new legislators and to maintain current relationships with incumbents.

To continue this example into the second quarter, where the principal's lobbying efforts focused on issues before

the General Assembly, the principal may have spent more of its resources on direct lobbying efforts communicating directly with legislators with letters, white papers, phone calls and visits. While the lobbyists and lobbying firms delivered many of these messages personally, other executives might have spoken to legislators, and staff members may have worked to research and write the white papers. In estimating and allocating its personnel and office expenses, the principal could reasonably conclude that most of its personnel and office expenses were devoted to direct communications, while some expenses of its personnel and office expenses were devoted to continuing indirect communications to its employees, shareholders and the general public in disseminating the principal's views.

In addition, records of lobbying activity may be kept pursuant to any reasonable accounting basis, as discussed in the next section. Again, the Committee believes that the primary goal of the Act is to ensure that all expenses are fully reported and that issues of allocation between the direct communication and indirect communication categories are secondary.

#### *Section IV—Basis of Accounting*

Section 13A05(b)(2) of the Act indicates that expense reports must contain the total costs of all lobbying for the period, including the total amount spent for personnel and office expenses; the total amount spent for both direct and indirect communication; as well as the total costs for gifts, entertainment, recreation, meals, beverages, transportation, lodging and receptions given to or provided to state officials, employees, or their families. Section 13A05(b)(2.1) of the Act permits filers to use any reasonable method of estimation and allocation. "Records of lobbying activity may be kept pursuant to any reasonable accounting basis, which includes" (but is not limited to): cash basis of accounting, accrual basis of accounting, and modified accrual basis of accounting, all of which are described below. See § 55.2(a)(3) of the regulations.

*Cash basis*—revenue and related assets are recognized when received, and expenses are recognized when payment is disbursed. For example, payroll costs are reported when paid, not when the associated hours are worked.

*Accrual basis*—income is recognized when earned, and expenses when incurred. For example, payroll is recognized when the associated hours are worked regardless of when payment is made.

*Modified Accrual basis*—recognizes an economic transaction or event as revenues in the operating statement when the revenues are both measurable and available to liquidate liabilities of the current period. Available means collectible in the current period or soon enough thereafter to be used to pay liabilities of the current period. Similarly, expenditures are generally recognized when an event or transaction is expected to draw on current spendable resources.

Filers should be consistent in their use of an accounting method for cumulative reporting over the two-year period, as stated in the regulations at § 55.2(a)(6). If a filer must change its accounting method, the filer should internally keep an explanation on record, explaining the reason for this change, in the event that the filer is later audited or questioned regarding the basis of accounting and the reason for the change.

#### *Section V—Recordkeeping*

This section contains recordkeeping methods to ensure compliance with the Act concerning lobbying costs. Section VI pertains to the calculation of gifts, transportation,

lodging and hospitality given to or provided to state officials or employees or their immediate family members, while Section VII provides information on direct communication, Section VIII discusses indirect communication, and Section IX deals with total costs of all lobbying.

Generally, a principal, lobbying firm or lobbyist is not required to file its actual receipts with a quarterly expense report. However, section 13A05(c) of the Act requires principals, lobbying firms and lobbyists to keep receipts and all other documents reasonably necessary to substantiate their quarterly expense reports for four years from the date of filing the quarterly expense report.

#### *A. Gifts, Hospitality, Transportation and Lodging*

The reporting requirements for gifts, hospitality, transportation and lodging, under section 13A05(b)(3) of the Act, are described in the next two sections:

##### *1. Gifts*

Section 13A05(b)(3)(i) of the Act requires the filer to identify by name, position and each occurrence, any **individual** state official or employee is provided a gift or gifts **in the aggregate of \$250 or more** per calendar year, as described at section 1105(b)(6) of the Ethics Act, 65 Pa.C.S. § 1105(b)(6). This section of the report should be itemized only when gifts to any **individual** state employee or official aggregate in the amount of \$250 or more in a calendar year.

The reporting of the provision of a gift to a state official or employee shall identify:

- a. The name and position of the state official or employee, including the governmental body of the state official or employee;
- b. The name and address of the source of the gift;
- c. The date the gift was given and the value of the gift; and
- d. The circumstances of the gift, including the description of the gift.

##### *2. Payments and Reimbursements for Transportation, Lodging and Hospitality*

The reporting of the provision of transportation, lodging, and hospitality to a state official or employee in connection with public office or employment shall identify the following:

- a. The name and position of the state official or employee, including the governmental body of the state official or employee;
- b. The name and address of the source of the payment;
- c. The value of the transportation, lodging or hospitality and the date of the payment or reimbursement.

The report must also identify any state official or employee to whom payments or reimbursements were made for transportation, lodging or hospitality that **in the aggregate exceed \$650 per calendar year**. This section of the report should be itemized only when payments or reimbursements to any **individual** state official or employee aggregate more than \$650 in a calendar year.

The accounting records for gifts, transportation, lodging and hospitality should be designed and maintained to facilitate reporting of the total expenditures for these items as well as the amounts for individual state officials and employees. Each time such an item is provided, the following important points should be remembered:

a. Obtain the identifying information for each state official or employee.

b. Amounts paid for immediate family members<sup>2</sup> of a state official or employee must be included in the aggregate total expenditures.

#### B. Valuation Considerations

Section 55.1(k) of the regulations contains rules for valuing gifts, hospitality, transportation and lodging:

1. Gifts and hospitality items that are returned unused to the donor within 30 days of the date of receipt need not be reported.

2. The valuation of a complimentary ticket to a fundraiser shall be based upon the reasonable amount of the goods or services received. Such valuation shall not include a political contribution, which is otherwise reported as required by law.

3. The value of gifts, transportation, lodging or hospitality shall equal the costs to the registrant if the items or services to be valued were in fact obtained by the registrant in marketplace transactions.

4. When item 3 does not apply, the value of the gifts, transportation, lodging or hospitality shall equal the fair market values as determined by the replacement costs, that is, the costs of purchasing the same or similar items or services in marketplace transactions.

5. When neither items 3 nor 4 apply, the registrant may use any reasonable method to determine the value of gifts, transportation, lodging or hospitality.

6. When more than one individual is the recipient of the gifts, transportation, lodging or hospitality, the registrant may calculate the value by one of the following methods:

i. Calculating the actual benefit provided to that individual.

ii. Dividing the totals of expenditures common to more than one beneficiary including that individual by the number of recipients.

iii. Allocating a portion of the total expenditures common to more than one beneficiary to each individual based upon each individual's participation.

Registrants must retain all documents reasonably necessary to substantiate the statements and reports made under sections 13A04 or 13A05 of the Act for four years from the date of filing of the report. Records should be maintained in their original form to the extent possible.

Section 55.2(c)(5) of the regulations provides for the use of affidavits if actual records are lost, stolen or destroyed through no fault of the registrant; or if the actual records are otherwise unavailable, and cannot be recreated from other sources. Section 55.2(d) of the regulations provides for the creation of records where original source documents are not available to support reportable expenditures.

Details of specific records required by the Act are itemized in Chapter 55 of the regulations.

#### C. Valuation of Time

Because Section 13A05(b)(2.1) provides that "a registrant may use any reasonable methods of estimation and allocation," there is no specific method for valuing time required by the Act. The following are offered as examples of viable options:

1. Employ a good faith estimate by using any reasonable method of estimation and allocation.

2. Keep a record of all hours spent lobbying.

3. Use the entire fee for lobbying, which could have sales tax implications.

**NOTE:** Regardless of the method used to value time, registrants may wish to **consult with an attorney or accountant** to address this issue.

#### Section VI—Calculation of Gifts, Hospitality, Transportation and Lodging

As noted in Section V above, all reportable costs for gifts, and the payment or reimbursement of hospitality, transportation and lodging should also be included in the total expenses related to lobbying. Section 13A05(b)(2)(i) of the Act requires that the quarterly report contain the total costs for gifts, entertainment, meals, transportation, lodging and receptions, given to or provided to state officials or employees or their immediate families.

It is the value of the thing received as a gift, hospitality, transportation or lodging that determines what must be disclosed under the Act.

#### A. Allocation and Reporting of Hospitality Provided to State Officials or Employees:

The question of whether to include items provided to immediate family members or others as attributable to a state official or employee for purposes of his or her individual totals depends upon the circumstances.

The ways in which a lobbying firm, lobbyist, or principal may allocate and report tickets given to a state official or employee for a sporting or entertainment event, are listed in the examples below. Please note that tickets should be valued at fair market value or the actual cost of the tickets. If the actual cost is unknown, then use the fair market value.

- If a lobbying firm, lobbyist or principal provides tickets to a state official or employee, the tickets should be allocated toward the \$650 threshold for that state official or employee.
- If a lobbying firm, lobbyist or principal provides tickets to a state official or employee, all of the tickets provided are reported as being given to that state official or employee.
- A lobbying firm, lobbyist or principal provides 10 tickets to a state official or employee, and the state official or employee later informs the lobbying firm, lobbyist, or principal that only two tickets were used by the state official or employee. The lobbying firm, lobbyist or principal still allocates all of the 10 tickets to the state official or employee. (The lobbying firm, lobbyist or principal does not need to verify who received each ticket.)
- A lobbying firm, lobbyist or principal provides 10 tickets to a state official or employee. If the state official or employee reimburses the lobbying firm, lobbyist, or principal for 6 out of the 10 tickets within thirty days of receipt, both the donor and the recipient should report the value of 4 tickets. (The lobbying firm, lobbyist or principal does not need to verify who received each ticket.)
- A lobbying firm, lobbyist or principal provides 10 tickets to a state official or employee. If the state official or employee returns 6 of the 10 tickets to the lobbying firm, lobbyist or principal unused within thirty days of the date of receipt, both the donor and

<sup>2</sup> For the definition of immediate family, see § 55.1 (relating to definitions) of the regulations.

the recipient should report the value of 4 tickets. (The lobbying firm, lobbyist or principal does not need to verify who received each ticket.)

- A lobbying firm, lobbyist or principal provides 10 tickets to a state official or employee, and the state official or employee pays for all 10 tickets within thirty days of receipt. The lobbying firm, lobbyist or principal reports zero value.
- Things of value that are provided directly to someone other than a state official or employee, without any contact or involvement on the part of the state official or employee, are not attributable to the state official or employee.

#### B. *Hospitality in the Form of Dinners and Receptions*

With respect to providing hospitality to state officials or employees in the form of a dinner, a lobbyist, lobbying firm or principal may either divide the bill by the number of people in attendance or keep accurate records of the menu items and beverages ordered by each person. If an event is described as both a reception and dinner, the principal should report the cost for both the reception and the dinner as hospitality. The principal would then determine what portion of the total amount spent is attributable to the reception and which portion is attributable to dinner and divide that number by the total number of people attending the event or keep accurate records of the menu items and beverages ordered by each person.

For the purpose of allocating costs of hospitality to individual state officials or employees, section 13A05(b)(3)(iii) of the Act provides that the amount referred to in section 1105(b)(7) (relating to the \$650 threshold for reporting hospitality) shall not include the cost of a reception which the state official or employee attends in connection with public office or employment. Furthermore, section 13A05(b)(3)(iv) of the Act requires that written notice must be given to each state official or employee who is listed in an expense report at least seven days prior to the report's submission to the Department.

#### *Section VII—Calculation of Direct Communication*

“Direct communication” is defined in section 13A03 of the Act as “[a]n effort, whether written, oral or by any other medium, made by a lobbyist or a principal, directed to a state official or employee, the purpose or foreseeable effect of which is to influence legislative action or administrative action. The term may include personnel expenses and office expenses.” Thus, a “direct communication” involves:

- (1) an “effort;”
- (2) that must be “directed to a State official or employee;”
- (3) “the purpose or foreseeable effect of which is to influence legislative action or administrative action.”

For an expense to be considered a “cost for direct communication,” each element of the definition must be met.

All reportable costs for direct communication should also be included in the total amount spent for expenses related to lobbying. Examples of direct communication include: meetings, letters, and phone calls with state officials and legislators. Direct communication costs may include personnel expenses and office expenses. As previously stated, the Committee believes that the primary goal of the Act is to ensure that all expenses are fully

reported and that determination of whether a particular expense falls within direct or indirect communications is secondary.

The action that triggers the expense reporting may be in any form and includes a personal visit, a telephone call, an email or a letter to a state official or employee by a registered lobbyist or principal where the purpose or foreseeable effect is to influence legislative or administrative action. If the purpose or foreseeable effect of such action is not to influence legislative or administrative action, it need not be reported. Once an expense associated with a particular action satisfies the above definition and qualifies as “lobbying,” all expenses associated with that action should be included in the relevant quarterly report. For example, personnel expenses or office expenses associated with preparing a report or letter directed to a legislator that is sent to that legislator with the purpose or foreseeable effect of influencing the outcome of legislative action should be reported. Personnel expenses<sup>3</sup> and office expenses<sup>4</sup> associated with the lobbying activities of an employee must be included in the quarterly expense reports as costs for direct communication. A principal that is not exempt is required to report lobbying-related personnel expenses or office expenses relating to activities of employees and independent contractors (including attorneys) even if the employees or independent contractors are themselves exempt. For example, an employee of a principal who engages in lobbying on behalf of the principal, but does so for less than 20 hours in a reporting period, does not have to register as a lobbyist. (See section 13A06(5) of the Act.) However, the principal must include in its reports the expenses associated with that work by the employee.

In the same way, the expenses associated with a trip to Harrisburg to meet with a legislator in order to try to influence the enactment of legislation would need to be reported (including personnel costs associated with the travel time to and from Harrisburg). If the trip were for multiple purposes, a reasonable allocation between lobbying and non-lobbying expenses should be made.

Additional examples of direct communications include, but are not limited to:

- Phone calls to a representative explaining the principal's opposition to a bill;
- Phone calls to a representative concerning the negative impact on a principal of a pending bill; and
- Follow-up letters to the representative above.

Also, if an expense is not required to be reported as a cost for direct communication, it may be reported as an indirect communication or as expenditures for gifts, hospitality, transportation and lodging for state officials or employees or their immediate families. In the definitions of direct and indirect communications in section 13A03 of the Act, either type of communication may include personnel expenses and office expenses.

Because the definitions of “gift” and “hospitality” in section 13A03 of the Act do not explicitly include personnel expenses and office expenses, if a principal sponsors

<sup>3</sup> Section 13A03 of the Act defines “Personnel Expense” as “[a]n expenditure for salaries or other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses paid to lobbyists, lobbying staff, research and monitoring staff, consultants, publications and public relations staff, technical staff, clerical and administrative support staff and includes individuals who engage in lobbying but are exempt from reporting under Section 13A06 (relating to exemption from registration and reporting). For an individual for whom lobbying is incidental to regular employment, the term means a good faith prorated estimate based on the value of the time devoted to lobbying.”

<sup>4</sup> Section 13A03 of the Act defines “Office expense” as “[a]n expenditure for an office, equipment or supplies, utilized for lobbying.”

an event for public officials and employees, the principal's expenses for mailing invitations, and the time its staff spends planning this event should be reported as direct or indirect communication.

*Section VIII—Calculation of Indirect Communication*

"Indirect communication" is defined in section 13A03 of the Act as "[a]n effort, whether written, oral or by any other medium, to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative action or administrative action." The definition then includes the following examples of what is included as well as what is excluded from the definition of "indirect communication":

(1) "The term includes letter writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues.

(2) The term does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

(3) The term may include personnel expenses and office expenses."

An indirect communication involves an effort, in any form, that is intended to encourage others to take action. The term "others" includes those individuals internal to the principal, as well as external to the principal, such as the general public.

As noted above, the definition of "indirect communication" lists certain activities as examples of this type of communication. This list is not exclusive and other types of similar communications having the same theme as the activities listed in the definition would be included. Additional examples of indirect communications include, but are not limited to:

- Communicating with others asking them to contact state officials or employees;
- Drafting materials for a public letter writing campaign;
- Drafting letters for a letter writing campaign to be sent to various representatives; and
- Writing a letter explaining a principal's position requesting members to contact representatives. (This is commonly called "grassroots lobbying.")

The definition of "Costs for Indirect Communication" specifically exempts "regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation." Note that the costs of other types of communication to members of an association or nonprofit corporation are not exempt. Also, the definition does not contain an exemption for communications to shareholders of for-profit corporations.

**Note:** Section 13A05(e) of the Act requires that "[w]henver any person makes an expenditure for indirect communication . . . for the purpose of disseminating or initiating a communication, such as a mailing, telephone bank, print or electronic media advertisement, billboard, publication or education campaign, the communication shall clearly and conspicuously state the name of the person who made or financed the expenditure for the communication."

*Section IX—Calculation of Total Costs of All Lobbying*

Section 13A05(b)(2) of the Act requires filers to disclose "the total costs of all lobbying for the period." Section

13A05(b)(2) requires that the total costs "shall include all office expenses, personnel expenses, expenditures related to gifts, hospitality, transportation and lodging to state officials or employees, and any other lobbying costs."

Subsection 13A05(b)(2)(iv) of the Act requires that "expenses shall not be included in more than one category." The Committee believes that this means that an expense shall not be reported twice, but it does not mean that an expense for an event cannot be allocated between two different categories, provided that a reasonable method of estimation and allocation is used.

Expenses to be reported include those made during the quarter in which the lobbyist or principal is first required to register. Expenses made before the quarter in which a principal or lobbyist is required to register should not be reported. Expenses made after the quarter in which the lobbyist or principal is first required to register shall be reported unless or until the lobbyist or principal terminates its registration, in which case a final quarterly expense report would be filed for the quarter in which the registration is terminated.

**Notes:** In calculating the total costs of all lobbying for the period, any reasonable methods of estimation and allocation may be used, as described in Section II above, entitled "*Reasonable Methods of Estimation and Allocation.*"

Section 13A05(b)(7) provides that a registered principal that attempts (or that retains a lobbying firm or lobbyist to attempt) to influence an agency's preparing, bidding, entering into or approving a contract shall ensure that the related expenses are included under the total costs of lobbying for the period on the quarterly expense report and are thereby allocated under one of the following three categories on the quarterly expense report:

1. Gifts, Hospitality, Transportation and Lodging;
2. Direct Communication; or
3. Indirect Communication.

As previously stated, in calculating total expenses, a registrant may use any reasonable method of estimation and allocation to allocate expenses between the three categories of expenses listed immediately above. The primary goal of the Act is to ensure that all expenses are fully reported.

*Section X—Additional Requirements*

*A. Lobbying Disclosure and Campaign Finance Provisions of the Pennsylvania Election Code*

- Section 13A06(14) of the Act provides that "[e]xpenditures and other transactions subject to reporting under Article XVI of the act of June 3, 1937 . . . , known as the Pennsylvania Election Code" are not required by the Act to be reported on quarterly expense reports. Thus the campaign finance provisions of the Election Code, contained in the booklet entitled *Campaign Finance Reporting Law*, on the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us), are separate requirements from the reporting of lobbying related activity subject to reporting by state or local candidates or political committees, including political action committees (PACs).

*B. Providing Notice of Gifts and Hospitality to State Officials and Employees*

Section 13A05(b)(3)(iv) of the Act details the requirements for identifying in the expense report, and providing notice to, each state official or employee who receives from a principal or lobbyist anything of value that must

be included in the state official's or employee's State of Financial Interests pursuant to section 1105(b)(6) and (7) of the Public Official and Employee Ethics Act.

*C. Contingency Fee for Procurement Work*

The Committee has determined that there is no legal prohibition against lobbyists or vendors being paid fees for procurement lobbying contingent upon the successful outcome of their lobbying.<sup>5</sup> However, federal funds (with certain exceptions) cannot be expended by any recipient of a federally-funded contract to pay any person for lobbying a federal agency, employee or member of Congress. See 31 U. S. Code Section 1352.

*D. Lobbying Disclosure and the Sales Tax on Lobbying*

The Department of Revenue has determined that the Revenue Code's reference to "lobbyist" within the definition of "lobbying services" at 72 P. S. § 7201(w) must be referring to "lobbyist" as it is defined in the Act. Although the Revenue Code's current definition of "lobbying services" specifically refers to the 1961 Lobbying Registration and Regulation Act (P. L. 1778, no. 712), pursuant to the Statutory Construction Act at 1 Pa.C.S. § 1937, references to previous laws include any new law substituted for the previous statute. Registrants should consult with an attorney or accountant for further guidance on the tax implications of lobbying.

*Section XI—Questions and Answers*

These questions and answers were submitted to the Committee during its deliberations and are intended to provide guidance to the lobbying community. Please note that any further regulations promulgated by the Committee or later advisory opinions issued by the Pennsylvania State Ethics Commission may supersede the answers provided to these questions.

1. Are public relations (PR) firms subject to lobbying disclosure?

<sup>5</sup> Subsections 13A07(e)(1)(ii) & (e)(2)(ii) of the Act exempt lobbyists from the prohibition on contingent compensation as it relates to procurement lobbying. Also, subsection 13A07(e)(3) provides that the restrictions on contingent compensation do not apply to vendors.

They can be if the PR firm's activities meet the definition of "lobbying" at section 13A03 of the Act. If the PR firm's activities meet this definition of lobbying, then the PR must register and report as required by the Act.

2. Where are quarterly expense reporting forms available?

Reporting forms are available for downloading on the Department's website <http://www.dos.state.pa.us> or at the Bureau of Commissions, Elections and Legislation, 210 North Office Building, Capitol Complex, Harrisburg, PA 17120.

3. What if a lobbyist or lobbying firm does not have notice that a principal did not submit a quarterly expense report?

Although the lobbyist or lobbying firm should remain in close contact with the principal to avoid this situation arising, the regulations in § 55.1(e) state that a lobbyist or lobbying firm has 30 additional days after the due date of the principal's report to file its quarterly expense report. (See page 2 of the Instructions for Paper Quarterly Expense Reports and page 3 of the Instructions for Online Reports.)

4. Has the Pennsylvania State Ethics Commission issued any advisory opinions under Act 134?

As of the publication of this Manual, the Pennsylvania State Ethics Commission has issued the following advisory opinions dealing with the act: 07-1001, 07-1002, 07-1003, 07-1004, 08-1001, 08-1002, 09-1001 and 09-1002. Copies of these opinions and future opinions on lobbying disclosure are available on the Ethics Commission's website at <http://www.ethics.state.pa.us>.

ROBERT A. MULLE,  
*Chairperson*

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