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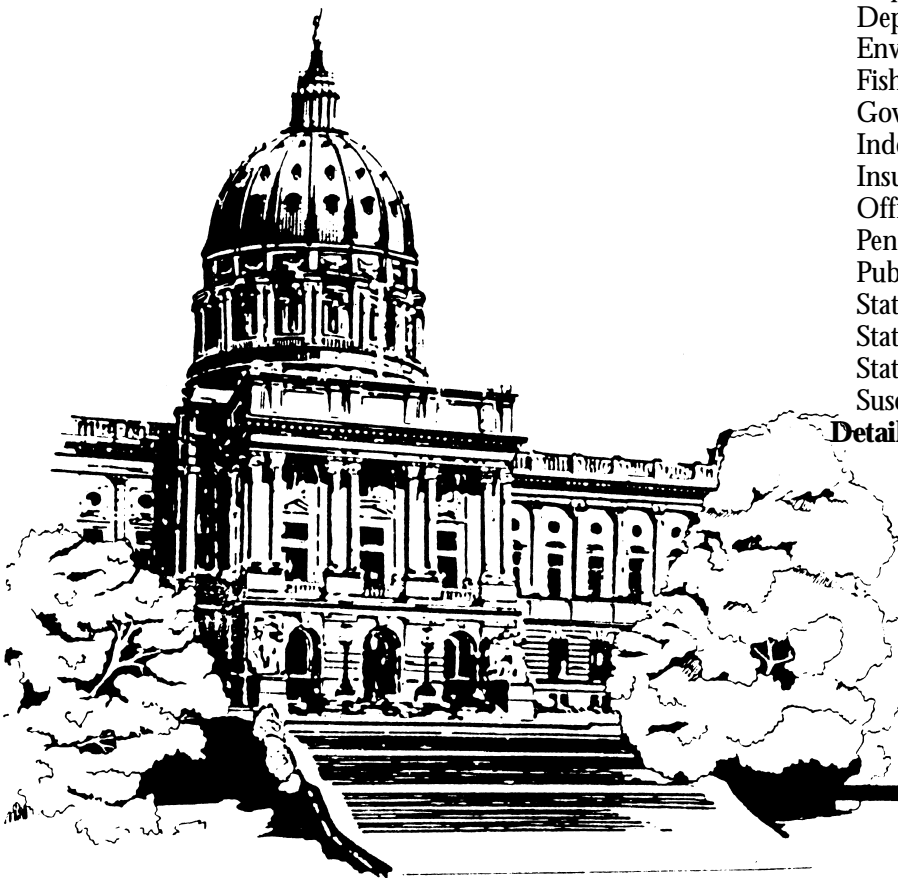
# PENNSYLVANIA BULLETIN

Volume 38  
Saturday, February 2, 2008 • Harrisburg, PA  
Number 5  
Pages 589—734

## Agencies in this issue

The Courts  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of Health  
Department of Military and Veterans Affairs  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Fish and Boat Commission  
Governor's Office  
Independent Regulatory Review Commission  
Insurance Department  
Office of Attorney General  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Board of Nursing  
State Board of Physical Therapy  
State Employees' Retirement Board  
Susquehanna River Basin Commission

**Detailed list of contents appears inside.**



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

**No. 399, February 2008**

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# CONTENTS

## THE COURTS

<b>DISCIPLINARY BOARD OF THE SUPREME COURT</b>	
Petition for reinstatement; notice of hearing . . . . .	609
<b>LOCAL COURT RULES</b>	
<b>Fayette County</b>	
Administrative order no. 18 of 2008; misc. . . . .	596
<b>Franklin and Fulton Counties</b>	
Amendment of orphan's court procedure 39-15 and 39-16; miscellaneous doc. volume 5, page 241 . . . . .	596
<b>SUPREME COURT</b>	
Schedule of holidays for year 2009 for staffs of the appellate courts and the administrative office of Pennsylvania courts; no. 314 judicial administra- tion; doc. no. 1 . . . . .	608
Sessions of the Supreme Court of Pennsylvania for the year 2009; no. 187 appellate court rules; doc. no. 1 . . . . .	609

## EXECUTIVE AGENCIES

<b>DEPARTMENT OF BANKING</b>	
<b>Notices</b>	
Actions on applications (2 documents) . . . . .	617, 618
<b>DEPARTMENT OF EDUCATION</b>	
<b>Notices</b>	
Pennsylvania Pre-K Counts Program; eligibility, application process and funding level . . . . .	619
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>	
<b>Notices</b>	
Applications, actions and special notices . . . . .	619
Bid opportunity . . . . .	666
Environmental Justice Advisory Board; change of meeting date . . . . .	666
NOx budget trading program; new source set-aside 2008 proposed NOx allocations . . . . .	666
<b>DEPARTMENT OF HEALTH</b>	
<b>Notices</b>	
Application of Hospital of the University of Pennsyl- vania for exception . . . . .	667
Long-term care nursing facilities; request for excep- tion . . . . .	667
<b>DEPARTMENT OF MILITARY AND VETERANS AFFAIRS</b>	
<b>Notices</b>	
Per diem rates at Pennsylvania State Veterans' Homes . . . . .	668
<b>DEPARTMENT OF PUBLIC WELFARE</b>	
<b>Notices</b>	
Payments to county nursing facilities; final rates for State fiscal year 2007-2008 . . . . .	668
Payments to nonpublic nursing facilities; final rates for State fiscal year 2007-2008 . . . . .	669

Peer groups, peer group medians and peer group prices for general nursing facilities, county nurs- ing facilities, hospital-based nursing facilities and special rehabilitation facilities . . . . .	670
<b>DEPARTMENT OF REVENUE</b>	
<b>Notices</b>	
Annual inflation adjustment; Pennsylvania gaming cash flow management . . . . .	690
<b>DEPARTMENT OF TRANSPORTATION</b>	
<b>Notices</b>	
Request for bids . . . . .	690
<b>ENVIRONMENTAL QUALITY BOARD</b>	
<b>Proposed Rulemaking</b>	
Triennial review of water quality standards (corrections) . . . . .	612
<b>FISH AND BOAT COMMISSION</b>	
<b>Notices</b>	
Lake Erie commercial fishing—2008 . . . . .	690
Triploid grass carp permit application . . . . .	691
<b>GOVERNOR'S OFFICE</b>	
<b>Notices</b>	
Regulatory agenda . . . . .	691
<b>INDEPENDENT REGULATORY REVIEW COMMISSION</b>	
<b>Notices</b>	
Notice of filing of final rulemakings . . . . .	730
<b>INSURANCE DEPARTMENT</b>	
<b>Notices</b>	
Application for approval to acquire control . . . . .	731
Surplus lines agents and interested parties; export list of insurance coverages . . . . .	731
<b>OFFICE OF ATTORNEY GENERAL</b>	
<b>Notices</b>	
Public meeting . . . . .	731
<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	
<b>Notices</b>	
Service of notice of motor carrier applications . . . . .	731
Telecommunications (2 documents) . . . . .	732
Telecommunications services . . . . .	732
Water service . . . . .	732
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD</b>	
<b>Notices</b>	
Hearing scheduled . . . . .	733
<b>STATE BOARD OF NURSING</b>	
<b>Notices</b>	
Bureau of Professional and Occupational Affairs v. Miriam Johnson, R. N.; doc. no. 1059-51-07 . . . . .	733
Bureau of Professional and Occupational Affairs v. Corinne S. Lagana, R. N.; doc. no. 1930-51-07 . . . . .	733

---

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**STATE BOARD OF PHYSICAL THERAPY**

**Notices**

Bureau of Professional and Occupational Affairs v.  
Elizabeth V. Wong, PT; doc. no. 1083-65-07 ..... 733

**STATE EMPLOYEES' RETIREMENT BOARD**

**Proposed Rulemaking**

Death benefits..... 612  
Definitions ..... 613

Electronic submission of documents and electronic  
transactions ..... 614  
Termination of annuities ..... 615

**SUSQUEHANNA RIVER BASIN COMMISSION**

**Rules and Regulations**

Review and approval of projects ..... 610

# 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 2008.

<b>4 Pa. Code (Administration)</b>		43 .....	435
<b>Adopted Rules</b>		45 .....	435
7 .....	474	51 .....	435
		53 .....	435
<b>Proposed Rules</b>		55 .....	435
241 .....	613, 614	57 .....	435
247 .....	612, 615	59 .....	435
		61 .....	435
<b>22 Pa. Code (Education)</b>		63 .....	435
<b>Adopted Rules</b>		65 .....	435
36 .....	339		
338 .....	76	<b>52 Pa. Code (Public Utilities)</b>	
		<b>Adopted Rules</b>	
<b>25 Pa. Code (Environmental Protection)</b>		63 .....	488
<b>Adopted Rules</b>			
806 .....	610	<b>58 Pa. Code (Recreation)</b>	
808 .....	610	<b>Proposed Rules</b>	
		461a .....	343
<b>Proposed Rules</b>			
86 .....	80	<b>Statements of Policy</b>	
93 (correction) .....	236, 612	461b .....	354
121 .....	229		
126 .....	229	<b>201 Pa. Code (Judicial Administration)</b>	
		<b>Adopted Rules</b>	
<b>Statements of Policy</b>		2 .....	220
16 .....	258	7 .....	220
<b>28 Pa. Code (Health and Safety)</b>		<b>204 Pa. Code (Judicial System General Provisions)</b>	
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
101 .....	573	303 .....	9
117 .....	573		
		<b>231 Pa. Code (Rules of Civil Procedure)</b>	
<b>40 Pa. Code (Liquor)</b>		<b>Proposed Rules</b>	
<b>Proposed Rules</b>		200 .....	337
5 .....	499		
		<b>234 Pa. Code (Rules of Criminal Procedure)</b>	
<b>49 Pa. Code (Professional and Vocational Standards)</b>		<b>Proposed Rules</b>	
<b>Adopted Rules</b>		1 .....	61
47 .....	484		
49 .....	484	<b>237 Pa. Code (Juvenile Rules)</b>	
		<b>Proposed Rules</b>	
<b>Proposed Rules</b>		5 .....	63
21 .....	344	11 .....	477
27 .....	350, 351	13 .....	477
		18 .....	477
<b>51 Pa. Code (Public Officers)</b>		<b>249 Pa. Code (Philadelphia Rules)</b>	
<b>Proposed Rules</b>		Unclassified .....	223
31 .....	435		
33 .....	435	<b>252 Pa. Code (Allegheny Rules)</b>	
35 .....	435	Unclassified .....	64
37 .....	435		
39 .....	435	<b>255 Pa. Code (Local Court Rules)</b>	
41 .....	435	Unclassified .....	72, 223, 225, 338, 481, 482, 596



# THE COURTS

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Administrative Order No. 18 of 2008; Misc.

##### Order

And Now, January 4, 2008, in accordance with Pennsylvania Rule of Criminal Procedure, 316(A), it is hereby ordered and directed that every person admitted to the Accelerated Rehabilitative Disposition (ARD) Program shall pay, in addition to any other costs, fees and restitution, an Administrative Maintenance Fee of Four Hundred Dollars (\$400.00).

It is further ordered that the Clerk of Courts shall distribute a copy of this Order to the Criminal Rules Committee and publish it in the *Pennsylvania Bulletin*.

This Order shall take effect thirty (30) days from the date that this Order is published in the *Pennsylvania Bulletin*.

By the Court

CONRAD B. CAPUZZI,  
President Judge

[Pa.B. Doc. No. 08-171. Filed for public inspection February 1, 2008, 9:00 a.m.]

### FRANKLIN AND FULTON COUNTIES

#### Amendment of Orphan's Court Procedure 39-15 and 39-16; Miscellaneous Doc. Volume 5, Page 241

##### Order of Court

December 26, 2007, it is hereby ordered that Local Rules of Orphan's Court Procedures 39-15 and 39-16 are amended, as follows, said rule will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALHER,  
President Judge

#### Proposed Changes to Orphan's Court Local Rules Regarding Adoptions for Franklin and Fulton Counties

##### RULE 39-15. ADOPTIONS

###### Rule 39-15.1. Practice and Procedure.

(a) **Reports and Petitions; Fees.** All reports and petitions relating to adoption shall be filed with the Clerk of Courts and shall be in such form as is designated from time to time by the Court. All filing fees shall be paid at the time of filing. The Clerk shall, at the time of filing, assign each case a docket number, volume number and page number. Upon the completion of any proceedings relative to adoption, all documents in connection therewith shall be handled in the manner set forth in Pa.O.C.R. 15.7.

(b) **Request for Investigation.** If no report of intention to adopt is required, in the absence of a special order

of court, there shall be no investigation of the petition for adoption. If an investigation of the adoption petition is necessary, the Court shall order the investigating agency to conclude its investigation and file its report not later than ninety (90) days after the filing of the notice of intention to adopt.

(c) **Counseling fund.** Pursuant to 23 Pa.C.S.A. § 2505(e), a fund has been established by the county to provide funding for counseling pursuant to 23 Pa.C.S.A. § 2505(c) or (d) for those who are unable to pay for such counseling. A parent who cannot afford to pay for counseling may petition the Court for payment of counseling by the fund. If the Court finds that the parent is unable to pay for counseling and desires counseling, the Court shall order payment from the fund.

###### Rule 39-15.5.4. Involuntary Termination of Parental Rights.

(a) **Notice and Hearing.** A hearing for involuntary termination of parental rights under 23 Pa.C.S.A. § 2513 shall be at a separate time and on a separate day from the hearing on the petition for adoption.

###### Rule 39-15.5.5. Adoption.

(a) **Hearing.** Unless otherwise ordered by the Court, the hearing on the petition for adoption shall be private.

(b) **Proposed Order.** At the conclusion of the hearing for adoption, the petitioners shall submit to the hearing judge a proposed decree.

###### Rule 39-15.5.8. Confirmation of Consents.

(a) **Hearing.** The hearing for confirmation of consents under 23 Pa.C.S.A. § 2504(a) shall be at a separate time and on a separate day from the hearing on the petition for adoption, and shall be held at least thirty (30) days prior to the hearing on the petition for adoption.

(b) **Notice.** Notice of the hearing on confirmation of consents shall be given to each parent as directed in Pa.O.C.R. 15.6 and 23 Pa.C.S.A. § 2504(b) and in the form directed in 23 Pa.C.S.A. § 2513(b).

###### Rule 39-16. Forms.

(a) **Consent of a child over the age of 12.** A child over the age of 12 shall consent to his or her adoption and shall sign a consent form in substantially the following form:

#### IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF \_\_\_\_\_ : Orphans' Court Division  
: \_\_\_\_\_  
: Adoption Docket \_\_\_\_\_  
Born \_\_\_\_\_ : \_\_\_\_\_  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

#### CONSENT TO ADOPTION BY ADOPTEE

(Consent of proposed adoptee over 12 years of age)  
23 Pa.C.S.A. § 2711(a)(1)

I, \_\_\_\_\_, the above proposed adoptee, aged \_\_\_\_\_, do hereby certify that I have read the petition in the above-captioned matter and fully understand the contents thereof and do hereby, without reservation, give my consent to my adoption by \_\_\_\_\_ the petitioners in the above-captioned matter.

I have read and understand the above and I am signing it as a free and voluntary act. In Witness Whereof, I have hereunto set my hand and seal this day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Consenter)

WITNESSES:

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
(signature of notary public)  
Title \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
I maintain my office in \_\_\_\_\_

**(b) Consent by biological parent.** A biological parent who is not a petitioner in the adoption action shall sign a consent to the adoption of the child in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH**  
IN RE: ADOPTION OF \_\_\_\_\_ : Orphans' Court Division  
: \_\_\_\_\_  
: \_\_\_\_\_  
: Adoption Docket \_\_\_\_\_  
Born \_\_\_\_\_ : \_\_\_\_\_  
: \_\_\_\_\_  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

**CONSENT TO ADOPTION**  
23 Pa.C.S.A. § 2711(a) and (d)

\_\_\_\_\_  
(Name of Consenting Parent) \_\_\_\_\_ Age \_\_\_\_\_  
\_\_\_\_\_  
(Marital Status) \_\_\_\_\_ (Relationship to Child) \_\_\_\_\_  
\_\_\_\_\_  
(Name of Other Parent)

I hereby voluntarily and unconditionally consent to the adoption of \_\_\_\_\_, born \_\_\_\_\_.

I understand that by signing this consent I indicate my intention to permanently give up all rights to this child.

I understand such child will be placed for adoption.

I understand I may revoke this consent to permanently give all rights to this child by placing the revocation in writing and serving it upon the agency or adult to whom the child is relinquished.

If I am the birth father or putative father of the child, I understand that this consent to an adoption is irrevocable unless I revoke it within 30 days after either the birth of the child or my execution of the consent, whichever occurs later, by delivering a written revocation to \_\_\_\_\_ [insert the name and address of the agency coordinating the adoption] or \_\_\_\_\_ [name and mailing address of attorney representing the individual relinquishing parental rights or prospective adoptive parent(s) of the child] or the Clerk of Courts for the Orphans Court of the Court of Common Pleas of the 39th Judicial District, Pennsylvania—Franklin County Branch, 157 Lincoln Way East, Chambersburg, PA 17201.

If I am the birth mother of the child, I understand that this consent to an adoption is irrevocable unless I revoke it within 30 days after executing it by delivering a written revocation to [insert the name and address of the agency coordinating the adoption] or [name and mailing address of attorney representing the individual relinquishing parental rights or prospective adoptive of the child] or the Clerk of Courts for the Orphans Court of the Court of Common Pleas of the 39th Judicial District, Pennsylvania—Franklin County Branch 157 Lincoln Way East, Chambersburg, PA 17201.

{I acknowledge that the adopting parent(s) name(s) [is][are] \_\_\_\_\_} **or**

{I hereby certify that this consent is being voluntarily executed without the disclosure of the name or other identifying information of the adopting parent or parents.}

I have read and understand the above and I am signing it as a free and voluntary act.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Consenter)

Place of execution: \_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
(signature of notary public)

**(c) Consent of Guardian or Person with Custody:** The guardian of the child or person or agency with custody of the child shall sign a consent to the adoption of the child in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE  
39TH JUDICIAL DISTRICT OF  
PENNSYLVANIA—FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF : Orphans' Court Division  
:  
: Adoption Docket \_\_\_\_\_  
Born :  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

**CONSENT TO ADOPTION BY [GUARDIAN]  
[PERSON HAVING CUSTODY OF ADOPTEE]**

23 Pa.C.S.A. § 2711(a)(5)

[I] [We], \_\_\_\_\_, [being the guardian of] [having custody of] [do][does] certify without disclosure of the name or other identification of the adopting parent(s) the [I] [we] have read the petition in the above captioned matter and fully understand the contents thereof, and without any undue influence or coercion exerted upon [me] [us] by any person, [I] [We] willingly and of [my] [our] own volition surrender all of [my] [our] rights in and to said adoptee, and believing that it will promote [his] [her] welfare, give consent to [his] [her] adoption.

I have read and understand the above and I am signing it as a free and voluntary act. *In Witness Whereof*, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Consenter)

WITNESSES:

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
(signature of notary public)  
Title \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
I maintain my office in \_\_\_\_\_

**(d) Consent of spouse or natural parent in a step-parent adoption:** The spouse of the adopting parent shall sign a consent to the adoption of the child in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE  
39TH JUDICIAL DISTRICT OF  
PENNSYLVANIA—FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF : Orphans' Court Division  
:  
: Adoption Docket \_\_\_\_\_  
Born :  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

**CONSENT TO ADOPTION BY [ADOPTING  
PARENT'S SPOUSE] (if not joining in petition)  
[NATURAL PARENT IN STEP-PARENT ADOPTION]**

23 Pa.C.S.A. § 2711(a)(2)

I, \_\_\_\_\_, do hereby certify that I am \_\_\_\_\_ years of age, that I have read the petition in the above captioned matter and fully understand the contents thereof and do hereby, without reservation and without undue influence or coercion exerted upon me by any person, give my consent to the adoption of \_\_\_\_\_ as prayed for in the foregoing petition. [In consenting to this adoption I am hereby retaining for myself all my rights and duties as a natural parent.]

I have read and understand the above and I am signing it as a free and voluntary act. *In Witness Whereof*, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_.

Date: \_\_\_\_\_  
(Signature of Consenter)

Place of execution: \_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

\_\_\_\_\_  
(Name) (Signature) (Relationship to Consenter) (Date)  
ADDRESS \_\_\_\_\_  
(street) (town) (state) (zip code)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
(signature of notary public)

Title \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
I maintain my office in \_\_\_\_\_

**(e) Petition for Involuntary Termination of Parental Rights:** The petition for involuntary termination of parental rights provided for in 23 Pa.C.S.A. § 2512(b) and Pa.O.C. Rule 15.4(a) shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE  
39TH JUDICIAL DISTRICT OF  
PENNSYLVANIA—FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF : Orphans' Court Division  
:  
:  
: Adoption Docket \_\_\_\_\_  
Born :  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

**PETITION FOR INVOLUNTARY TERMINATION OF  
PARENTAL RIGHTS**

23 Pa.C.S.A. § 2512(b) and Pa.O.C. Rule 15.4(a)

To the Honorable, the Judges of said Court:

The petition of Franklin County Children and Youth Service respectfully represents:

1. That your petitioner, \_\_\_\_\_, [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania] [other relation to child], [having its office at \_\_\_\_\_] [residing at \_\_\_\_\_], Chambersburg, Franklin County, Pennsylvania, has the care and custody of \_\_\_\_\_, a minor male child born \_\_\_\_\_, in \_\_\_\_\_ County, Pennsylvania. \_\_\_\_\_ was born to \_\_\_\_\_ and \_\_\_\_\_.

2. That your petitioner, \_\_\_\_\_, is the [intermediary] [petitioner] in the above captioned adoption and files this petition under the provisions of Section 2504 of the Adoption Act of 1980, as amended.

3. That the mother of \_\_\_\_\_ is \_\_\_\_\_, her address being \_\_\_\_\_, Pennsylvania 17 \_\_\_\_\_; she is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_, 19 \_\_\_\_\_, in \_\_\_\_\_, Pennsylvania; her race is \_\_\_\_\_; she is currently \_\_\_\_\_ married; she was not married at the time of the birth of the child and during one year prior thereto; and her religious affiliation is \_\_\_\_\_.

4. That \_\_\_\_\_ is a [racial background] male child who is \_\_\_\_\_ years old, having been born on \_\_\_\_\_, \_\_\_\_\_, in Franklin County, Pennsylvania. His religious affiliation is \_\_\_\_\_.

5. That the natural father of \_\_\_\_\_ is \_\_\_\_\_, whose current address is \_\_\_\_\_, Pennsylvania 17 \_\_\_\_\_; he is \_\_\_\_\_ years of age, his date of birth being \_\_\_\_\_, 19 \_\_\_\_\_; his race is [racial background]; he is currently \_\_\_\_\_ married; he was not married at the time of the birth of the child and during one year prior thereto; and his religious affiliation is \_\_\_\_\_.

6. The legal grounds for the involuntary termination of the parental rights of \_\_\_\_\_ are as follows:

a) 23 Pa.C.S. § 2511 (a)(1)—The parent by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

b) 23 Pa.C.S. § (a)(2)—The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

c) 23 Pa.C.S. § (a)(3)—The parent is the presumptive but not the natural father of the child.

d) 23 Pa.C.S. § (a)(4)—The child is in the custody of an agency, having been found under such circumstances that

the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

e) 23 Pa.C.S. § (a)(5)—The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

f) 23 Pa.C.S. § (a)(6)—In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

g) 23 Pa.C.S. § (a)(7)—The parent is the father of a child who was conceived as a result of a rape or incest.

h) 23 Pa.C.S. § (a)(8)—The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

7. The facts which support said grounds for termination are as follows:

- a)
- b)
- c)

8. \_\_\_\_\_ is not entitled to the benefits of the Soldiers and Sailors' Civil Relief Act of 1940, as amended. (50 U.S.C.A. 501 et seq.).

9. Petitioner(s) consents to accept custody of \_\_\_\_\_ until such time as the child is adopted.

Wherefore, your petitioner prays your Honorable Court to enter an order directing that a time and place be set for a hearing on this Petition and upon holding said hearing to enter a Decree:

1. Finding that the involuntary termination of the parental rights of \_\_\_\_\_ would best serve the needs and welfare of the child.

2. Directing the transfer of custody of \_\_\_\_\_ to Petitioner(s).

3. Authorizing Petitioner(s) to give consent to the adoption of \_\_\_\_\_ without further consent of, or notification to, \_\_\_\_\_.

And it will ever pray, etc.

Dated: \_\_\_\_\_ By, \_\_\_\_\_

\_\_\_\_\_, Esquire  
Attorney for Petitioner  
\_\_\_\_\_, PA 17  
(717) \_\_\_\_\_  
Attorney I.D. No.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF FRANKLIN

, BEING DULY SWORN ACCORDING TO LAW,  
DEPOSES AND SAYS THE FACTS SET FORTH ABOVE  
ARE TRUE AND CORRECT TO THE BEST OF THE  
PETITIONER'S INFORMATION/KNOWLEDGE AND  
BELIEF.

SWORN AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_  
I MAINTAIN AN OFFICE IN CHBG, PA

**(f) Confirmation of Consent.** A petition for confirma-  
tion of consent under 23 Pa.C.S.A. § 2504(a) shall be in  
substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE  
39TH JUDICIAL DISTRICT OF  
PENNSYLVANIA—FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF : Orphans' Court Division  
:  
:  
: Adoption Docket \_\_\_\_\_  
Born :  
:  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

**PETITION FOR CONFIRMATION OF CONSENT**

23 Pa.C.S.A. § 2504(a)

To the Honorable, the Judges of said Court:

The petition of \_\_\_\_\_, respectfully represents:

1. That your petitioner, \_\_\_\_\_, [an agency for the place-  
ment of children approved by the Department of Public  
Welfare of the Commonwealth of Pennsylvania] [relation  
to adoptee], [having its office at] [residing at] \_\_\_\_\_,  
County, Pennsylvania, has the care and custody  
of \_\_\_\_\_, a minor child born \_\_\_\_\_, in \_\_\_\_\_,  
County, Pennsylvania. The child was born to \_\_\_\_\_,  
Mother, and \_\_\_\_\_, Father.

2. That your petitioner, \_\_\_\_\_, is the [intermediary]  
[petitioner] in the above captioned adoption and files this  
petition under the provisions of Section 2504 of the  
Adoption Act of 1980, as amended.

3. The mother of \_\_\_\_\_, is \_\_\_\_\_, her address be-  
ing \_\_\_\_\_, Pennsylvania, \_\_\_\_\_; she is \_\_\_\_\_ years  
of age, having been born on \_\_\_\_\_, 19 \_\_\_\_\_, in \_\_\_\_\_,  
\_\_\_\_\_; her race is \_\_\_\_\_, she is currently \_\_\_\_\_ married,  
she was not married at the time of the birth of the child  
and during one year prior thereto, and her religious  
affiliation is \_\_\_\_\_.

4. The natural father of \_\_\_\_\_, is \_\_\_\_\_, whose current  
residence is \_\_\_\_\_, Pennsylvania \_\_\_\_\_; he  
is \_\_\_\_\_ years of age; born on \_\_\_\_\_, 19 \_\_\_\_\_, in \_\_\_\_\_;  
his race is \_\_\_\_\_, he is currently \_\_\_\_\_ married, he was  
not married at the time of the birth of the child and  
during one year prior thereto, and his religious affiliation  
is \_\_\_\_\_.

5. \_\_\_\_\_ has executed a consent for the subsequent  
adoption of \_\_\_\_\_, said consent being attached hereto and  
incorporated herein as "Exhibit A."

6. The aforesaid consent of \_\_\_\_\_ was executed  
on \_\_\_\_\_, 200 \_\_\_\_\_ and more than thirty (30) days have  
elapsed since the dates without the said \_\_\_\_\_ filing or

proceeding with a petition for the voluntary relinquis-  
ment of his/her parental rights.

7. \_\_\_\_\_ consents to accept custody of \_\_\_\_\_.

8. Your petitioners seek to confirm the consent to  
adoption executed by the aforesaid \_\_\_\_\_ pursuant to Sec-  
tion 2504 of the Adoption Act of 1980, as amended (23  
Pa.C.S.A., Section 2504).

Wherefore, your petitioner prays your Honorable Court  
to make a decree confirming the consent to adoption  
executed by \_\_\_\_\_ with respect to the minor child born  
to \_\_\_\_\_, on \_\_\_\_\_, 200 \_\_\_\_\_ in \_\_\_\_\_, County,  
Pennsylvania, known as \_\_\_\_\_, thereby terminating all  
his rights and duties as father/mother of said \_\_\_\_\_ and  
awarding custody of \_\_\_\_\_ to [petitioner], under the provi-  
sion of Section 2521 of the Adoption Code, and permitting  
the adoption of \_\_\_\_\_ to proceed without further notice to  
or consent from \_\_\_\_\_.

And it will ever pray, etc.

Dated: \_\_\_\_\_ By, \_\_\_\_\_  
\_\_\_\_\_, Esquire  
Attorney for Petitioner  
\_\_\_\_\_, PA 17  
(717) \_\_\_\_\_  
Attorney I.D. No.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF FRANKLIN

, BEING DULY SWORN ACCORDING TO LAW,  
DEPOSES AND SAYS THE FACTS SET FORTH ABOVE  
ARE TRUE AND CORRECT TO THE BEST OF THE  
PETITIONER'S INFORMATION/KNOWLEDGE AND  
BELIEF.

SWORN AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_  
I MAINTAIN AN OFFICE IN CHBG, PA

**(g) Order Scheduling Hearing.** The orders schedul-  
ing the hearing on the Petition for Involuntary Termina-  
tion of Parental Rights, the Petition for Adoption, and the  
Petition for Confirmation of Consent shall be in substan-  
tially the following form:

**IN THE COURT OF COMMON PLEAS OF THE  
39TH JUDICIAL DISTRICT OF  
PENNSYLVANIA—FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF : Orphans' Court Division  
:  
:  
: Adoption Docket \_\_\_\_\_  
Born :  
:  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

**ORDER**

23 Pa.C.S.A. § 2504(b)

And Now, this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_\_, the  
within Petition for Involuntary Termination of Parental  
Rights/Petition for Adoption/Petition to Confirm Consent  
having been presented in Chambers, read, considered and  
ordered filed, \_\_\_\_\_, the \_\_\_\_\_ day  
of \_\_\_\_\_, 200 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., prevail-  
ing time, in the assigned Court Room of the Franklin  
County Courthouse, Chambersburg, Franklin County,  
Pennsylvania, is fixed as the time and place of hearing

thereon. Notice of the said hearing shall be given to ; , Esquire, Attorney for Natural Mother; ; , Esquire, Attorney for Natural Father; and , Esquire, Guardian Ad Litem for the above-referenced child.

By the Court.

J.

(h) Notice of Confirmation Hearing: The notice of the hearing for Confirmation of Consent shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division : : Adoption Docket \_\_\_\_\_ Born : : Volume \_\_\_\_\_ , Page \_\_\_\_\_

NOTICE

23 Pa.C.S.A. § 2504(b) and 2513(b)

TO:

A petition has been filed asking the court to put an end to all rights you have to your child, . The court has set a hearing to consider ending your rights to your child. That hearing will be held at Courtroom No. \_\_\_\_\_, the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, Pennsylvania, on \_\_\_\_\_, 200 \_\_\_\_\_ at \_\_\_\_\_ .m. Your presence is required at this hearing. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

PENNSYLVANIA BAR ASSOCIATION LAWYER REFERRAL SERVICE P. O. BOX 186 HARRISBURG, PA 17108 TELEPHONE: (800) 692-7375 (PA ONLY) or (717) 238-6807

, Esquire Attorney for Petitioner

(i) Notice of Involuntary Termination Hearing: The notice of the hearing for Involuntary Termination of Parental Rights shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division : : Adoption Docket \_\_\_\_\_ Born : : Volume \_\_\_\_\_ , Page \_\_\_\_\_

NOTICE

23 Pa.C.S.A. § 2513(b)

A petition has been filed asking the Court to put an end to all rights you have to your child, . The Court has

set a hearing to consider ending your rights to your child. The hearing will be held in the Franklin County Court House, Chambersburg, Franklin County, Pennsylvania, on \_\_\_\_\_, the \_\_\_\_\_ th day of \_\_\_\_\_, 200 \_\_\_\_\_ at \_\_\_\_\_ .m. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child, and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and the Court may end your rights to your child without you being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, telephone the office set forth below to find out where you can get legal help.

PENNSYLVANIA BAR ASSOCIATION LAWYER REFERRAL SERVICE P. O. BOX 186 HARRISBURG, PA 17108 TELEPHONE: (800) 692-7375 (PA ONLY) or (717) 238-6807

The Court of Common Pleas of Franklin County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Office of the Court Administrator. All arrangements must be made at least 72 hours prior to a hearing or business before the Court. You must attend the scheduled hearing.

(j) Petition for Leave to Provide Notice by Publication: The Petition for Leave to Provide Notice by publication as per Pa.O.C. Rule 15.6 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division : : Adoption Docket \_\_\_\_\_ D.O.B. : : Volume \_\_\_\_\_ , Page \_\_\_\_\_

PETITION FOR LEAVE TO PROVIDE NOTICE BY PUBLICATION

Pa.O.C. Rule 15.6

To the Honorable, the Judges of said Court:

The petition of \_\_\_\_\_, respectfully represents:

1. That your petitioner, \_\_\_\_\_, [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania] [relation to adoptee], [having its office at \_\_\_\_\_] [residing at \_\_\_\_\_], Chambersburg, Franklin County, Pennsylvania, has the care and custody of \_\_\_\_\_, a minor child born \_\_\_\_\_, in Franklin County, Pennsylvania. The child was born to \_\_\_\_\_, Mother, and \_\_\_\_\_, Father.

2. That your petitioner, \_\_\_\_\_, is the [intermediary] [petitioner] in the above captioned adoption and files this petition under the provisions of Section 2504 of the Adoption Act of 1980, as amended.

3. That the mother of \_\_\_\_\_ is \_\_\_\_\_, her address being \_\_\_\_\_, Pennsylvania, 17 \_\_\_\_\_; she is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_, 19 \_\_\_\_\_, in

; her race is , she is currently married, she was not married at the time of the birth of the child and during one year prior thereto, and her religious affiliation is .

4. That the natural father of is , whose current residence is , Pennsylvania 17 ; he is years of age, having been born on , 19 , in ; his race is , he is currently married, he was not married at the time of the birth of the child and during one year prior thereto, and his religious affiliation is .

5. Petitioner has made the following efforts in an attempt to locate :

- A) .
- B) .
- C) .
- D) .

6. Despite the above mentioned diligent efforts to locate , Petitioner[s] [has] [have] been unable to ascertain their whereabouts.

Wherefore, your petitioner prays your Honorable Court to enter a decree granting leave to Petitioner[s] to provide notice to by Publication pursuant to Pennsylvania Rule of Orphan's Court 15.6(2).

And it will ever pray, etc.

FRANKLIN COUNTY CHILDREN AND YOUTH SERVICE

Dated: \_\_\_\_\_ By, \_\_\_\_\_, Esquire Attorney for Petitioner, PA 17 (717) - Supreme Ct. No.

COMMONWEALTH OF PENNSYLVANIA COUNTY OF FRANKLIN

, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THE FACTS SET FORTH ABOVE ARE TRUE AND CORRECT TO THE BEST OF THE PETITIONER'S INFORMATION/KNOWLEDGE AND BELIEF.

SWORN AND SUBSCRIBED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC MY COMMISSION EXPIRES \_\_\_\_\_ I MAINTAIN AN OFFICE IN CHBG, PA

(k) Order Authorizing Service by Publication: The Order authorizing service by publication as per Pa.O.C. Rule 15.6 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH IN RE: ADOPTION OF : Orphans' Court Division : : Adoption Docket \_\_\_\_\_ Born : : Volume \_\_\_\_\_, Page \_\_\_\_\_

ORDER

Pa.O.C. Rule 15.6

And Now, this \_\_\_\_ day of \_\_\_\_\_, 200 , the within Petition for Leave to Provide Notice by Publication having been presented in Chambers, read, considered and ordered filed, and \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 200 , at \_\_\_\_ o'clock \_\_\_\_ m., prevailing time, in the assigned Court Room of the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, Franklin County, Pennsylvania, having been fixed as the time and place of hearing thereon, Petitioner[s] [is] [are] hereby authorized to provide service to by publication in the Newspaper and County Legal Journal, pursuant to Pennsylvania Rule of Orphan's Court 15.6(2).

By the Court.

J.

(l) Decree Involuntarily Terminating Natural Parents' Rights: The decree terminating the parental rights of a natural parents shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division : : Adoption Docket \_\_\_\_\_ Born : : Volume \_\_\_\_\_, Page \_\_\_\_\_

DECREE

23 Pa.C.S.A. § 2513(d) and Pa.O.C. Rule 15.4(d)

And Now, this th day of , 200 , the above named matter having been heard in a private hearing on , 200 , at :00 .m, and it appearing to the Court that the facts set forth in the petition are true and correct, and that service of the notice of the foregoing private hearing, together with a copy of the Petition for Involuntary Termination of Parental Rights has been made upon , Natural Mother; , Esquire, Attorney for the Natural Mother; , Esquire, Attorney for the Natural Father; , Natural Father; and , Esquire, Guardian Ad Litem for the Child, in the manner required by this Court, and as evidenced by an Affidavit of Service filed in this matter by , Attorney for the petitioner, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. That your petitioner, , [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania], (having its office) (residing at) at County, Pennsylvania, has the care and custody pursuant to an Order of Court dated, , 200 of [child's name], a minor (female)(male) child born , in County, Pennsylvania. [Child's name] was born to [mother] and [father].
2. That [child] is a [racial background] male child who is ( ) years old, having been born on , in County, Pennsylvania. Their religious affiliation is .

3. That the mother of \_\_\_\_\_ is \_\_\_\_\_, her address being \_\_\_\_\_, Pennsylvania 17 \_\_\_\_\_; she is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_, 19 \_\_\_\_\_, in \_\_\_\_\_, Pennsylvania; her race is \_\_\_\_\_; she is currently \_\_\_\_\_ married; she was not married at the time of the birth of the child and during one year prior thereto; and her religious affiliation is \_\_\_\_\_.

4. That the natural father of \_\_\_\_\_ is \_\_\_\_\_, whose current address is \_\_\_\_\_, Pennsylvania 17 \_\_\_\_\_; he is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_, 19 \_\_\_\_\_; his race is \_\_\_\_\_; he is currently \_\_\_\_\_ married; he was not married at the time of the birth of the child and during one year prior thereto; and his religious affiliation is \_\_\_\_\_.

5. The legal grounds for the involuntary termination of the parental rights of \_\_\_\_\_ are as follows:

b) 23 Pa.C.S. § 2511(a)(1)—The parent by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

c) 23 Pa.C.S. § (a)(2)—The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

d) 23 Pa.C.S. § (a)(3)—The parent is the presumptive but not the natural father of the child.

e) 23 Pa.C.S. § (a)(4)—The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

f) 23 Pa.C.S. § (a)(5)—The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

g) 23 Pa.C.S. § (a)(6)—In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

h) 23 Pa.C.S. § (a)(7)—The parent is the father of a child who was conceived as a result of a rape or incest.

i) 23 Pa.C.S. § (a)(8)—The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child

6. The facts that which support said grounds for termination are as follows:

- a)
- b)
- c)

7. \_\_\_\_\_ is not entitled to the benefits of the Soldiers and Sailors' Civil Relief Act of 1940, as amended. (50 U.S.C.A. 501 et seq.).

8. [Agency name][parent's name] consents to accept custody of \_\_\_\_\_ until such time as the child is adopted.

#### CONCLUSIONS OF LAW

1. The Court has jurisdiction of the parties and the subject matter under 23 Pa.C.S.A. Section 2501 et seq.

2. The prayer of the petition should be granted, all requirements of the applicable statute having been complied with.

3. The Court finds by clear and convincing evidence the existence of valid grounds to involuntarily terminate the parental rights of \_\_\_\_\_ pursuant to the following statutory authority:

- (a) [TPR sections set forth above]

*Now, Therefore, It Is Ordered And Decreed That:*

(1) The parental rights and duties of the \_\_\_\_\_, Natural \_\_\_\_\_ of \_\_\_\_\_, are hereby terminated, and

(2) Custody of \_\_\_\_\_, is awarded to [Agency][parent] under the provisions of Section 2521 of the Adoption Act, and

(3) \_\_\_\_\_ is hereby advised pursuant to 23 Pa.C.S.A. § 2511 (c) of their continuing right to place and update personal and medical history information, whether or not the medical condition is in existence or discoverable at the time of the adoption, on file with the Court and with the Department of Public Welfare pursuant to 23 Pa.C.S.A. § 2905(d) and further \_\_\_\_\_ is advised that they may, at the time of the termination of their parental rights or at any time thereafter, place on file with the Court or the Department of Health, a consent form asking for the Court or the Department to disclose the information contained in the child's original Certificate of Birth, or any other identifying or non-identifying information pertaining to him at any time after the child attains the age of 18, or if less than 18, to the child's adoptive parent or legal guardian pursuant to 23 Pa.C.S.A. § 2905(d).

(4) \_\_\_\_\_ is hereby advised that they have the right to appeal this Order of Court within thirty days of its entry. Notice of such appeal shall be provided in accordance with the Pennsylvania Rules of Appellate Procedure.

(5) The Clerk of Orphan's Court is hereby directed to provide this Order to the following by First Class Mail and to note date of mailing in the adoption file.

- a.
- b.
- c.
- d.

*By the Court,*

\_\_\_\_\_  
J.



(m) Decree Confirming Consent: The decree confirming a consent to adoption shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: Adoption Docket \_\_\_\_\_
Born :
: Volume \_\_\_\_\_, Page \_\_\_\_\_

DECREE OF COURT

23 Pa.C.S.A. § 2504(b)

And Now, this th day of , 200 , the above named matter having been heard at a private hearing on , 200 , at :00 o'clock .m. and it appearing to the Court that: the facts set forth in the petition are true and correct, and that notice of the foregoing private hearing, held on , 200 , at :00 o'clock .m., together with a copy of the petition for the Confirmation of Consent has been given to in the manner required by this Court; and , petitioner(s), has filed a petition and consented to accept custody of said child until such time as the child is adopted; and the prayer of the petition should be granted and all requirements of the applicable statutes have been complied with;

Now, Therefore, It Is Ordered And Decreed That:

- 1. The consent executed by is hereby confirmed;
2. The parental rights and duties of are hereby terminated;
3. Custody of is awarded to [petitioner], under the provisions of Section 2521 of the Adoption Act;
4. The adoption of may proceed without further notice to or consent from .
5. is hereby advised pursuant to 23 Pa.C.S.A. § 2511 (c) of his continuing right to place and update personal and medical history information, whether or not the medical condition is in existence or discoverable at the time of the adoption, on file with the Court and with the Department of Public Welfare pursuant to 23 Pa.C.S.A. § 2905(d) and further is advised that he may, at the time of the termination of their parental rights or at any time thereafter, place on file with the Court or the Department of Health, a consent form asking for the Court or the Department to disclose the information contained in the child's original Certificate of Birth, or any other identifying or non-identifying information pertaining to him at any time after the child attains the age of 18, or if less than 18, to the child's adoptive parent or legal guardian pursuant to 23 Pa.C.S.A. § 2905(d).
6. This Order shall be mailed by the Clerk of Orphan's Court by first class mail with date of mailing being documented to the following:

- a)
b)
c)

By the Court,

J.

(n) Report of Intention to Adopt: The report of intention to adopt described in 23 Pa.C.S.A. § 2531(b) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: Adoption Docket \_\_\_\_\_
Born :
: Volume \_\_\_\_\_, Page \_\_\_\_\_

REPORT OF INTENTION TO ADOPT

23 Pa.C.S.A. § 2531(b)

(To be filed by every person now having or hereafter receiving or retaining custody or physical care of any child, for the purpose or with the intention of adopting a child under the age of eighteen years within thirty days after the date of receipt of the custody or physical care of the child. No report shall be required when the child is the child, grandchild, stepchild, brother or sister of the whole or half blood, or niece or nephew by blood, marriage, or adoption, of the person receiving or retaining custody or physical care.)

Part A.

(To be completed by persons having or receiving a child from an agency.)

- 1. The name and Address of Agency is .

Part B.

(To be completed by persons having or receiving a child from an intermediary other than an agency.)

- 1. Child is , a [racial heritage] [male][female] child, who is years of age, having been born in , whose religious affiliation is .
2. The name and address of intermediary is .

Part C.

(To be completed by all persons required to file report.)

1. The circumstances surrounding the placement or receipt of physical care of the child are as follows:

- A) Date of completion of pre-placement investigation (copy attached hereto):
B) Date when [I] [we] first applied to the agency was .
C) The reason this particular child was placed with [me] [us] is .
D) The length of time [I] [we] have known the child or about the child is .
E) [I] [We] [do] [do not] know the natural parents or their families.
F) The date the child was placed in [my] [our] home is .

2. A) There [was] [was not] any fee or expenses paid or to be paid to the intermediary or other persons.

B) If there was fees paid or to be paid above, the following is an itemized accounting of the moneys or other consideration paid or to be paid, and to whom:



PETITION FOR ADOPTION

23 Pa.C.S.A. § 2701 and Pa.O.C. Rule 15.5

To The Honorable, The Judges of Said Court:

The petition of \_\_\_\_\_ respectfully represents:

I.

Your petitioner(s) (is) (are):

A. residing at \_\_\_\_\_ (residence and mailing address) who is (married) (single) and \_\_\_\_\_ years of age, having been born on \_\_\_\_\_ and whose occupation is \_\_\_\_\_, religious affiliation is \_\_\_\_\_, racial background is \_\_\_\_\_ and relationship to the proposed adoptee is \_\_\_\_\_;

B. residing at \_\_\_\_\_ (residence and mailing address) who is (married) (single) and \_\_\_\_\_ years of age, having been born on \_\_\_\_\_ and whose occupation is \_\_\_\_\_, religious affiliation is \_\_\_\_\_, racial background is \_\_\_\_\_ and relationship to the proposed adoptee is \_\_\_\_\_;

II.

A. The report of Intention to Adopt under Section 2533 (has) (has not) been filed.

B. The report of the intermediary under Section 2533 (has) (has not) been filed; however, in lieu thereof, Exhibit A is attached hereto.

III.

The name and address of the intermediary is:

IV.

Your petitioner(s) desire(s) to adopt \_\_\_\_\_ who was born on \_\_\_\_\_ and who has resided with your petitioner(s) since \_\_\_\_\_ as one of (her)(his)(their) heirs and declare(s) that (she)(he)(they) will perform all of the duties of parent(s) to said adoptee.

V.

A. Exhibits required by Section 2702 of the Adoption Act are attached.

B. Consents required by Section 2711 of the Adoption Act are attached as exhibits.

C. Consents are not required under 2713, 2714 and 2711 of the Adoption Act by reason of (state facts):

D. Exhibit containing vital statistics is attached as Exhibit \_\_\_\_\_.

VI.

(Strike out if not applicable) A birth certificate or certificate of registration of birth cannot be obtained for the adoptee and the petitioner would request that the Court establish a time and place of birth for said adoptee at the adoption hearing on the basis of the evidence presented. (Set forth reasons for failure to obtain a birth certificate or certificate of registration of birth and the efforts made to so obtain those documents):

VII.

That your petitioner(s) believing that the welfare of said adoptee will be promoted by said adoption, desire(s) that the relationship of parent and child be established between \_\_\_\_\_ (names of petitioners) and the adoptee, and the adoptee shall be known as \_\_\_\_\_ (new full name of child); and (she)(he)(they) respectfully pray(s) that the Court make a decree in accordance with this prayer.

\_\_\_\_\_  
- Petitioner

\_\_\_\_\_  
- Petitioner

COMMONWEALTH OF PENNA. :

COUNTY OF (FRANKLIN)(FULTON) :

Personally appeared before me a notary public in and for said County, \_\_\_\_\_ (name of petitioners), petitioner(s) herein, who being duly sworn/affirmed according to law, depose(s) and say(s) that the facts set forth in the foregoing are true.

Sworn/affirmed and subscribed to before me this \_\_\_\_\_

(SEAL)

My commission expires \_\_\_\_\_

I maintain my office \_\_\_\_\_  
County, Pennsylvania

(g) Exhibit "A": Exhibit "A" of the adoption petition in (p) above shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE  
39TH JUDICIAL DISTRICT OF  
PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF \_\_\_\_\_ : Orphans' Court Division  
: \_\_\_\_\_  
: Adoption Docket \_\_\_\_\_  
Born \_\_\_\_\_ :  
: Volume \_\_\_\_\_, Page \_\_\_\_\_

EXHIBIT A

- 1. Name and Address of Intermediary:
- 2. Adoptee, \_\_\_\_\_, is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_, in \_\_\_\_\_, Pennsylvania, whose racial background is \_\_\_\_\_, and religious affiliation is \_\_\_\_\_.
- 3. Adoptee was placed with adopting parent(s) on \_\_\_\_\_.
- 4. The natural parent(s) of adoptee is/are:
  - a. Mother: [name], is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_, in \_\_\_\_\_, Pennsylvania; their racial background is \_\_\_\_\_; they were [married][single] at the time of the adoptee's birth and were [married][single] within one year prior to the birth of Adoptee; and their religious affiliation is \_\_\_\_\_.
  - b. Father: [name], is \_\_\_\_\_ years of age, having been born on \_\_\_\_\_, in \_\_\_\_\_, Pennsylvania; their racial background in \_\_\_\_\_; they were [married][single] at the time of the Adoptee's birth and were [married][single] within one year prior to the birth of the Adoptee; and their religious affiliation is \_\_\_\_\_.
- 5. A. Parental rights and duties were terminated and/or relinquished by [Court where terminated] by decree dated \_\_\_\_\_, docketed to \_\_\_\_\_, and custody was awarded to \_\_\_\_\_.

B. If no decree of termination or relinquishment has been entered, the residence and mailing addresses of the natural parent(s) [is][are]:

- 1) Mother:
- 2) Father:

6. A. Exhibits required by Section 2543 of the adoption act are attached.

B. Consents required by section 2711 of the Adoption Act are attached as exhibits.

C. Consent are not required under sections 2713, 2714, and 2711 of the Adoption Act for the following reasons:

7. [No][The following] moneys or consideration have been or will be paid or received by the intermediary or to or by any other person or persons to the knowledge of the intermediary by reason of the adoption placement.

- a)
b)

8. State value and describe all property owned or possessed by Adoptee:

9. No provisions of any act regulating interstate placement of children have been violated with respect to the placement of the Adoptee.

10. [Strike if not applicable] A birth certificate or registration of birth cannot be obtained for the following reasons:

11. Written notice of the filing of this report and the date of the same will be given to the adopting parent(s) forthwith.

12. Medical history information as defined in section 2102 of the Adoption Act was obtained, and if not obtained, the reason therefore is as follows:

Signed this day of , 20 .

Petitioner Petitioner
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF FRANKLIN

, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THE FACTS SET FORTH ABOVE ARE TRUE AND CORRECT TO THE BEST OF THE PETITIONER'S INFORMATION/KNOWLEDGE AND BELIEF.

SWORN AND SUBSCRIBED BEFORE ME
THIS DAY OF , 20 .

NOTARY PUBLIC
MY COMMISSION EXPIRES
I MAINTAIN AN OFFICE IN CHBG, PA

(r) Vital Statistics Exhibit: The vital statistics exhibit of the adoption petition in (p) above shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: Adoption Docket
Born :
: Volume , Page

ADOPTION VITAL STATISTICS EXHIBIT

- 1. Adoptee, is a [male][female], who is years of age, having been born on in County, United States.
2. The new name proposed for Adoptee is .
3. The Adoptive Father's full name is ; he is [racial heritage]; his age at the time of birth of Adoptee

was , having been born on , in ; and his usual occupation is , the industry or business being .

4. The Adoptive Mother's full maiden name is ; she is [racial heritage]; her age at the time of birth of Adoptee was , having been born on , in ; and her usual occupation is , the industry or business being .

5. The Adoptive Parents mailing address at the time of the adoption is .

6. The attorney handling the adoption is , Esquire, whose mailing address is .

(s) Disclosure of Fees: The disclosure of fees statement as required in 23 Pa.C.S.A. §§ 2533(b)(8) and 2724(a) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: Adoption Docket
Born :
: Volume , Page

DISCLOSURE OF FEES AND COSTS

- 23 Pa.C.S.A. §§ 2533(b)(8) and 2724(a)
\$ Clerk of Courts, Filing fees
Notary Fees
Attorney Fees
Vital Statistics, birth certificate
Home Study
Agency Fees
Doctor Fees (Mother)
Doctor Fees (Baby)
Hospital Fees (Mother)
Hospital Fees (Baby)
Prescription Medications
Other-

\$ Total

[I][We] certify that the above itemization of fees and costs paid by , in connection with the above captioned adoption is accurate and complete to the best of my knowledge, information and belief. Signed this day of , 20 .

Petitioner Petitioner

(t) Adoption Decree: The adoption decree as required in 23 Pa.C.S.A. § 2902 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: Adoption Docket
Born :
: Volume , Page

DECREE

23 Pa.C.S.A. § 2902

And Now, this day of , 200 , it appearing that the statements set forth in the Petition for

Adoption filed and docketed in this matter are true, and that the welfare of the person proposed to be adopted will be promoted by such adoption, and that all requirements of the adoption law of Pennsylvania have been complied with,

It Is Hereby Ordered And Decreed that the adoption is granted and that the person proposed to be adopted by the petitioners, and , shall have all the rights of a child and heir of said petitioners, and shall be subject to the duties of such child, and henceforth shall be known as .

By the Court,

\_\_\_\_\_ J.

COMMONWEALTH OF PENNA. :
: ss.
COUNTY OF (FRANKLIN)(FULTON) :

I, \_\_\_\_\_, Clerk of Orphans' Court Division of the Court of Common Pleas of the 39th Judicial District, Pennsylvania, (Franklin)(Fulton) County Branch, do hereby certify that the foregoing is a full, true and correct copy of a Decree of Adoption by the petitioners therein named as the same remains on file and of record in this office.

In Testimony Whereof, I have hereunto set

My hand and affixed the seal of \_\_\_\_\_

The said office this \_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

Clerk, Orphans' Court Division,
Court of Common Pleas of the 39th Judicial District,
Pennsylvania, (Franklin)(Fulton) County Branch

(u) Acceptance of Service: The acceptance of service as described in 23 Pa.C.S.A. §§ 2503(a), 2513(b), 2721; Pa.O.C. Rule 15.6; Pa.R.C.P. 402(b) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: Adoption Docket \_\_\_\_\_
Born :
: Volume \_\_\_\_\_, Page \_\_\_\_\_

ACCEPTANCE OF SERVICE

23 Pa.C.S.A. §§ 2503(a), 2513(b), 2721; Pa.O.C.
Rule 15.6; Pa.R.C.P. 402(b)

I, \_\_\_\_\_, Esquire, counsel for \_\_\_\_\_, certify that I am authorized to accept service on behalf of \_\_\_\_\_ and hereby accept service of the Petition to Involuntarily Terminate Parental Rights/Petition for Confirmation of Consent/Petition for Termination of Parental Rights/Adoption Petition and the Order scheduling a hearing in the above-captioned matter.

Date

(v) Affidavit of Service: The affidavit of service shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE
39TH JUDICIAL DISTRICT OF
PENNSYLVANIA—FRANKLIN COUNTY BRANCH
IN RE: ADOPTION OF : Orphans' Court Division
:
: Adoption Docket \_\_\_\_\_
Born :
: Volume \_\_\_\_\_, Page \_\_\_\_\_

AFFIDAVIT OF SERVICE

STATE OF PENNSYLVANIA :
: ss.
COUNTY OF FRANKLIN :

\_\_\_\_\_, Esquire, being duly sworn according to law, deposes and says that he/she served copies of the attached Notice of Hearing, together with copies of the petitions filed in this matter, on the following:

(1) \_\_\_\_\_, Esquire, Guardian ad Litem for the child(ren), at \_\_\_\_\_, Pennsylvania, 17 \_\_\_\_\_ on \_\_\_\_\_, 200 \_\_\_\_\_ by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned;

(2) \_\_\_\_\_, Esquire, Attorney for Natural Mother, \_\_\_\_\_, at \_\_\_\_\_, Pennsylvania 17 \_\_\_\_\_ on \_\_\_\_\_, 200 \_\_\_\_\_ as evidenced by an Acceptance of Service;

(3) \_\_\_\_\_, Natural Mother, at \_\_\_\_\_, Pennsylvania, 17 \_\_\_\_\_ on \_\_\_\_\_, 200 \_\_\_\_\_ by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned; and

(4) \_\_\_\_\_, Natural Father, at \_\_\_\_\_, Pennsylvania 17 \_\_\_\_\_ on \_\_\_\_\_, 200 \_\_\_\_\_ by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned.

Sworn and subscribed to
before me, this \_\_\_\_\_ th day of \_\_\_\_\_, 200 \_\_\_\_\_.

Notary Public \_\_\_\_\_, Esquire—Attorney for Petitioner
[Pa.B. Doc. No. 08-172. Filed for public inspection February 1, 2008, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2009 for Staffs of
the Appellate Courts and the Administrative Of-
fice of Pennsylvania Courts; No. 314 Judicial
Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 22nd day of January, 2008 it is hereby ordered that the following paid holidays for calendar year 2009 will be observed on the dates specified as follows by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

- January 1, 2009 New Year's Day
January 19, 2009 Martin Luther King, Jr. Day
February 16, 2009 Presidents' Day

April 10, 2009 Good Friday  
 May 25, 2009 Memorial Day (Observed)  
 July 3, 2009 Independence Day (Observed)  
 September 7, 2009 Labor Day  
 October 12, 2009 Columbus Day (Observed)  
 November 3, 2009 Election Day  
 November 11, 2009 Veterans Day  
 November 26, 2009 Thanksgiving Day  
 November 27, 2009 Day After Thanksgiving  
 December 25, 2009 Christmas Day

[Pa.B. Doc. No. 08-173. Filed for public inspection February 1, 2008, 9:00 a.m.]

\_\_\_\_\_

**Sessions of the Supreme Court of Pennsylvania for the Year 2009; No. 187 Appellate Court Rules; Doc. No. 1**

**Order**

*Per Curiam:*

*And Now*, this 22nd day of January, 2008 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2009 as follows:

Philadelphia February 5  
 (Administrative Session)  
 Pittsburgh March 2 through March 6  
 Harrisburg March 25  
 (Administrative Session)  
 Philadelphia April 14 through April 17  
 Harrisburg May 12 through May 15  
 Pittsburgh June 4  
 (Administrative Session)

Pittsburgh September 14 through September 18  
 Philadelphia October 19 through October 23  
 Harrisburg December 1 through December 4

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 08-174. Filed for public inspection February 1, 2008, 9:00 a.m.]

\_\_\_\_\_

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Petition for Reinstatement; Notice of Hearing**

A Petition for Reinstatement to the active practice of law has been filed by Gerard Emmett Evans and will be the subject of a hearing on February 20, 2008, before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District II Office of the Disciplinary Board of the Supreme Court of Pennsylvania, Suite 170, 820 Adams Avenue, Trooper, PA 19403, phone number (610) 650-8210, on or before February 8, 2008. In accordance with Board Rule § 89.274(b) (relating to notice of reinstatement proceedings), since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-175. Filed for public inspection February 1, 2008, 9:00 a.m.]

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### SUSQUEHANNA RIVER BASIN COMMISSION [ 25 PA. CODE CHS. 806 AND 808 ] Review and Approval of Projects

*Summary:* This document contains amendments to Susquehanna River Basin Commission (Commission) project review regulations currently published at 18 CFR Part 806, Subpart A, General Provisions, §§ 806.3, 806.4 and 806.6. These amendments include language: 1) clarifying the definition of “agricultural water use;” and 2) providing a qualified exception to the consumptive use approval requirements for agricultural water use projects. Also, an error in the “Authority” citation for Part 808 is corrected.

*Dates:* These rules shall be effective March 15, 2008.

*Addresses:* Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

*For Further Information Contact:* Richard A. Cairo, General Counsel, (717) 238-0423, fax (717) 238-2436, rcairo@srbc.net. Also, for further information on the final-form rulemaking, visit the Commission’s web site at www.srbc.net.

*Supplementary Information:*

*Background and Purpose of Amendments*

Since 1995, the Commission has continued to suspend the application of its consumptive use regulation to agricultural water uses pending the implementation of a mitigation method that is more suited to agriculture’s unique circumstances.

The Commission’s member states have taken definitive steps to support projects that will provide storage and release of water to mitigate agricultural water use in their jurisdictions and thus satisfy the standards for consumptive use mitigation set forth in 18 CFR 806.22. The final-form rulemaking will amend 18 CFR 806.4 (a)(1) to provide an exception for agricultural water use projects from the consumptive use review and approval requirements of 18 CFR 806.4(a)(1) and (3), unless water is diverted for use beyond lands that are at least partially in the basin, and provided the Commission makes a determination that the State-sponsored projects are sufficient to meet the consumptive use mitigation standards contained in 18 CFR 806.22.

A second amendment clarifies the definition of “agricultural water use” in 18 CFR 806.3, 806.4 and 806.6 by inserting the word “products” after the word “turf.” This will clarify that the maintenance of turf grass as part of a project or facility, such as a golf course, does not constitute an agricultural water use. Only the raising of turf products for sale such as sod would constitute an agricultural water use with this clarification.

A third amendment corrects an error made as part of the December 5, 2006 rulemaking in the “Authority” citation to Part 808 by replacing the erroneous Sec. 3.5 (9) with the correct Sec. 3.4(9).

The Commission convened a public hearing on November 7, 2007 in Williamsport, PA and held the comment period open until November 15, 2007. No public comments were received.

List of Subjects in 18 CFR Parts 806 and 808: Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, under the authority of Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808 are amended as follows:

### PART 806—REVIEW AND APPROVAL OF PROJECTS

#### Subpart A—General Provisions.

1. The authority citation for Part 806 continues to read as follows:

**Authority:** Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. No. 91-575, 84 Stat. 1509 et seq.

2. In § 806.3, revise the definition of “agricultural water use” to read as follows:

#### § 806.3 Definitions.

\* \* \* \* \*

*Agricultural water use.* A water use associated primarily with the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock and poultry. The term shall include aquaculture.

\* \* \* \* \*

3. In § 806.4, revise paragraph (a)(1) and (3) introductory text and paragraph (b)(3), to read as follows:

#### § 806.4 Projects requiring review and approval.

(a) \* \* \*

(1) *Consumptive use of water.* Any consumptive use project described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.22, and, to the extent that it involves a withdrawal from groundwater or surface water, shall also be subject to the standards set forth in § 806.23. Except to the extent that they involve the diversion of the waters of the basin, public water supplies shall be exempt from the requirements of this section regarding consumptive use; provided, however, that nothing in this section shall be construed to exempt individual consumptive users connected to any such public water supply from the requirements of this section. Provided the commission determines that low flow augmentation projects sponsored by the Commission’s member states provide sufficient mitigation for agricultural water use to meet the standards set forth in § 806.22, and except as otherwise provided below, agricultural water use projects shall not be subject to the requirements of this paragraph (a)(1). Notwithstanding the foregoing, an agricultural water use project involving a diversion of the waters of the basin shall be subject to such requirements unless the property, or contiguous parcels of property, upon which the agricultural water use project occurs is located at least partially within the basin.

\* \* \* \* \*

(3) *Diversions.* Except with respect to agricultural water use projects not subject to the requirements of paragraph (a)(1), the projects described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.24. The project sponsors of out-of-basin diversions shall also comply with all applicable requirements of this part relating to consumptive uses and withdrawals.

\* \* \* \* \*

(b) \* \* \*

(3) Transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock, or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

\* \* \* \* \*

3. In § 806.6, revise paragraph (b)(3) to read as follows:

**§ 806.6 Transfers of approval.**

\* \* \* \* \*

(b) \* \* \*

(3) A project involving the transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

\* \* \* \* \*

**PART 808—HEARINGS AND ENFORCEMENT ACTIONS**

5. Revise the authority citation for Part 808 to read as follows:

**Authority:** Secs. 3.4(9), 3.5(5), 3.8, 3.10 and 15.2, Pub. L. No. 91-575, 84 Stat. 1509 et seq.

\* \* \* \* \*

Dated: December 17, 2007.

PAUL O. SWARTZ,  
*Executive Director*

**Fiscal Note:** 72-4 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART IV. SUSQUEHANNA RIVER BASIN  
COMMISSION**

**CHAPTER 806. REVIEW AND APPROVAL OF  
PROJECTS**

**§ 806.1. Incorporation by reference.**

The regulations and procedures for review of projects as set forth in 18 CFR Part 806 (2008) (relating to review and approval of projects) are incorporated by reference and made part of this title.

**CHAPTER 808. HEARINGS AND ENFORCEMENT  
ACTIONS**

**§ 808.1. Incorporation by reference.**

The regulations and procedures for hearings/enforcement actions as set forth in 18 CFR Part 808 (2008) (relating to hearings and enforcement actions) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 08-176. Filed for public inspection February 1, 2008, 9:00 a.m.]



# PROPOSED RULEMAKING ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 93 ]

[Correction]

## Triennial Review of Water Quality Standards

An error occurred in the document proposing to amend 25 Pa. Code Chapter 93 (relating to water quality standards), which appeared at 38 Pa.B. 236, 248 (January 12, 2008).

The Human Health Criteria for 1,3-Dichloro-Propylene (PP NO 18V) should be .34 not 34. The Criteria Continuous Concentrations for Methylene Chloride (PP NO 22V) should be 2400 not 200.

The correct version of the criteria for these chemicals is as follows, with ellipses referring to the text of Table 5 (relating to water quality criteria for toxic substances), which appeared at 38 Pa.B. 248.

**§ 93.8c. Human health and aquatic life criteria for toxic substances.**

\* \* \* \* \*

**TABLE 5  
WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES**

*Fish and Aquatic Life Criteria*

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (µg/L)</i>	<i>Criteria Maximum Concentration (µg/L)</i>	<i>Human Health Criteria (µg/L)</i>	<i></i>
			* * * * *			
18V	1,3-DICHLORO-PROPYLENE	00542756	61	310	.34	CRL
			* * * * *			
22V	METHYLENE CHLORIDE	00075092	2400	12000	4.6	CRL
			* * * * *			

[Pa.B. Doc. No. 08-46. Filed for public inspection January 11, 2008, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

[ 4 PA. CODE CH. 247 ]

### Death Benefits

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code § 247.7 (relating to death benefits) by adding subsection (c). This new subsection states what information should be contained on a State Employees' Retirement System (SERS) nomination of beneficiary form for it to be considered valid by SERS.

*A. Effective Date*

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

*B. Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150,

Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

*C. Statutory Authority*

This proposed amendment is being promulgated under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

*D. Background and Purpose*

This additional subsection states what information must be contained on a SERS nomination of beneficiary form for it to be considered valid by SERS.

*E. Benefits, Costs and Compliance*

*Benefits*

The proposed amendment is intended to alleviate confusion and prevent possible disputes with regard to proper naming of beneficiaries by members.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The proposed amendment is not expected to impose any additional compliance costs.

F. Sunset Review

A sunset review is not applicable.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed additional subsection to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed additional subsection, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed additional subsection, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed additional subsection to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final publication of the additional subsection by the Board.

H. Public Comments

Written Comments. Interested persons are invited to submit comments regarding the proposed additional subsection to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the Pennsylvania Bulletin.

Electronic Comments. Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the Pennsylvania Bulletin. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-11. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.7. Death benefits.

\* \* \* \* \*

(c) Beneficiary nomination. To be considered valid, any nomination of beneficiary form filed by a member after \_\_\_\_\_ (Editor's Note: The blank

refers to the effective date of adoption of this proposed rulemaking.) should contain the following information, all of which should be current as of the date of the member's execution thereof:

(1) If a natural person is designated by the member as the member's beneficiary, included with that designation should be the name of the person along with the person's date of birth and address. (A designation solely by relationship is not a valid nomination.)

(2) If a trust is designated by the member as the member's beneficiary, included with that designation should be the name of the trust along with the names of the trustees, the date the trust was established and the addresses of the trustees.

(3) If the member's estate is designated by the member as the member's beneficiary, included with that designation should be the names of the executors of the estate and the addresses of the executors.

(4) If a corporation, partnership, limited liability company, business trust, other association, governmental entity (other than the Commonwealth) or foundation is designated by the member as the member's beneficiary, included with that designation should be the full name of the corporation, partnership, limited liability company, business trust, other association, governmental entity or foundation along with the full name and address of the individual at the entity who should be contacted upon the death of the member.

[Pa.B. Doc. No. 08-177. Filed for public inspection February 1, 2008, 9:00 a.m.]

[ 4 PA. CODE CH. 241 ]

Definitions

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code § 241.1 (relating to definitions) regarding the definition of "beneficiary."

A. Effective Date

The proposed amendment will go into effect upon publication in the Pennsylvania Bulletin as a final-form rulemaking.

B. Contact Person

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. Statutory Authority

This proposed amendment is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

D. Background and Purpose

This proposed amendment will clarify the definition of the term "beneficiary" by defining the words "person" or "persons." It also removes the gender specific terms

currently in the definition and replaces them with gender neutral terms. Finally, it removes the operative provisions regarding payment to an estate or next of kin if a beneficiary is not designated by a member.

E. *Benefits, Costs and Compliance*

*Benefits*

The proposed amendment is intended to alleviate confusion and prevent possible disputes with regard to proper naming of beneficiaries by members.

*Costs*

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

*Compliance Costs*

The proposed amendment is not expected to impose any additional compliance costs on State employees.

F. *Sunset Review*

A sunset review is not applicable.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed amendment to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final-form publication of the amendment by the Board.

H. *Public Comments*

*Written Comments.* Interested persons are invited to submit comments regarding the proposed amendment to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

*Electronic Comments.* Comments may be submitted electronically to the Board at [rgentzel@state.pa.us](mailto:rgentzel@state.pa.us) and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,  
*Chairperson*

**Fiscal Note:** 31-8. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 241. PRELIMINARY PROVISIONS

§ 241.1. Definitions.

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

\* \* \* \* \*

*Beneficiary*—The person or persons, as defined in 1 Pa.C.S. § 1991 (relating to definitions), last designated in writing to the Board by a member to receive [ his ] the member's accumulated deductions or a lump sum benefit upon the death of [ such ] the member. [ If one is not designated, the recipient shall be the estate of the member or next of kin under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), to the extent applicable. ]

\* \* \* \* \*

[Pa.B. Doc. No. 08-178. Filed for public inspection February 1, 2008, 9:00 a.m.]

[ 4 PA. CODE CH. 241 ]

Electronic Submission of Documents and Electronic Transactions

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code Chapter 241 (relating to preliminary provisions) by adding § 241.2 (relating to electronic submission of documents and electronic transactions).

A. *Effective Date*

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

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. *Statutory Authority*

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board) and the Electronic Transactions Act (act) (73 P.S. §§ 2260.101—2260.903).

D. *Background and Purpose*

The proposed new section authorizes the State Employees' Retirement System (SERS) to the extent authorized by a policy adopted by the Board, to allow members to submit documents or conduct benefit transactions using electronic media. The submission of documents and the

conduct of benefit transactions using electronic media must be in accordance with the act and other applicable laws of the Commonwealth.

E. *Benefits, Costs and Compliance*

*Benefits*

The proposed rulemaking is intended to permit the Board to establish a policy whereby members of SERS may submit documents to and conduct electronic benefit transactions with SERS using electronic media. This proposed rulemaking, once it is implemented, may save both time and cost to SERS' members.

*Costs*

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

*Compliance Costs*

The proposed rulemaking is not expected to impose any additional compliance costs.

F. *Sunset Review*

A sunset review is not applicable.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final-form publication of the rulemaking by the Board.

H. *Public Comments*

*Written Comments.* Interested persons are invited to submit comments regarding the proposed rulemaking to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

*Electronic Comments.* Comments may be submitted electronically to the Board at [rgentzel@state.pa.us](mailto:rgentzel@state.pa.us) and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,  
*Chairperson*

**Fiscal Note:** 31-9. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 241. PRELIMINARY PROVISIONS

§ 241.2. Electronic submission of documents and electronic transactions.

(a) The System may, in accordance with the Electronic Transactions Act (73 P.S. §§ 2260.101—2260.903), and other applicable laws of the Commonwealth, and to the extent authorized by a policy adopted by the Board, allow members to submit documents or conduct benefit transactions using electronic media.

(b) A policy adopted by the Board may include provisions requiring a member using electronic media to:

(1) Acknowledge that SERS will not be held responsible in the event the document submitted using electronic media is not accurately received by SERS.

(2) Agree to hold SERS harmless in the event of any fraud, mistake or negligence, whether intentional or unintentional, in connection with filings made or transactions conducted using electronic media.

(3) Agree to indemnify the System for any losses that may result directly or indirectly from filings made or transactions conducted using electronic media.

[Pa.B. Doc. No. 08-179. Filed for public inspection February 1, 2008, 9:00 a.m.]

[ 4 PA. CODE CH. 247 ]

Termination of Annuities

The State Employees' Retirement Board (Board) proposes to amend 4 Pa. Code § 247.6 (relating to termination of annuities) by deleting subsection (a).

A. *Effective Date*

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

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill Straub, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. *Statutory Authority*

This proposed amendment is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board) (Retirement Code).

D. *Background and Purpose*

The subsection to be deleted contains obsolete language and language that is repetitive of language in the Retirement Code. Deleting this subsection will avoid potential confusion on the part of members of the State System of Employees' Retirement System (SERS) and the agency's personnel and potential litigation.

### E. *Benefits, Costs and Compliance*

#### *Benefits*

The proposed deletion of this subsection would benefit SERS and its members. This subsection is unnecessary, parts of which are repetitive and parts of which are obsolete. Deleting this subsection will avoid potential confusion on the part of members of SERS and its personnel and potential litigation.

#### *Costs*

There are no costs to the Commonwealth, its citizens or State employees associated with this proposed amendment.

#### *Compliance Costs*

The proposed amendment is not expected to impose any additional compliance costs.

### F. *Sunset Review*

A sunset review is not applicable.

### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate Finance Committee. In addition to submitting the proposed amendment has provided IRRC and the Committees with a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed amendment to which an objection has been made. The act specifies detailed procedures for review by the General Assembly and the Governor of objections raised by IRRC prior to final publication of the amendment by the Board.

### H. *Public Comments*

*Written Comments.* Interested persons are invited to submit comments regarding the proposed amendment to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board

must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

*Electronic Comments.* Comments may be submitted electronically to the Board at [rgentzel@state.pa.us](mailto:rgentzel@state.pa.us) and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,  
*Chairperson*

**Fiscal Note:** 31-10. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART X. STATE EMPLOYEES' RETIREMENT BOARD

#### CHAPTER 247. BENEFITS

#### § 247.6. Termination of annuities.

**[ (a) *Return to service and multiple service election.* An annuity payable under the code shall be automatically discontinued if the annuitant returns to State service except as otherwise provided in section 5706 of the code (relating to termination of annuities). An annuity payable under the code shall also cease if the annuitant enters school service and elects multiple service membership within 30 days thereafter and for all periods of State and school service until there is a subsequent discontinuance thereof. No annuitant entering school service, who has failed to elect multiple service membership within 30 days thereafter, shall be eligible to elect multiple service membership.**

**[ (b) *Disability annuitant.* ]** The requirement that the subsequent annuity of a member who returns to active service, having once been on retirement, be reduced on the basis of benefits received prior to superannuation age, **[ shall ] does not [ be applicable ] apply** to a member who returns to active State service from a disability annuity.

[Pa.B. Doc. No. 08-180. Filed for public inspection February 1, 2008, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending January 15, 2008.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-10-08	National Penn Bancshares, Inc., Boyertown, to acquire 100% of KNBT Bancorp, Inc., Bethlehem, and thereby indirectly acquire Keystone Nazareth Bank & Trust Company, Bethlehem, which will merge with and into National Penn Bank, Boyertown, a wholly-owned subsidiary of National Penn Bancshares, Inc.	Boyertown	Filed

##### Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-11-08	Boston Private Financial Holdings, Inc., Boston, MA, to acquire 80.1% of Davidson Trust Company, Devon, PA	Boston, MA	Approved
<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
12-26-07	Steven D. Hovde to acquire up to 13.4% of the common shares of Bucks County Bank, Doylestown	Barrington, IL	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-10-08	Graystone Bank Lancaster Lancaster County	Quentin Road, near Rocherty Road Lebanon Lebanon County	Approved
1-10-08	Graystone Bank Lancaster Lancaster County	1705 North Atherton Street State College Centre County	Approved

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Branch Relocations

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-10-08	Superior Credit Union Collegeville Montgomery County	<i>To:</i> 434 Main Street Royersford Borough Montgomery County  <i>From:</i> 308 Main Street, Rear Royersford Borough Montgomery County	Approved

The Department's website 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. 08-181. Filed for public inspection February 1, 2008, 9:00 a.m.]

### 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending January 22, 2008.

#### BANKING INSTITUTIONS

##### Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-16-2008	The Victory Bank Royersford Montgomery County	548 North Lewis Road Royersford, PA 19468	Commenced Operations

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-17-2007	Lafayette Ambassador Bank Easton Northampton County	North Third Street Coopersburg Lehigh County	Opened
1-15-2008	American Bank Allentown Lehigh County	4261 Freemansburg Avenue Bethlehem Northampton County	Filed
1-16-2008	First CornerStone Bank King of Prussia Montgomery County	83 Lancaster Avenue Malvern Chester County	Filed

##### Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-2-2007	S & T Bank Indiana Indiana County	<i>Into:</i> 3884 Route 30E Latrobe Westmoreland County  <i>From:</i> Latrobe Wal-Mart 100 Colony Lane Latrobe Westmoreland County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-30-2007	S & T Bank Indiana Indiana County	Delmont Wal-Mart 6700 Hollywood Boulevard Delmont Westmoreland County	Closed
1-14-2008	Lafayette Ambassador Bank Easton Northampton County	2201 Northampton Street Easton Northampton County	Filed

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-18-2008	Diamond Credit Union Pottstown Montgomery County	6581—6591 West Perkiomen Avenue Exeter Township Berks County	Approved

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

# DEPARTMENT OF EDUCATION

## Pennsylvania Pre-K Counts Program; Eligibility, Application Process and Funding Level

The act of July 20, 2007 (P.L. 278, No. 45) amending the Public School Code of 1949 to add the Pennsylvania Pre-K Counts Program, requires the Department of Education (Department) to publish both on its Internet web site and in the *Pennsylvania Bulletin* the process through which eligible providers may apply for grant funds, the criteria used to select approved providers for grant funds and the per-student funding levels of approved providers, by county.

### *Application Process*

The Department developed an application form, available on the Department's web site in its eGrants section of the web site. Interested eligible applicants were invited to attend any of seven bidders' conferences and nine teleconferences to receive informational and technical assistance on the program, its requirements, the application process and program implementation expectations.

To accomplish the goal of targeting PA Pre-K Counts funds to areas with the highest number or percentage of at-risk young children, the Office of Child Development and Early Learning used its Program Reach and County Risk Assessment data for Fiscal Year 2005-2006 to determine the approximate amount of the total appropriation for 2007-2008 that should be dispersed to each county. This Risk and Reach data compiled information on the number of children served and funding levels for early childhood programs supported by State and Federal investments and an analysis of educational and family risk factors for each county. This Risk and Reach data is available on the Department's web site at [www.pde.state.pa.us/early\\_childhood/lib/early\\_childhood/ProgramReachCountyRiskAssessment\\_6.07\\_final.pdf](http://www.pde.state.pa.us/early_childhood/lib/early_childhood/ProgramReachCountyRiskAssessment_6.07_final.pdf).

Eligible PA Pre-K Counts providers were invited to submit a competitive proposal application that demonstrated the degree to which they proposed to increase high quality services to children age-eligible for the program, their capacity to target services to children most in need, their plans to work in partnership with other providers in the community, their capacity to undertake cooperative and collaborative planning with other agencies and programs serving young children, the degree to which they planned to incorporate the elements of high quality programming and the degree to which their budgets reflected a sound framework for program success. The previously listed factors served as the criteria for selecting approved providers. In addition, the Department gave priority in grant funding to approved providers serving the highest number of highest percentage of at-risk eligible students and attempted to ensure geographic dispersal of the available funds.

Grants were awarded on a per-child basis. A program offering a 2 1/2 instructional day for 180 days could provide justification for Pre-K Counts funding for up to \$3,950 and a program providing 5 instructional hours for 180 days could go to \$7,900. In this year, the participating providers were able to justify these amounts per child.

GERALD L. ZAHORCHAK, D. Ed.,  
Secretary

[Pa.B. Doc. No. 08-183. Filed for public inspection February 1, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater



<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 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061441	Freeman Mobile Home Park R. R. 1 Box 160-14 Dallas, PA 18612	Wyoming County Monroe Township	UNT to Leonard Creek 4G	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are added to this permit.

<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>
PA0064211 (Municipal)	Schuylkill Valley Sewer Authority P. O. Box 314 Mary-D, PA 17952	Schuylkill County Blythe Township	Schuylkill River 3A	Y
PA0060925 (Minor Sewage)	Girl Scouts in the Heart of Pennsylvania (Camp Archbald) 350 Hale Avenue P. O. Box 2837 Harrisburg, PA 18105-2837	Brooklyn Township Susquehanna County	UNT to Hop Bottom Creek 04F	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<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>
PA0063053 (Industrial Waste)	Tamaqua Area Water Authority (Still Creek Water Treatment Plant) 320 East Broad Street Tamaqua, PA 18252	Schuylkill County Rush Township	Little Schuylkill River 3A	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>
PA0229245	Ryan B. Corl Shawville Post Office SFTF SR 879 and Trout Run Road Shawville, PA 16873	Clearfield County Goshen Township	West Branch Susquehanna River 08C	Y
PA0110485 SN	United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111	Columbia County South Centre Township	Susquehanna River 5D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210714	Mark D. and Wendy J. Watt 3383 Church Street Reynoldsville, PA 15851	Winslow Township Jefferson County	UNT to Fehley Run 17-C	Y
PA0220965	Jeffrey P. Leri 21160 Phelps Road Meadville, PA 16335-5550	West Mead Township Crawford County	UNT to Tamarack Lake 16-D	Y
PA0239071	ABECO, Inc. P. O. Box 265 Clarion, PA 16214	Paint Township Clarion County	UNT to Clarion River 17-B	Y

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

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

**PA0244384**, Sewage, SIC 8811, **Craig Schuster**, 1145 Baus Road, East Greenville, PA 18041. This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated sewage from SFSTP serving Schuster residential dwelling and one apartment located at 3947 Greyville Pike in Marlborough Township, Montgomery County.

The receiving stream, UNT to Macoby Creek, is in the State Water Plan Watershed 3E and is classified for TSE.

The proposed effluent limits for Outfall 001 are based on a design flow of 900 gpd.

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Total Nitrogen	23		46
Fecal Coliform	200 lbs/100 ml as a Geometric Average		
pH (Standard Units)	6.0 (Instantaneous Minimum)		9.0

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

1. Submission of DMR to Department.
2. Abandon STP if Public Sewers Available.
3. Remedial Measures.
4. No Stormwater.
5. Necessary Property Right.
6. Dry Stream Discharge.
7. Ownership Change.
8. Proper Sludge Disposal.
9. I-max Delimitation.
10. DMR Submission Requirement.
11. UV Disinfection.
12. Laboratory Certification.

**PA0056421**, Sewage, SIC 4952, **Warwick Township Water and Sewer Authority**, P. O. Box 315, 1733 Township Greene, Jamison, PA 18929-0315. This existing facility is located in Warwick Township, **Bucks County**.

Description of Proposed Activity: Renewal and amendment of NPDES permit to discharge treated sewage effluent from County Crossing WWTP. The amendment allows for a second discharge location. Treated effluent will continue to be discharged through existing Outfall 001 to a UNT to Little Neshaminy Creek from November 1 through March 31. For

the period extending from April 1 through October 31, treated effluent will be pumped and discharged at Outfall 002 to a storage lagoon located on Heritage Creek Golf Course. Overflow from the lagoon will be discharged through an overflow pipe to a wetland that drains to Little Neshaminy Creek.

The receiving streams, Little Neshaminy Creek and the UNT to Little Neshaminy Creek, are located in the State Water Plan Watershed 2F and are classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua, PA, Southeast Division is located on Neshaminy Creek and is approximately 18 miles below the points of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 0.32 mgd.

The proposed effluent limits for Outfall 001 apply from November 1 through March 31 and are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30		40
Total Suspended Solids	20	30		40
Ammonia as N	3.0			6.0
Phosphorus as P	1.0			2.0
Total Nitrogen as N	10.0			20.0
Fecal Coliform (col/100 ml)	200 Geometric Mean			1,000
pH (Standard Units)	6.0, Minimum			9.0
Dissolved Oxygen, minimum	5.0			
Dissolved Oxygen, average	Monitor			

The proposed effluent limits for Outfall 002 apply from April 1 through October 31 and are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30		40
Total Suspended Solids	20	30		40
Ammonia as N	1.5			3.0
Phosphorus as P	0.5			1.0
Total Nitrogen as N	10.0			20.0
Fecal Coliform (col/100 ml)	200 Geometric Mean			1,000
pH (Standard Units)	6.0, Minimum			9.0
Dissolved Oxygen, minimum	5.0			
Dissolved Oxygen, average	Monitor			

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

1. Notification of Designation of Responsible Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Change in Ownership.
7. Proper Sludge Disposal.
8. Instantaneous Maximum Limitations.
9. Fecal Coliform Reporting.
10. Operator Training.
11. Laboratory Certification.
12. Operations and Maintenance Plan.
13. Identification of Sampling Location for Outfall 002.
14. Re-opener Clause for Nutrient TMDL.

The EPA waiver is not in effect.

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

**PA0090131**, Sewage, **Robert M. Merashoff, Beryl Acres Sewage Company**, 152 Valley View Road, Scenery Hill, PA 15360. This application is for renewal of an NPDES permit to discharge treated sewage from Beryl Acres STP in North Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a UNT South Branch Pigeon Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ellsworth Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.011 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.8			7.6
(11-1 to 4-30)	11.4			22.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.63			1.47
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0095036**, Sewage, **EL-DO, Inc.**, 700 Atlantic Avenue, McKeesport, PA 15132. This application is for renewal of an NPDES permit to discharge treated sewage from Smithton Truck Stop STP in South Huntingdon Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.03 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096598**, Sewage, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344. This application is for renewal of an NPDES permit to discharge treated sewage from Mather Wastewater Treatment Plant in Morgan Township, **Greene County**.

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

*Outfall 001*: existing discharge, design flow of 0.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	15.5	23.0		31.0
(11-1 to 4-30)	25.0	38.0		50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.6 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	7.5	11.3		15.0
(11-1 to 4-30)	15.0	22.5		30.0
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0098761**, Sewage, **NWL Company**, 1001 LaFayette Drive, Farmington, PA 15437. This application is for renewal of an NPDES permit to discharge treated sewage from Nemaquin Woodlands Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Deadman Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation, or to Sundial Lake so that the water can be reused to maintain onsite lake levels for golf course irrigation, snow making and wetlands management. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
BOD <sub>5</sub>	10	15		20
Suspended Solids	5	7.5		10
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.2		3.0
(11-1 to 4-30)	2.5	3.7		5.0
Phosphorus	1.0	1.5		2.0
Nitrite/Nitrate	10	15		20
Fecal Coliform	2.2/100 ml			14/100 ml
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Aluminum	0.5		1.0	1.25
Manganese	0.2		0.4	0.5
Total Iron	1.4		2.8	3.5

The EPA waiver is in effect.

**PA0217301**, Sewage, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905-7707. This application is for renewal of an NPDES permit to discharge treated sewage from Jerome Wastewater Treatment Plant in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a UNT of Quemahoning Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

*Outfall 001*: existing discharge, design flow of 0.170 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.3		27.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.2			0.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217450**, Sewerage, **Monica Meehan**, 5390 West Pike Street, Export, PA 15632. This application is for renewal of an NPDES permit to discharge treated sewage from Meehan Small Flow STP in Salem Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.00124 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	24.0			48.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 2208401**, Sewerage, **Williamstown Borough Authority**, P.O. Box 44, Williamstown, PA 17098-0044. This proposed facility is located in Williams Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking approval for the expansion of their existing facility to 0.45 mgd.

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

**WQM Permit No. 1707405**, Sewerage, SIC 4952, **Ryan Corl**, 3083 Jodi Lane, Dover, PA 16873. This proposed facility is located in Goshen Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes the contraction of a Small Flow Treatment Facility (SFTF) serving three apartments and the Post Office in Shawville. The SFTF will consist of a septic tank, dual peat-biofilters, an erosion chlorinator and a chlorine contact tank. The system will be designed to treat 935 gpd.

**WQM Permit No. 1808401**, Sewerage, SIC 4952, **Woodward Township Sewer Authority**, 86 Riverside Terrace, Lock Haven, PA 17745. This proposed facility is located in Woodward Township, **Clinton County**.

Description of Proposed Action/Activity: The applicant proposes renovations to Pump Station No. 1 along SR 0150. The proposed modifications include replacement of the pumps and pump controls, addition of an emergency generator to serve the pump station and the replacement of the force main conveying sewage from the pump station to the City of Lock Haven's collection system.

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

**WQM Permit No. 2608401**, Sewerage, **William Costello**, 1423 Sharps Point Road, Annapolis, MD 21409. This proposed facility is located in Wharton Township, **Fayette County**.

Description of Proposed Action/Activity: Application for the construction and operation of a land application system.

**WQM Permit No. 0408401**, Sewerage, **Richard Holland**, 943 Blackhawk Road, Beaver Falls, PA 15010. This proposed facility is located in South Beaver Borough, **Beaver County**.

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

**WQM Permit No. WQG016157**, Sewerage, **Hill Properties, LLC**, P. O. Box 7170, East Liverpool, OH 43920. This proposed facility is located in Somerset Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow treatment facility to serve a truck sales and service center.

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

**WQM Permit No. 2007403**, Sewerage, **Renea Bailey**, 22980 Old Plank Road, Venango, PA 16440. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907016	Fox Bindery, Inc. 2345 Milford Square Pike Quakertown, PA 18951	Bucks	Milford Township	UNT Unami Creek HQ-TSF

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

*Lehigh County Conservation District: Lehigh Agricultural 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>
PAI023908002	Brad Howigfeld Briad Lodging Group, LLC 78 Oknar Parkway Livingston, NJ 07039	Lehigh	Upper Macungie Township	Iron Run HQ-CWF

*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>
PAI033608001	Kenneth F. Steele 227 Green Lane Quarryville, PA 17566	Lancaster	Little Britain Township	Reynolds Run HQ-CWF-MF McCreary Run HQ-TSF-MF
PAI032107007	Seven Gables Development, LLC 4081 East Lake Estates Drive Davie, FL 33328	Cumberland	Carlisle Borough	Letort Spring Run HQ-CWF
PAI035008001	Michael P. and Linda M. Olmstead 332 Diomair Path Elliottsburg, PA 17024	Perry	Tuscarora, Saville and Juniata Townships	UNT to Buffalo Creek HQ-CWF

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

*Somerset County Conservation District, Somerset County Agricultural Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055608001	The Buncher Company 5600 Forward Avenue Pittsburgh, PA 15217	Somerset	Jefferson Township	Kooser Run Laurel Hill Creek HQ-CWF

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

*Conservation District: Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, (814) 825-6403.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062508001	Evergreen Farms Subdivision, Eastman Development, LLC 2601 West 26th Street Erie, PA 16506	Erie	Fairview Township	Trout Run CWF, MF

*Conservation District: Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825, (814) 849-7463.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063308001	Village of Soldier Wastewater Collection System and Water Distribution System Winslow Township Robert Krajewski 1277 Yellow Brick Road Reynoldsville, PA 15851	Jefferson	Winslow Township	Sugar Camp Run HQ-CWF Soldier Run 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)

**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.*

<b>Permit No. 3407504</b> , Public Water Supply.	
Applicant	<b>W. E. Schlegel, Inc.</b>
Municipality	Delaware Township
County	<b>Juniata</b>
Responsible Official	W. E. Schlegel, Inc. Vice President R. D. 1 Box 181 Thomsonstown, PA 17094
Type of Facility	Public Water Supply
Consulting Engineer	Stephen R. Morse, P. E. Skelly and Loy, Inc. 2601 North Front Street Harrisburg, PA 17110-1185
Application Received:	December 21, 2007
Description of Action	Permit application for cartridge filtration, chlorine disinfection and an additional contact tank.

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

<b>Permit No. 1107503</b> , Public Water Supply.	
Applicant	<b>Gallitzin Water Authority</b> 411 Convent Street Gallitzin, PA 16641



Township or Borough Gallitzin Borough  
 Responsible Official John Nagle, Chairperson  
 Gallitzin Water Authority  
 411 Convent Street  
 Gallitzin, PA 16641

Type of Facility Water treatment plant  
 Consulting Engineer Stiffler, McGraw & Associates,  
 Inc.  
 19 North Juniata Street  
 P. O. Box 462  
 Hollidaysburg, PA 16648

Application Received December 11, 2007  
 Date

Description of Action Addition of powdered activated  
 carbon at the water treatment  
 plant.

**Permit No. 0207506**, Public Water Supply.  
 Applicant **Pittsburgh Water & Sewer  
 Authority**  
 1200 Penn Avenue  
 2nd Floor  
 Pittsburgh, PA 15222-4204

Township or Borough City of Pittsburgh  
 Responsible Official Andrew Maul, Engineering &  
 Construction Division  
 Pittsburgh Water & Sewer  
 Authority  
 1200 Penn Avenue  
 2nd Floor  
 Pittsburgh, PA 15222-4204

Type of Facility Water treatment plant  
 Consulting Engineer  
 Application Received December 24, 2007  
 Date

Description of Action Addition of sodium hypochlorite  
 and a cationic polymer to the  
 water prior to the dual media  
 sand filters.

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

**Permit No. 9996555**, Public Water Supply.  
 Applicant **Waters of America, LLC**  
 Township or Borough Champaign, IL  
 Responsible Official Lance Song  
 Quality Assurance Manager

Type of Facility Out-of-State Bottled Water  
 System

Application Received January 10, 2008  
 Date

Description of Action Applicant requesting  
 Department approval to sell  
 bottled water in Pennsylvania  
 under the brand names: Pure  
 American Spring Water, Distilled  
 Water and Drinking Water.

## WATER ALLOCATIONS

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

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

**WA4-1010**, Water Allocations. **Creswell Heights Joint  
 Authority**, P. O. Box 301, South Heights, PA 15081,  
**Beaver County**. The applicant is requesting the right  
 withdraw a total of 3,608,640 gallons of water per day,  
 average day, from well No. 4 (825,120 gpd), well No. 5  
 (875,520 gpd), well No. 6 (756,000 gpd) and proposed well  
 No. 7 (1,152,000 gpd).

**WA2-678C**, Water Allocations. **Municipal Authority  
 of the Borough of West View**, 210 Perry Highway,  
 Pittsburgh, PA 15229, **Allegheny County**. The applicant  
 is requesting the right withdraw a total of 55,000,000  
 gallons of water per day, peak day, from their existing  
 intake located in Allegheny County (40,000,000 gpd), and  
 their proposed intake located in Beaver County  
 (15,000,000 gpd).

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-  
 mental 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 Stan-  
 dard, the Site-Specific Standard or who intend to remedi-  
 ate 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 demon-  
 strates 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 pub-

lished in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Armstrong World Industries/Lancaster's Northwest Gateway**, City of Lancaster and Manheim Township, **Lancaster County**. ARM Group, P. O. Box 797, Hershey, PA 17033, on behalf of EDC Finance Corporation, 100 South Queen Street, Lancaster, PA 17608-1558, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, SVOCs and metals to a combination of the Statewide Health and Site-Specific Standards. A portion of the site will be developed as athletic fields for Franklin and Marshall College, and the remaining area will be a mixed-use complex for Lancaster General Hospital.

**McCoy Residence**, Three Springs Borough, **Huntingdon County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of John McCoy, 101 Furman Street, Three Springs, PA 17264, submitted a Notice of Intent to Remediate soils and groundwater contaminated with No. 2 fuel oil from a ruptured basement fuel tank. The property is and will remain a private residence. The applicant is seeking to remediate to the Statewide Health Standard.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit No. 100932. Environmental & Recycling Services, Inc.**, 1100 Union Street, Taylor, PA 18517. A Major Permit Modification application for the Phase IV Expansion of this construction and demolition waste landfill, located in Taylor Borough, **Lackawanna County**, was denied on February 1, 2006. This denial was appealed. On October 9, 2007, the Environmental Hearing Board overturned the denial and remanded the application to the Department of Environmental Protec-

tion (Department) for reconsideration. On January 2, 2008, the Department received supplemental information and will restart the review of this application. Comments concerning the application should be directed to William Tomayko, Program Manager, Department of Environmental Protection Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Public comments should be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## **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, Neal Elko, New Source Review Chief, (570) 826-2531.*

**13-318-009: Haulmark Industries, Inc.** (6 Banks Avenue, McAdoo Industrial Park, McAdoo, PA 18237) for installation of a paint spray booth with filters at their facility in Banks Township, **Carbon County**.

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

**06-05063B: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545) for modification of their core modeling operation controlled by a fabric collector and wet scrubber at their foundry in Boyertown Borough, **Berks County**. The applicant is proposing to increase the limit on the resin content in the sand mixture.

**21-05052A: Valk Manufacturing Co.** (P. O. Box 428, 66 East Main Street, New Kingstown, PA 17072-0428) for a snow plow and blade manufacturing operation in Silver Spring Township, **Cumberland County**. This plan approval includes two paint booths with High Volume Low Pressure spray guns. The paint booths will be controlled by the use of dry filters to control PM emissions.

**36-05126B: Pennsy Supply, Inc.—d/b/a McMinns Asphalt Company** (550 South Biesecker Road, Thomasville, PA 17364) for use of On-Specification Waste Derived Liquid Fuel at their Rheems Asphalt Plant in West Donegal Township, **Lancaster County**. This source will continue to be controlled by the use of a fabric filter baghouse.

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

**PA-04-00235G: FirstEnergy Generation Corp.** (P. O. Box 128, Shippingport, PA 15077) to conduct stack testing of PM emissions in concert with visible emission readings and to hear testimony regarding Best Available Retrofit Technology (BART) at the Bruce Mansfield Power Station in Shippingport, **Beaver County**.

Under Title 25 Pa. Code § 127.48, the Department of Environmental Protection (Department) will hold a public meeting, to be immediately followed by a public hearing, at 6 p.m. on Tuesday, March 11, 2008, at the Lincoln Park Performing Arts Center auditorium located at One Lincoln Park in Midland, PA 15059.

The purpose of the hearing is to take testimony concerning FirstEnergy Generation Corporation's Plan Approval Application which, if issued, would authorize First Energy to conduct stack testing of PM emissions in concert with visible emission readings under a regulatory procedure established at 25 Pa. Code § 123.45. The resulting data would be used in making a determination about an Alternative Opacity Limitation for Units Nos. 1 and 2 at the Bruce Mansfield Station, located in Shippingport, Beaver County. Testimony regarding the Department's BART Determination will also be accepted at this hearing.

Those wishing to present oral testimony during the hearing should contact Community Relations Coordinator, Helen Humphreys at (412) 442-4000, before March 11 to register.

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

Oral testimony will be limited to a maximum of 5 minutes and two written copies of the testimony should be provided. The Department requests that each organization designate one witness to present testimony on its behalf.

Public review of the application and BART proposal are welcome. Both are available at Department's Southwest Regional Office. Appointments to review the application and proposal can be made by contacting the Department at (412) 442-4000.

Those who are unable to attend the hearing, but wish to comment, should provide written comments to Thomas Joseph, P. E., Air Quality Engineer, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email at TJoseph@state.pa.us. Comments must be received prior to the close of business on April 11, 2008.

**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.**

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

**06-05007F: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) for modification of their specialty steel manufacturing facility in Muhlenberg Township, **Berks County**. The modification involves the construction of two reheating furnaces and the modification of two annealing furnaces. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The facility is presently covered by the Title V operating permit no. 06-05007. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**14-00020A: Hanson Aggregates—PA, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) submitted an application (No. 14-00020A) to the Department of Environmental Protection (Department) for plan approval to install a new fabric collector (Camcorp model 12SWF504, ID C102) to replace old fabric collectors to control PM emissions from the facility's existing crushing operation (Source ID P101) at the Oak Hall quarry located in College Township, **Centre County**.

The Department's review of the information submitted by Hanson indicates that the proposed new fabric collector associated with the crushing operation will comply with all applicable air quality requirements including all

State and Federal requirements. The operation of the proposed fabric collector associated with the crushing operation will not result in an increase in any air contaminant emissions. Additionally, if the Department determines that the Source ID P101 and ID C102 are in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating permit (NMOP 14-00020) by means of an administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. Source ID P101 is a stone crushing plant consisting of the following sources:

- A. 30" by 15' Conveyor
- B. 36" by 131' Conveyor
- C. 36" by 88' Conveyor
- D. 30" by 198' Conveyor
- E. 30" by 150' Conveyor
- F. 24" by 42' Conveyor
- G. 30" by 48' Conveyor
- H. 30" by 59' Conveyor
- I. 30" by 54' Conveyor
- J. 24" by 109' Conveyor
- K. 24" by 30' Conveyor
- L. 36" by 21' Conveyor
- M. 24" by 60' Conveyor
- N. 24" by 100' Stacking Conveyor
- O. 24" by 100' Stacking Conveyor
- P. 24" by 72' Conveyor
- Q. Cedarapids 5348 Single Impeller Impact Crusher
- R. Portec Spokane 120 VSI Impact Crusher, model 120-P114
- S. Pioneer 48" by 14' Primary Dump Hopper and Apron Feeder
- T. Mesabi 4' by 8' Double Deck Grizzly Screen, 48-4B-13
- U. Svedala 6' by 16' Triple Deck Screen, model XHIPL-FLO20
- V. Deister 8' by 20' Four Deck Screen (Dry), serial no. 458855
- W. Deister 8' by 20' Four Deck Screen (Wash), serial no. 458859
- X. Eagle 44" Fine Parts Washer, serial no. 9939

The PM emissions from Source ID P101 shall be controlled by wet suppression system (C101A) and a Camcorp model 12SWF504 fabric collector (ID C102).

2. Under 40 CFR Part 60 Section 60.672, the PM emissions from the exhaust of Control Device ID C102 associated with Source ID P101 shall not exceed 0.05 grams per dry standard cubic meter. Additionally, the exhaust shall not exhibit greater than 7% opacity at any time.

3. Under the permittee requesting this elective restriction, the PM emissions in the exhaust of Control Device ID C102 associated with Source ID P101 shall not exceed

0.015 grains per dry standard cubic foot, 4.3 pounds/hour and 17.7 tons in any 12-consecutive month period.

4. The permittee shall comply with all applicable requirements relating to fugitive PM emissions of 25 Pa. Code §§ 123.1 and 123.2 for Source ID P101.

5. All of the spray nozzles of control device ID C101A shall be operated on any and all occasions that Source ID P101 is in operation. If the spray nozzles are incapable of operation due to weather conditions or any other reason, Source ID P101 shall not be operated.

6. Control Device ID C102 associated with Source ID P101 shall be equipped with instrumentation which continuously monitors the pressure drop across the fabric collector on a continuous basis.

7. The permittee shall record the pressure drops across Control Device ID C102 at least once per day. The permittee shall keep these records for a minimum of 5 years and shall be presented to the Department upon request.

8. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for Control Device ID C102 associated with Source P101 in order to be able to immediately replace any bag that requires replacement immediately.

9. The submission of all requests, reports, applications, submittals and other communications relating to Source ID P101, as required by 40 CFR 60.670—60.676, shall be made available to the Department and the US EPA as required by 40 CFR Part 60, 60.4.

10. The Single Impeller Impact Crusher, 120 VSI Crusher, 48" by 14' Apron Feeder, 4' by 8' Double Deck Grizzly Screen, 6' by 16' Triple Deck Screen, 8' by 20' Four Deck Screen and 8' by 20' Four Deck Screen (Wash) are all subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The permittee shall comply with all applicable requirements of this Subpart.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

**10-305B: Recmix PA Inc.—Excell Minerals** (359 North Pike Street, Sarver, PA 16055) for installation of a natural gas fired thermal fluid heater and aggregate dryer with a baghouse in Winfield Township, **Butler County**.

Under 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 Winfield Township, Butler County. This plan approval will authorize the applicant to install a natural gas fired thermal fluid heater and aggregate dryer with a baghouse, as described in the applicant's application of May 17, 2007. The Plan Approval will subsequently be

incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The natural gas fired thermal fluid heater and aggregate dryer with a baghouse are being constructed to produce fertilizer. Based on the information provided by the applicant and the Department's own analysis, the natural gas fired thermal fluid heater and aggregate dryer with a baghouse will emit 2.6 tons of PM per year, 2.4 tons of NO<sub>x</sub> per year and 2 tons of CO per year.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 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. 10-305B.
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. 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 the 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.

**61-0011D: Electralloy** (175 Main Street, Oil City, PA 16301) for installation of a new fabric filter to replace the existing scrubber to control or partially control emissions from the electric arc furnace and AOD vessels and other sources in the melt shop in the Borough of Oil City, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to, for their plant in the Borough of Oil City, Venango County. The facility currently has a Title V permit which was issued October 31, 2002. This 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.

This application is for the installation of a new fabric filter to replace the existing scrubber to control or partially control emissions from the electric arc furnace and AOD vessels and other sources in the melt shop.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. Total allowable emission limits for the South EAF Baghouse (Control No. C104) are:

(a) Total allowable PM emission concentration is 0.0052 gr/dscf.

(b) Total allowable particulate emission rate of 9.7 lb/hr.

(c) The total allowable 12-month rolling sum of PM/PM10 is 42.5 tpy calculated using the results during the most recent compliant stack test multiplied by hours of production during a consecutive 12-month period.

(d) The exhaust from the South EAF Baghouse (C104) may not exceed 10% opacity.

2. The permittee shall operate the South EAF Baghouse (C104) at all times any source is in operation that is controlled or partially controlled by that control device or as needed.

3. (a) Within 180 days after the installation of the South EAF Baghouse (C104) or a time approved by the Department and between 6 to 12 months prior to permit renewal, the facility shall conduct a stack test for PM, SO<sub>x</sub> and Visible Emissions at the South EAF Baghouse (C104) and the North Melt Shop Baghouse.

4. The average production rate plus 10% of the average production rate during the stack test will become the legal production limit of the plant.

5. (a) The permittee shall perform a US EPA Reference Method 22-like observation daily of both stacks (S104A and S104B) leading from the South EAF Baghouse (C104) while the EAF is in operation, during each day the source is operated. The absence of any visible emissions will indicate proper operation of the control device. If visible emissions are detected at any time, US EPA Reference Method 9-like procedure shall be performed within 24 hours.

(b) If any visible emissions occur during stack testing or during normal operations, the Department reserves the right to require a continuous monitoring system for the measurement of opacity of emissions discharged into the atmosphere from both stacks (S104A and S104B) leading from the South EAF Baghouse (C104).

(c) Records of the visual emissions and visible determinations of opacity shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

6. Total allowable emission limits for the North Melt Shop Baghouse (Control No. C02) are:

(a) Total allowable PM emission concentration is 0.0052 gr/dscf.

(b) Total allowable PM emission rate of 7.86 lb/hr.

(c) The total allowable 12-month rolling sum of PM/PM10 is 34.43 tpy calculated using the results of the most recent compliant stack test multiplied by hours of production during a consecutive 12-month period.

(d) The exhaust from the North EAF Baghouse (C104) may not exceed 10% opacity.

7. No person may permit the emission into the outdoor atmosphere of SO<sub>x</sub> from the South EAF Baghouse or North Meltshop Baghouse in a manner that the concentration of the SO<sub>x</sub>, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 ppm, by volume, dry basis.

8. The permittee shall operate the North Meltshop Baghouse (CO<sub>2</sub>) at all times the EAF, AODs or Trim Station is in operation or as needed.

9. The Plan Approval and Operating Permit will include conditions that require monitoring, recordkeeping,

reporting, work practice standards and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements including CAM conditions for the North Melt Shop and South EAF Baghouses.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons 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. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit [No. 61-0011D].

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. 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 the notification is sufficient. Written comments or requests for a public hearing should be directed to Carolyn Cooper, P. E., Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6638.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Carolyn Cooper, P. E. or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### OPERATING PERMITS

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

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

**ORIS Number 3159: Exelon Generation Co.—Cromby Generating Station** (Township Line and Cromby Roads, Phoenixville, PA 19460) The acid rain permit establishes SOx allowances for Units Nos. 1 and 2 in East Pikeland Township, **Chester County**.

**ORIS Number 3161: Exelon Generation Co.—Eddystone Generating Station** (1 Industrial Highway, Eddystone, PA 19022) The acid rain permit establishes SOx allowances for Units Nos. 1—4 in Eddystone Borough, **Delaware County**.

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

**52-00001: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue, South East Charleston, WV 25314) for operation of a natural gas compressor station, Milford Township, **Pike County**. The Milford Station contains

two Reciprocating/Integral Compressors. As a result of the levels of NOx emitted from the compressors, this facility is a major stationary source as defined in Title I, Part D of the Federal Clean Air Act Amendments of 1990. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G and all applicable air quality requirements for each significant source. This is a renewal of the Title V Operating Permit issued in 2003.

**40-00020: Department of Public Welfare—White Haven Center** (827 Oley Valley Road, White Haven, PA 18661) for renewal of a Title V Operating Permit in Foster Township, **Luzerne County** to operate three coal fired boilers. The facility's major source of emissions is NOx.

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

**AR-06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Canonburg, PA 15317) for operation of an electricity generating station at their Titus Station in Cumru Township, **Berks County**. The facility is subject to Title IV (Acid Rain) Phase II. This is a renewal of the Acid Rain Permit issued in 2003.

**06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Canonburg, PA 15317) for operation of an electricity generating station at their Titus Station in Cumru Township, **Berks County**. This is an administrative amendment of the Title V Operating Permit issued in 2007. This amendment involves the removal of the acid rain requirements from the Title V Operating Permit. These requirements will be included in the proposed Acid Rain Permit AR-06-05024.

**67-05027: York Wallcoverings, Inc.** (P. O. Box 5166, York, PA 17405) for operation of their wallcovering manufacturing facility in the City of York, **York County**. The Title V Operating Permit renewal 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. The facility is subject to 40 CFR Part 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry.

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

**PA-65-00016H: Latrobe Specialty Steel Co.** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for construction of a vacuum induction melting facility at their existing facility in the City of Latrobe, **Westmoreland County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Latrobe Specialty Steel Co. (Latrobe Specialty Steel Co., 2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) to construct a Vacuum Induction Melting Facility at their existing facility located in the City of Latrobe, Westmoreland County. Emission rates from the Facility are limited as stated in the Special Conditions to follow.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the following address.

Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

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

*Special Conditions*

1. This Plan Approval is to allow the construction and operation of a Vacuum Induction Melting Process which will produce up to 26,250 tons of steel per year by Latrobe Specialty Steel Company located in the City of Latrobe, Westmoreland County. (25 Pa. Code § 127.12b)

2. Air contamination sources covered by this Plan Approval include the following: (25 Pa. Code § 127.12b)

- One Vacuum Induction Melting Furnace (VIM).
- Three Vacuum Arc Remelting Furnaces (VAR).
- Two 13.7 mmBtu/hr each Natural Gas Fired Boilers.
- Two 8.4 mmBtu/hr each Natural Gas Fired Car Bottom Annealing Furnaces.
- One 2.3 mmBtu/hr Natural Gas Fired Crucible Pre-heater.
- Two 1.0 mmBtu/hr each Natural Gas Fired Tundish Pre-heaters.
- One Grinding Area controlled with a Fabric Filter.
- One Crucible Cleaning Station controlled with a Wet Scrubber.
- One Welding Station controlled with two Fabric Filters.

3. Air pollution control equipment covered by this Plan Approval includes the following: (25 Pa. Code § 127.12b)

- One Grinding Area Fabric Filter, approximately 10,000 acfm.
- Two Welding Station Fabric Filters, approximately 10,500 acfm and 4,215 acfm.
- One Crucible Cleaning Station Wet Scrubber, approximately 2,800 acfm.

4. Visible emissions from each stack covered by this Plan Approval shall not exceed 10% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or equal or exceed 30% opacity at any time. (25 Pa. Code § 127.12b)

5. The Owner/Operator shall not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the facility. (25 Pa. Code § 123.31)

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

7. SO<sub>x</sub> emissions, expressed as SO<sub>2</sub>, from the Annealing Furnaces, Crucible Pre-heater and Tundish Preheaters shall not exceed 500 ppmv, dry basis. (25 Pa. Code § 123.21)

8. SO<sub>x</sub> emissions, expressed as SO<sub>2</sub>, from the Natural Gas Fired Boilers shall not exceed 4 pounds per mmBtu of heat input over any 1-hour period. (25 Pa. Code § 123.22)

9. The Owner/Operator may make minor plan approval modifications to the following limitations and/or make physical changes of minor significance at the Facility, per

25 Pa. Code § 127.14; provided that the associated emission increases do not exceed the de minimis emission levels specified in 25 Pa. Code § 127.449; or subject the Facility to 40 CFR Part 52 requirements or 25 Pa. Code Subchapter E requirements. All proposed changes shall be submitted to the Department in writing for approval as prescribed by 25 Pa. Code § 127.14. Throughputs in any consecutive 12-month period shall be limited as follows: (25 Pa. Code § 127.12b)

a. VIM Furnace steel production shall not exceed 26,250 tons.

b. Steel production from the three VAR Furnaces shall not exceed 8,820 tons.

c. A fourth VAR Furnace with a production capacity of 2,940 tons per consecutive 12-month period may be constructed during the term of the Operating Permit.

10. Daily and annual (in any consecutive 12-month period) hours of operation shall be limited as follows: (25 Pa. Code § 127.12b)

a. Operation of the Grinding Area shall not exceed 12 hours/day and 4,380 hours/yr.

b. Operating of the Welding Station shall not exceed 10.5 hours/day and 3,833 hours/yr.

c. Operation of the Crucible Cleaning Station shall not exceed 6 hours/day and 2,190 hours/yr.

11. All in-plant roadways shall be paved and maintained as such. The Owner/Operator shall take all reasonable actions to prevent PM from becoming airborne. (25 Pa. Code § 123.1)

12. Emission rates shall be limited as follows: (25 Pa. Code § 127.12b)

a. PM/PM10 emission rates shall not exceed 0.01 gr/dscf on all Fabric Filters and the Crucible Cleaning Station Wet Scrubber.

b. Emission rates from both Natural Gas Fired Boilers combined shall not exceed:

<i>Pollutant</i>	<i>Lb/hr</i>	<i>Ton/year (consecutive 12-month period)</i>
NO <sub>x</sub>	0.50	2.18
CO	0.84	3.64

13. The Natural Gas Fired Boilers are subject to the applicable provisions of 40 CFR 60 Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (Subpart Dc).

a. In accordance with 40 CFR 60.4 copies of all requests, reports, applications submittals and other communications shall be forwarded to both the Environmental Protection Agency (EPA) and the Department at the addresses listed unless otherwise noted:

Director  
Air Toxics and Radiation  
US EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Air Quality Program Manager  
Department of Environmental Protection  
Air Quality  
400 Waterfront Drive  
Pittsburgh, PA 15222

14. Stack testing shall be conducted as follows: (25 Pa. Code §§ 127.12b and 139.11)

a. Grinding Area Fabric Filter: Filterable PM and PM10 testing shall be by EPA Method 5, 5B, 201 or 201A. Testing shall be conducted within 180 days of commencement of operation and once during the term of the operating permit thereafter.

b. Natural Gas-Fired Boilers: NO<sub>x</sub> and CO testing shall be conducted by either EPA method stack testing or by using portable analyzers within 180 days of commencement of operation and once during the term of the operating permit thereafter.

c. Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

d. The Owner/Operator shall submit three copies of a pretest protocol to the Department for review at least 60 days prior to the performance of any stack test. All proposed stack test methods shall be identified in the pretest protocol and approved by the Department prior to testing.

e. The Owner/Operator shall notify the Regional Air Quality Manager at least 15 days prior to any stack test so that an observer may be present at the time of the test.

f. All relevant operating parameters shall be recorded at appropriate intervals throughout the duration of stack test. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices are operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

g. The Owner/Operator shall submit three copies of the stack test report to the Department within 60 days of the completion of testing.

15. The Owner/Operator shall perform a daily inspection for the presence of visible stack emissions, fugitive emissions and malodorous emissions from the emission sources covered by this plan approval. Records of the inspections shall be maintained in a log and include any corrective actions taken. (25 Pa. Code § 127.12b)

16. All Fabric Filters shall be equipped with gauges to monitor pressure drop across the baghouse. Pressure drop readings shall be kept using either electronic recording devices or recorded manually on a daily basis while the control device is operating. (25 Pa. Code § 127.12(b))

17. The Owner/Operator shall maintain each fabric filter and scrubber by the manufacturer's recommendation. The maintenance schedule for each unit and records of all maintenance activities performed on each unit shall be maintained in a log. (25 Pa. Code § 127.12(b))

18. At a minimum, the Owner/Operator shall maintain records of the following: (25 Pa. Code § 127.12(b))

a. Monthly VIM Furnace steel production rates.

b. Monthly VAR Furnaces steel production rates.

c. Daily and monthly operating hours for the Grinding Area.

d. Daily and monthly operating hours for the Welding Station.

e. Daily and monthly operating hours for the Crucible Cleaning Station.

f. Daily visible stack emission, fugitive emission and malodorous emission inspection for the sources covered by this plan approval.

g. The maintenance schedule for, and records of, all maintenance activities performed on each fabric filter and scrubber.

19. The Owner/Operator shall submit an annual facility-wide emissions report (AIMS Report) to the Department by March 1 of each year for the previous calendar year. (25 Pa. Code § 135.3)

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

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

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

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

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

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

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an application for revision to Title V Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

(g) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or



the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

*General Conditions*

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the Air Pollution Control Act, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b (a) (b))

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

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

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

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

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine

the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

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

(b) Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the Clean Air Act (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

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

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

(i) A justification for the extension,

(ii) A schedule for the completion of the construction.

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

(c) If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapter B (related to plan approval requirements), Subchapter D (related to prevention of significant deterioration of air quality) and

Subchapter E (related to new source review) shall be submitted. (25 Pa. Code § 127.13)

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

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

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

8. (a) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the Air Pollution Control Act.

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

(c) Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and § 114 of the CAA)

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

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

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

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code 127.13a)

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

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the Air Pollution Control Act or the regulations promulgated thereunder, except that with

prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

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

Regional Air Program Manager  
Department of Environmental Protection  
(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

12. (a) If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (P. L. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR § 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under § 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR § 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR § 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of the substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

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

- Mark A. Wayner, P. E.  
Regional Air Quality Program Manager  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southwest Region—Field Operation  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Nicholas J. Waryanka, P. E.  
Air Quality Program  
(412) 442-4172

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

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

**23-00072: Action Supply Co., Inc.** (1401 Calcon Hook Road, Sharon Hill, PA 19079) for a renewal of a State-only, Natural Minor Operating Permit to operate three ready-mix concrete plants and a recycling plant with two crushers and a screener in Darby Township, **Delaware County**. The facility is a minor source of PM emissions. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00112: Superior Woodcraft, Inc.** (160 North Hamilton Road, Doylestown, PA 18901) is a non Title V, Synthetic Minor facility which manufactures high quality wood cabinets in Doylestown Borough, **Bucks County**. This action is a renewal of the State-only Operating Permit. The initial permit was issued on August 8, 2002. There are three coating booths and a staining operation that have the potential to emit 23 tons of VOC and 10 tons of a single HAP and 25 tons of a combination of HAPs. The facility averages 8.03 tons of VOC emissions per year, and the estimated emissions of HAPs are 5.3 tpy. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**01-03002: Vulcan Construction Materials, LP** (5601 Ironbridge Parkway, Chester, VA 23831) for operation of a limestone crushing plant at their Hanover Quarry in Oxford Township, **Adams County**. This is a renewal of the State-only operating permit issued in 2003.

**01-05015: Sandusky Lee Metal Products** (P. O. Box 6, Littlestown, PA 17340) for operation of their metal furniture surface coating facility in Littlestown Borough, **Adams County**. This is a renewal of the State-only operating permit issued in 2003.

**22-05034: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) for operation of their Hummelstown Asphalt Plant in South Hanover Township, **Dauphin County**. This is a renewal of the State-only operating permit issued in 2003.

**22-05040: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) for operation of the Fiddlers Elbow Asphalt Plant in Lower Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit issued in 2003.

**28-03012: Martin's Famous Pastry Shoppe, Inc.** (1000 Potato Roll Lane, Chambersburg, PA 17201) for operation of the snack food plant in Antrim Township, **Franklin County**. This is a renewal of the State-only operating permit issued in 2003.

**28-05001: Martin's Famous Pastry Shoppe, Inc.** (1000 Potato Roll Lane, Chambersburg, PA 17201) for operation of the bakery in Guilford Township, **Franklin County**. This is a renewal of the State-only operating permit issued in 2003.

**36-03037: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for operation of their Denver Crushing Plant in East Cocalico Township, **Lancaster County**. This is a renewal of the State-only operating permit issued in 2003.

**36-03142: Haines & Kibblehouse, Inc.** (P. O. Box 196 Skippack, PA 19474) for operation of their Silver Hill Quarry Crushing Plant in Brecknock Township, **Lancaster County**. This is a renewal of the State-only operating permit issued in 2003.

**38-03022: Murry's, Inc.** (1501 Willow Street, Lebanon, PA 17042) for operation of a meat derived food stuff processing plant in the City of Lebanon, **Lebanon County**. This is a renewal of the State-only operating permit issued in 2002.

**38-05028: Milprint, Inc.** (5 Keystone Drive, Lebanon, PA 17042) for operation of a flexible packaging printing plant in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit issued in 2003.

**67-03055: Vulcan Construction Materials, LP** (5601 Ironbridge Parkway, Chester, VA 23831) for operation of a limestone crushing plant at their Baker Quarry in West Manchester Township, **York County**. This is a renewal of the State-only operating permit issued in 2003.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**55-00004: Colonial Furniture Co.** (P. O. Box 117, Freeburg, PA 17827) for their wood furniture manufacturing facility in Freeburg Borough, **Snyder County**. The facility's main sources include four No. 2 fired combustion units, seven spray booths and various woodworking operations. The facility has the potential to emit PM/PM10, NOx, CO, SOx, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00060: Frito Lay, Inc.** (220 North Reach Road, Williamsport, PA 17701) for their Frito Lay—Williamsport plant in the City of Williamsport, **Lycoming County**. The facility's main sources include 18 natural gas fired combustion units, ten propane fired combustion units, one natural gas and propane fired combustion unit, four snack food fryers, three ovens, two extruders, corn kettles, one corn clipper cleaner, two cold cleaning degreaser, one natural gas fired emergency generator and two corn meal storage silos. The facility has the potential to emit SOx, NOx, CO, PM/PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00042: Eastern Wood Products** (P. O. Box 1056, Williamsport, PA 17703) for their plant in Old Lycoming Township, **Lycoming County**. The facility's main sources

include one wood-fired boiler, one natural gas-fired boiler, woodworking operations, two storage tanks and eight dry wood kilns. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM/PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**49-00029: Clarks Feed Mill, Inc.** (Route 61 North, P. O. Box W, Shamokin, PA 17872) for their animal feed mill in Shamokin Township, **Northumberland County**. The facility's main sources include one natural gas/No. 2 fuel oil fired boiler, one Forsberg cleaner, two hammermills, two pellet machines and truck and railcar receiving stations. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM/PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**59-00006: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) for the renewal of State-only Operating Permit 59-00006 for operation of a natural gas compressor station (Boom Compressor Station) in Lawrence Township, **Tioga County**.

The facility incorporates a 3,200 horsepower natural gas-fired reciprocating internal combustion compressor engine, a 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engine, a 110 horsepower natural gas-fired reciprocating internal combustion dehydration engine, an emergency generator set incorporating a 400 horsepower natural gas-fired reciprocating internal combustion engine, five small natural gas fired heaters (.25, .05, .10, 1.5 and 5.613 mmBtu/hr heat input) and a solvent parts washer.

The facility has the potential to emit up to 98.58 tons of CO, 47.60 tons of NO<sub>x</sub>, 18.96 tons of VOCs, 4.75 tons of VHAPs, .60 ton of PM/PM<sub>10</sub> and .01 ton of SO<sub>x</sub> per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 59-00006. The Department intends to incorporate into this renewal all conditions currently contained in State-only Operating Permit 59-00006 with these exceptions, additions and changes:

1. Conditions requiring a monthly inspection of the facility for the presence of visible air containment emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions, and the maintenance of records of these inspections, have been removed from the permit as the sources existing at the facility are not the type which would readily generate these types of air contaminant emissions.

2. Conditions requiring the maintenance, and periodic reporting, of records of the "supporting calculations . . . used to verify compliance" with various air contaminant emission limitations have, in the case of short-term emission limitations, been removed from the permit, as compliance with the limitations cannot be demonstrated with "calculations," or, in the case of long-term emission limitations, have been changed to require the maintenance, and periodic reporting, of the amount of the respective air contaminants emitted each month.

3. A condition requiring malfunctions to be reported to the Department has been revised to exclude the reporting

of malfunctions which do not result in, or potentially result in, air contaminant emissions in excess of an applicable air contaminant emission limitation and/or do not result in, or potentially result in, noncompliance with any operating permit condition.

4. A .05 mmBtu/hr natural gas-fired space heater has been moved from Section G of the permit (Miscellaneous) to Section D and made part of Source 032 and a .10 mmBtu/hr natural gas-fired heater, which had previously been overlooked at the facility, has also been made part of Source 032.

5. Conditions requiring records to be maintained of the number of hours several small heaters (Sources 032 and 033) are operated each month have been removed from the permit as the permit contains no restrictions on the number of hours the respective sources may be operated.

6. A condition has been added to the permit requiring the performance of NO<sub>x</sub>, CO and VOC stack testing on the facility's 3,200 horsepower engine between July 1, 2011, and June 30, 2012.

7. A solvent parts washer has been added to the permit along with conditions specifying the applicable 25 Pa.Code § 129.63 requirements for parts washers, a condition limiting the VOC emissions from the parts washer to less than 2.7 tons in any 12-consecutive month period and a condition prohibiting the use in the parts washer of halogenated solvents or solvents to which a VHAP has intentionally been added.

8. A condition has been added to the permit limiting the facility's fugitive VOC emissions to less than 8.87 tons in any 12-consecutive month period and its fugitive VHAP emissions to less than 2.10 tons in any 12-consecutive month period as well as conditions requiring the maintenance and periodic reporting of records of the facility's fugitive VOC and fugitive HAP emissions.

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

**20-00005: W. L. Dunn Construction Co.** (180 North Franklin Street, Cochranon, PA 16314) for a natural minor operating permit to operate the facility's air contamination sources consisting of an asphalt batch plant-liquid asphalt storage, natural gas drum dryer and storage piles; concrete mixing plant-unloading/loading sand/aggregate, storage bins, weigh hopper and mixer; and washer/crusher plant-storage, stock piling, screening and unloading/loading located in the East Fairfield Township, **Crawford County**.

**25-00928: Zurn Industries, Inc.—Specification Drainage Operations** (1801 Pittsburgh Avenue, Erie, PA 16514) for a natural minor operating Permit to manufacture plumbing fixture fittings and trim in the City of Erie, **Erie County**. Emissions of criteria pollutants are low enough to qualify for a Natural Minor Operating Permit.

**37-00261: Hickman Williams and Co.** (339 Wampum Industrial Park, Wampum, PA 16157) for re-issuance of a Natural Minor Permit to operate metallurgical coke packaging facility in New Beaver Borough, **Lawrence County**. The significant sources included: 1) Silos 1—3; 2) Bagger No. 4; 3) Silo 4 and 5; 4) Bagger 1, 3 and 5; 5) Material Handling; 6) Material storage (stockpile); and 7) Unpaved/Paved Roads/Areas.

## OPERATING PERMITS

### PUBLIC HEARINGS

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

**PA-04-00235G: FirstEnergy Generation Corp.** (P. O. Box 128, Shippingport, PA 15077) to conduct stack testing of PM emissions in concert with visible emission readings and to hear testimony regarding Best Available Retrofit Technology (BART) at the Bruce Mansfield Power Station in Shippingport, **Beaver County**.

Under Title 25 Pa. Code § 127.48, the Department of Environmental Protection (Department) will hold a public meeting, to be immediately followed by a public hearing, at 6 p.m. on Tuesday, March 11, 2008, at the Lincoln Park Performing Arts Center auditorium located at One Lincoln Park in Midland, PA, 15059.

The purpose of the hearing is to take testimony concerning FirstEnergy Generation Corporation's Plan Approval Application which, if issued, would authorize First Energy to conduct stack testing of PM emissions in concert with visible emission readings under a regulatory procedure established at 25 Pa. Code. § 123.45. The resulting data would be used in making a determination about an Alternative Opacity Limitation for Units Nos. 1 and 2 at the Bruce Mansfield Station, located in Shippingport, Beaver County. Testimony regarding the Department's BART Determination will also be accepted at this hearing.

Those wishing to present oral testimony during the hearing should contact Community Relations Coordinator, Helen Humphreys at (412) 442-4000, before March 11 to register.

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

Oral testimony will be limited to a maximum of 5 minutes and two written copies of the testimony should be provided. The Department requests that each organization designate one witness to present testimony on its behalf.

Public review of the application and BART proposal are welcome. Both are available at the Department's Southwest Regional Office. Appointments to review the application and proposal can be made by contacting the Department at (412) 442-4000.

Those who are unable to attend the hearing, but wish to comment, should provide written comments to Thomas Joseph, P. E., Air Quality Engineer, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or TJoseph@state.pa.us. Comments must be received prior to the close of business on April 11, 2008.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit Number 30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP**, (P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin and Jefferson Townships, **Greene County** to install 12 ventilation boreholes. Surface Acres Proposed 3.34. No additional discharges. Application received November 6, 2007.

**Permit Number 30841313 and NPDES Permit No. PA0022594, Consolidation Coal Company**, (1800 Washington Road), to revise the permit for the Dilworth Mine in Cumberland Township, **Greene County** and related NPDES permit to add a treatment pond and relocated and change flow for the NPDES discharge point. Receiving stream: Monongahela River, classified for the following use: WWF. Application received September 6, 2007.

**Permit Number 65831701 and NPDES Permit No. PA0213985, Eastern Associated Coal, LLC**, (P. O. Box 1233, Charleston, WV 25624-1233), to renew the permit for the Delmont Treatment Facility in South Huntingdon Township, **Westmoreland County** and related NPDES permit. No additional discharges. Application received December 19, 2007.

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

**32080101 and NPDES No. PA0262561. Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742, commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 8.2 acres. Receiving streams: UNTs to Cush Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to conduct surface mining activities within the barrier area of a UNT to Cush Creek. Application received January 14, 2008.

**11050101. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722-0594, revision of an existing bituminous surface mine revisions to erosion and sedimentation control plan and additional treatment facilities, adding a new receiving stream in Cresson Township,

**Cambria County**, affecting 197.7 acres. Receiving streams: UNTs to Bear Rock Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Lilly Borough surface water intake to Bear Rock Run, PWS No. 4110046. Application received January 3, 2008.

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

**16070103 and NPDES Permit No. PA0258326. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255). Revisions to an existing bituminous surface operation in Perry Township, **Clarion County** affecting 132.0 acres. Receiving streams: Two UNTs to the Clarion River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is West Freedom Water Association. Revisions to add 7 acres to the permit area and to include coal refuse disposal, the beneficial use of fly ash and a change in the land use from forestland and pastureland or land occasionally cut for hay to unmanaged natural habitat on lands owned by C & K Coal Company. Application received January 15, 2008.

**33080101 and NPDES Permit No. PA0258539. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous strip operation in Pine Creek Township, **Jefferson County** affecting 23.4 acres. Receiving streams: Cable Run, classified for the following: CWF. There are no potable surface water intakes within 10 miles downstream. Application received January 14, 2008.

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

**54930101R3 and NPDES Permit No. PA0595934. Char-Pac Coal Company**, (P. O. Box 81, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaffer Creek. Application received January 14, 2008.

**49080102. Luke Shingara Coal**, (297 East Ridge Road, Sunbury, PA 17801), commencement, operation and restoration of an anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 19.0 acres, receiving stream: Zerbe Run, classified for the following use: CWF. Application received January 11, 2008.

#### *Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**Permit No. 4275SM20A and NPDES Permit No. PA0125334. U. S. Silica Company**, 12942 Oriskany Road, Mapleton Depot, PA 17052, renewal of NPDES Permit, in Brady Township, **Huntingdon County**. Receiving streams: Saddler Creek, UNT to Fush Run, Juniata River classified for the following uses: TSF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 14, 2008.

## 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 Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E54-332. Game Commission**, 448 Snyder Road, Reading, PA 19605-9254, in Manheim Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a steel I-beam bridge across Stony Creek (CWF) consisting of a 40-foot span and a 3-foot underclearance. The project also includes the removal of an existing concrete ford structure and restoration of the stream banks. The project is located on SGL110 along Pine Road, approximately 500 feet upstream of the confluence with the Schuylkill River (South Manheim Township, PA Quadrangle N: 14.75 inches; W: 8.75 inches).

**E40-684. Bruce and Debra Lefkowitz**, 129 Butler Street, Kingston, PA 18704, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To relocate an existing 1,100 square foot wood dock and support structures onto owners riparian property in Harveys Lake. The relocated structure will also include the construction of a 485 square foot boathouse with utilities and a 180 square foot covered boat slip. A junior porcupine crib and a black bass nesting structure are proposed as mitigation. The project is located along SR 415 at Pole No. 178 (Harveys Lake, PA Quadrangle N: 21.25 inches; W: 7.63 inches).

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

**E06-628: WBLF Acquisition Co., LLC**, 256 Eagle View Boulevard, PMB231, Exton, PA 19341, Cumru Township, **Berks County**, ACOE Philadelphia District.

To expand an existing landfill facility a total of 45.0-acres, permanently impacting 0.13-acre of PEM wetlands (Reading, PA Quadrangle N: 9.5 inches; W: 5.0 inches, Latitude: 40° 18' 8.3"; Longitude: 75° 54' 39.3") in Cumru Township, Berks County.

**E22-530: Matthew D. Hoffer, Hoffer Farm**, Conewago Township, **Dauphin County**, ACOE Baltimore District.

To install and maintain a 127 foot-long 30-inch CMP in a UNT to Hoffer Creek (TSF) permanently impacting 0.084 acre of PEM wetland, and to fill and maintain 0.255 acre of PEM wetland associated with a UNT to Hoffer Creek (TSF) (Elizabethtown, PA Quadrangle N: 19.25 inches; W: 15.0 inches, Latitude: 40° 13' 51"; Longitude:

76° 36' 23"). The 0.340 acre of permanent PEM wetland impacts will be replaced onsite with a 0.341-acre PEM wetland mitigation area. The project is located approximately 1,000 feet southwest of the intersection of Schoolhouse and Gates Roads in Conewago Township, Dauphin County.

**E36-824: Warwick Community Ambulance**, 151 North Lane, Lititz, PA 17543, Lititz Borough, **Lancaster County**, ACOE Baltimore District.

To remove an existing 4,000.0-square foot building, and to construct and maintain a 2,256-square foot building with associated grading and paving, impacting the floodway of Lititz Run (WWF) (Lititz, PA Quadrangle N: 6.0-inches; W: 7.5-inches, Latitude: 40° 9' 25.8"; Longitude: 76° 18' 6.9") for the purpose of constructing a new ambulance facility on North Lane in the Borough of Lititz, Lancaster County.

**E06-631: Wachovia Corporation**, One South Broad Street, Philadelphia, PA 19107, Hamburg Borough, **Berks County**, ACOE Philadelphia District.

To excavate a 0.32 acre area of stream bank to a depth of 6.0 inches for the removal of lead contaminated soil, and to stabilize and maintain 363.0 linear feet of stream bank using fabric formed concrete in the floodway and floodplain of a UNT to the Schuylkill River (WWF) (Hamburg, PA Quadrangle N: 10.125 inches; W: 14.375 inches, Latitude: 40° 33' 12.98"; Longitude: 75° 58' 47.37") off of East State Street in Hamburg Borough, Berks County.

**E01-274: Joseph Myers**, 160 Ram Drive, Hanover, PA 17331, Berwick Township, **Adams County**, ACOE Baltimore District.

To conduct various activities as follows:

1. To construct and maintain a 9.58-foot by 4.08-foot by 72.0-foot long CMP arch culvert with a 6.0-inch depression, an 8.0-inch diameter water line, an 8.0-inch diameter sanitary sewer line and a 24.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.10 inches; W: 0.52 inch, Latitude: 39° 50' 19"; Longitude: 77° 00' 13").

2. To construct and maintain a 9.58-foot by 4.08-foot by 67-foot long CMP arch culvert with a 6.0-inch depression, an 12.0-inch diameter water line and an 8.0-inch diameter sanitary sewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.27 inches; W: 0.30 inch, Latitude: 39° 50' 23"; Longitude: 77° 00' 08").

3. To construct and maintain a 76.0-inch by 48.0-inch by 80.0-foot long elliptical concrete pipe culvert with a 6.0-inch depression, an 8.0-inch diameter water line, an 8.0-inch diameter sanitary sewer line and a 24.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 17.0 inches; W: 0.09 inch, Latitude: 39° 50' 37"; Longitude: 77° 00' 02").

4. To relocate and maintain a 1,105.0-foot long stream channel of a UNT to South Branch Conewago Creek (WWF) (Hanover, PA Quadrangle N: 16.80 inches; W: 17.25 inches, Latitude: 39° 50' 33"; Longitude: 76° 59' 52").

5. To relocate and maintain an 850.0-foot long stream channel of a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.90 inches; W: 0.27 inch, Latitude: 39° 50' 35"; Longitude: 77° 00' 07").

6. To place and maintain fill in the floodway of a UNT to South Branch Conewago Creek (WWF) in order to construct a sewage pump station along the left bank and to construct and maintain a 24.0-inch diameter pipe culvert (McSherrystown, PA Quadrangle N: 16.05 inches; W: 0.80 inch, Latitude: 39° 50' 18"; Longitude: 77° 00' 21").

7. To construct and maintain an 18.0-inch diameter by 92.0-foot long RC pipe culvert with a 6.0-inch depression, an 8.0-inch diameter water line and an 8.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 17.22 inches; W: 0.38 inch, Latitude: 39° 50' 43"; Longitude: 77° 01' 13").

8. To construct and maintain a 24.0-inch diameter by 80.0-foot long RC pipe culvert with a 6.0-inch depression, an 8.0-inch diameter water line and an 18.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 17.32 inches; W: 0.50 inch, Latitude: 39° 50' 43"; Longitude: 77° 00' 13").

9. To construct and maintain a 6.0-inch diameter sanitary sewer line, an 8.0-inch diameter stormsewer line and a 12.0-inch diameter water line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.88 inches; W: 0.50 inch, Latitude: 39° 50' 35"; Longitude: 77° 00' 13").

10. To construct and maintain a 68.0-inch by 43.0-inch by 75.0-foot long elliptical concrete pipe culvert with a 6.0-inch depression and a 6.0-inch diameter water line in a UNT to South Branch Conewago Creek (WWF) (Hanover, PA Quadrangle N: 16.0 inches; W: 17.54 inches, Latitude: 39° 50' 17"; Longitude: 76° 59' 60").

All activities are related to the construction of a proposed housing development called Cambrian Hills located just east of Carlisle Pike (PA 94) about 0.5 mile from the Adams and York County line in Berwick Township, Adams County.

**E67-829: Kenneth Martin, Ph.D.**, York College of Pennsylvania, Campus Operations, Miller Administration Building, 439 Country Club Road, York, PA 17403, Spring Garden Township, **York County**, ACOE Baltimore District.

To remove an existing pedestrian footbridge, then to construct and maintain a 48.0-inch by 76.0-inch by 40.0-foot elliptical concrete pipe culvert in a UNT to Tyler Run (WWF) (York, PA Quadrangle N: 13.2 inches; W: 15.0 inches, Latitude: 39° 56' 52"; Longitude: 76° 43' 55") along Springettsbury Avenue in Spring Garden Township, York County.

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

**E04-320. Castlebrook Development Group**, the Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222-2102. To construct stream bank protection in Rochester Borough, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 13.3 inches; W: 4.0 inches, Latitude: 40° 41' 54"; Longitude: 80° 16' 50"). The applicant proposes to construct and maintain a stream bank protection project for a distance of approximately 1,500.0 linear feet in the channel and along the right bank of the Ohio River (WWF) for the purpose of stabilizing the stream bank for the purpose of constructing the Rochester Riverfront Development. The project is located approximately 1,000.0 feet upstream from the



Monaca-Rochester Bridge and will impact approximately 1,500.0 linear feet of stream channel.

**E26-348. Chestnut Ridge Storage, LLC**, 10000 Memorial Drive, Suite 200, Houston, Texas 77024-3410. To construct a culvert and impact wetlands in Dunbar, North Union, South Union, Georges, Springhill and Wharton Townships, **Fayette County**, Pittsburgh ACOE District. The applicant proposes to construct and maintain the following activities for the purpose of developing a depleted reservoir natural gas storage facility, the Junction Natural Gas Storage Project.

1. Twenty-seven stream crossings and three wetland crossings associated with the 17 miles of gathering pipeline across Mountain Creek (CWF), Rubles Run (CWF), Dunbar Creek (CWF) and their UNTs (CWF) in accordance with the Department of Environmental Protection's General Permit No. 5 (Brownfield, PA Quadrangle N: 8.12 inches; W: 16.83 inches, Latitude: 39° 47' 40.934"; Longitude: 79° 44' 41.299").

2. A 50 foot long culvert (identified as SA24) under a proposed access road in a UNT to Rubles Run (Lake Lynn, PA Quadrangle N: 18.3 inches; W: 7.27 inches, Latitude: 39° 43' 32.77"; Longitude: 79° 48' 6.152").

3. Permanent impacts to three wetlands, for a total area of 0.034 acre, which consist of 0.015 acre of filling one wetland for the development of a well pad, and filling of 0.019 acre of two wetlands associated with access roads (Lake Lynn, PA Quadrangle N: 18.3 inches; W: 7.27 inches, Latitude: 39° 43' 32.77"; Longitude: 79° 48' 6.152").

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

**E16-136, Porter Township Supervisors**, 9485 Curllsville Road, New Bethlehem, PA 16242. T-750 Leisure Road Bridge Replacement over Leisure Run (CWF), in Porter Township, **Clarion County**, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 41° 01' 23.2"; W: 79° 19' 54.4").

To remove the existing steel stringer/floor beam bridge w/open grate deck having a clear span of 23', a minimum

underclearance of 5.2', and an out-to-out width of 16.5' and to construct and maintain a reinforced concrete box culvert having a clear span of 23', an effective rise of 7.5' an out-to-out width of 42' on an 81° skew carrying T-750 over Leisure Run approximately 40' from the intersection of SR 0066 and T-750 just north of the Borough of New Bethlehem.

**E37-176, Mahoning Township**, 4538 West State Street, Hillsville, PA 16132. Mahoning Township WWTP and Sewer Line Project, in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 40.0081°; W: 80.4678°).

The applicant proposes to construct and maintain a 0.36 mgd wastewater treatment plant and a sewage collection system consisting of grinder pumps, lift stations, gravity lines, and low-pressure sewers and having a length of approximately 102,000 feet to correct malfunctioning onlot systems in Mahoning Township involving to construct and maintain: 1) a sewer line stream crossing of the Mahoning River by directional bore; 2) 26 sewer line stream crossings of UNTs to the Mahoning River; 3) 4 sewer line wetland crossings; and 4) to permanently fill 0.04 acre of wetland. The Mahoning River and tributaries are classified as WWF. The project proposes to directly impact approximately 0.05 acre of stream and 0.04 acre of wetland.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA01-007: Gettysburg National Military Park**, 105 Taneytown Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 6.0-inch waterline in and across Plum Creek (WWF) (Gettysburg, PA Quadrangle; Latitude: 39° 48' 60"; Longitude: 77° 14' 30") for the purpose of providing service and fire protection to historical buildings south of United States Avenue, 0.42 mile east of the intersection with US Highway 15 in Cumberland Township, Adams County.

**ACTIONS**

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is

subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062219 (Major Sewage)	Frackville Area Municipal Authority 41 North Lehigh Avenue P. O. Box 471 Frackville, PA 17931	Butler Township Schuylkill County	Little Mahanoy Creek 06B	N

*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>
PA0202597 (Municipal)	Delmar Township STP 610 North Lawton Road Wellsboro, PA 16901	Tioga County Delmar Township	East Branch Stony Fork 9A	Y
PA0023582 (Municipal)	Freeburg Municipal Authority P. O. Box 308 Freeburg, PA 17827	Freeburg Borough Snyder County	Susquehecka Creek 6A	Y
PA0228681 (Municipal)	Penn Township STP P. O. Box 125 Coburn, PA 16832	Centre County Penn Township	Penns Creek 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0004057 Sewage	Specialty Tires of America, Inc. 1600 Washington Street Indiana, PA 15701-2844	Indiana County Indiana Borough	UNT of Whites Run	Y
PA0041114 Sewage	The Kiski School 1888 Brett Lane Saltsburg, PA 15681	Westmoreland County Loyalhanna Township	Kiskiminetas River	Y
PA0205915 Sewage	Dayton Borough P. O. Box 396 Dayton, PA 16222	Armstrong County Dayton Borough	Glade Run	Y
PA0096628 Sewage	Hamill Manufacturing Company, Inc. 500 Pleasant Valley Road Trafford, PA 15085	Westmoreland County Penn Township	Lyons Run	Y
PA0219266 Sewage	Colonial Joint Sewer Authority P. O. Box 753 Republic, PA 15475	Fayette County Jefferson Township	Redstone Creek	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>
PA0091782 Sewage	West Hills Area Water Pollution Control Authority 257 Linde Road Kittanning, PA 16201	Armstrong County North Buffalo Township	Allegheny River	N
PA0093076 Sewage	S-2 Properties P. O. Box 24509 Pittsburgh, PA 15234	Washington County South Franklin Township	UNT of Chartiers Creek	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>
PA0238929	Robert M. and Sharon L. Samuels 138 Gay Road North East, PA 16428-3504	North East Township Erie County	UNT to Lake Erie 15	Y
PA0025470	Vernon Township Sanitary Authority 16678 McNath Avenue Meadville, PA 16335	Vernon Township Crawford County	Cussewago Creek 16-D	Y
PA0103217	Greene Township Municipality 9333 Tate Road Erie, PA 16509-6055	Greene Township Erie County	UNT to four Mile Creek 15-FM	Y

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

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

**NPDES Permit No. PA0050377, Amendment No. 1, Industrial Waste, Lonza, Inc., 900 River Road, Conshohocken, PA 19428.** This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to increase limitations for Total Dissolved Solids the discharge will be to the Schuylkill River by means of Matsunk Creek in Watershed 3F.

**NPDES Permit No. PA0053554, Industrial Waste, Scotts Company, d/b/a Hyponex Corporation, 944 Newark Road, Avondale, PA 19311-1133.** This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the West Branch of Red Clay Creek in Watershed 3I.

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

**NPDES Permit No. PA0246433, Sewage, Broad Top Township, Hess Trailer Park STP, P. O. Box 57, Defiance, PA 16633-0057.** This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Sherman Valley Run in Watershed 11-D.

**NPDES Permit No. PA0087335, Sewage, Broad Top Township, Kearney Village, P. O. Box 57, Defiance, PA 16633-0057.** This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Longs Run in Watershed 11-D.

**NPDES Permit No. PA0087343, Sewage, Broad Top Township, Langdondale STP, P. O. Box 57, Defiance, PA 16633-0057.** This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Sandy Run in Watershed 11-D.

**NPDES Permit No. PA0020893, Sewage, Manheim Borough Authority, 15 East High Street, Manheim, PA 17545.** This proposed facility is located in Manheim Borough, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Chickies Creek in Watershed 7-G.

**NPDES Permit No. PA0030643, Sewage, Borough of Shippensburg, 111 North Fayette Street, Shippensburg, PA 17257-0129.** This proposed facility is located in Shippensburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Middle Spring Creek in Watershed 7-B.

**NPDES Permit No. PA0042269, Sewage, Lancaster Area Sewer Authority, 130 Centerville Road, Lancaster, PA 17603.** This proposed facility is located in Manor Township, **Lancaster County**.

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

**NPDES Permit No. PA0259764, CAFO, Eldwin Martin, Greystone Pork Farm, 6517 Jack Road, St. Thomas, PA 17252.** This proposed facility is located in Warren Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 799-AEU swine operation in Watershed 13-B.

**NPDES Permit No. PA0259888**, CAFO, **Ted Miller, Ted Miller Farm**, R. D. 1, Box 145, Ickesburg, PA 17037. This proposed facility is located in Northeast Township, **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 543-AEU swine and dairy operation in Watershed 7-A.

**NPDES Permit No. PA0246468**, CAFO, **Beaver Ridge Farm, Inc.**, Beaver Ridge Farm, R. D. 1, Box 932, Blain, PA 17006. This proposed facility is located in Jackson Township, **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 414-AEU swine and beef operation in Watershed 7-A.

**NPDES Permit No. PA0088901**, CAFO, **Franklin Family Farms, Inc., Mountain View Farms**, 419 West High Street, Elizabethtown, PA 17022. This proposed facility is located in Bethel Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,936-AEU swine, goat and steer operation in Watershed 7-D.

**NPDES Permit No. PA0088561**, CAFO, **Evergreen Farms, Inc.**, 3102 Evergreen Lane, Spruce Creek, PA 16683. The proposed facility is located in Franklin Township, **Huntingdon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 4,427-AEU dairy operation in Watershed 11-A.

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

**PA0027171**, Sewerage, SIC 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. This existing facility is located in the Town of Bloomsburg, **Columbia County**.

Description of Proposed Activity: This proposed action is for revoke and reissue of an NPDES permit for an existing discharge of treated sewage wastewater

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 5D and classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River is 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.29 mgd.

Parameter	Concentration (mg/l)			Mass (lbs)		
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
CBOD <sub>5</sub>	25	40		50		
TSS	30	45		60		
Total Residual Chlorine	0.78			4.0		
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a Geometric Mean 2,000 col/100 ml as a Geometric Mean				
pH		Within the range of 6.0 to 9.0				

Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	78,855*
Net Total Phosphorus		Report	10,447*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual DMR loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

1. Permit Condition for Operation and Implementation of a Pretreatment Program.
2. Requirements Applicable To Stormwater Outfalls.

**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 has been approved for renewal of their NPDES permit for the College Park Sewage Treatment Plant in Lewisburg, PA.

The receiving stream for Outfall 001, the West Branch of the Susquehanna River, is in the State Water Plan Watershed 10C and is classified for: WWF. The nearest public water supply surface water intake, owned by Sunbury Municipal Authority, is located on the Susquehanna River approximately 7.75 miles below the point of discharge.

The existing effluent limits for Outfall 001 will remain the same and were based on a design flow of 2.42 mgd:

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
Flow		Monitor and Report	
Fecal Coliforms (5-1 to 9-30)	200/100 ml		
(10-1 to 4-30)	2,000/100 ml		
C-BOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
pH		Within the range of 6.0 to 9.0	

#### Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	44,200*
Net Total Phosphorus		Report	5,893*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

**NPDES Permit No. PA0307401**, Sewerage, **North Buffalo Township**, 149 McHaddon Road, Kittanning, PA 16201. This proposed facility is located in North Buffalo Township, **Armstrong County**.

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

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

**NPDES Permit No. PA0220906**, Industrial Waste, **Pithole Water Association**, P. O. Box 294, Cyclone, PA 16726. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: New NPDES permit for an existing discharge of treated industrial waste.

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

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

**WQM Permit No. 4007403**, Sewerage, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit to increase the organic capacity of the Drums Waste Water Treatment Plant from 750 lbs. BOD/day to 995 lbs. BOD/day.

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

**WQM Permit No. 6707410**, Sewage, **Jackson Township Sewer Authority**, 439 Roths Church Road, Spring Grove, PA 17362. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a collection system with two pump stations to serve the Village of Thomasville and the surrounding residential community.

**WQM Permit No. 2180402, Amendment 06-1**, Sewage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17055. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of an expansion and upgrade of the Roth Lane STP to provide nutrient removal to meet Chesapeake Bay Tributary Strategy and receive wastewater from the abandoned Pinebrook STP by means of a force main from Pump Station No. 1.

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

**WQM Permit No. WQM6007401**, Sewerage-Industrial Waste, SIC 4952, **White Deer Township Sewer Authority**, P. O. Box 90, West Milton, PA 17886. This proposed facility is located in White Deer Township, **Union County**.

Description of Proposed Action/Activity: A permit has been issued for the replacement of the 80 and 15 Pump Station in White Deer Township, Union County. The proposed pump station will have a capacity of 0.050 mgd. Also proposed is the abandonment of the existing pump station.

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

**WQM Permit No. WQG018595**, Sewerage, **Todd A. Honhart**, 114 Yankee Bush Road, Warren, PA 16365-3838. This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018586**, Sewerage, **Brett M. Hamilton**, 13815 Hickory Lane, Conneaut Lake, PA 16316. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018590**, Sewerage, **Ray Shively**, 387 June Hollow Road, Turtlepoint, PA 16750. This proposed facility is located in Annin Township, **McKean County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018588**, Sewerage, **Betty J. and Robert G. Blystone**, 7744 Clemens Road, Union City, PA 16438. This proposed facility is located in Union Township, **Erie County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018598**, Sewerage, **Carol Pangborn**, R. D. 1, Box 1343, Russel, PA 16345. This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807012	Watchung Valley Dev., LLC 23 Sutton Road Lebanon, NJ 08333	Northampton	Bethlehem Township	Nancy Run HQ-CWF, MF
PAI026407001	Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Wayne	Sterling Township Salem Township	West Branch of Wallenpaupack Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0239040031	Lehigh Northampton Airport Authority 3311 Airport Road Allentown, PA 18109	Lehigh	Allentown City	Little Lehigh Creek HQ-CWF
PAI023907018	Opus East, LLC 610 Germantown Avenue Suite 400 Plymouth Meeting, PA 19462	Lehigh	Lower Macungie Township	Swabia Creek HQ-CWF
PAI024507001	DEPG Bartonsville Associates, LP 625 Ridge Pike Suite A-107 Conshohocken, PA 19428	Monroe	Stroud Township	Pocono Creek HQ-CWF

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

*Somerset County Conservation District: North Ridge Building, 1590 North Center Avenue, Suite 103, Somerset, PA, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055604002	Somerset County General Authority 146 West Main Street Somerset, PA 15501	Somerset	Boswell and Jennerstown Boroughs Conemaugh, Jenner, Lincoln and Somerset Townships	Coxes Creek CWF Quemahoning Creek CWF Wells Creek WWF

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056307003	Kamwood Realty, LP 1806 Frick Building 437 Grant Street Pittsburgh, PA 15219	Washington	Peters Township	Little Chartiers Creek HQ/WWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater 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-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Aston Township Delaware County	PAG2002307022	Bradley Road, LLP 274 Bradley Road Aston, PA 19014	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chester Township Delaware County	PAG2002307026	Fairgrounds Housing Partnership One Brewery Place 1301 North 31st Street Philadelphia, PA 19121-4495	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107054	RGV Builder, LLC 67 West Court Street Doylestown, PA 18901	City of Philadelphia Combined Sanitary Sewer WWTP	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Williams Township Northampton County	PAG2004807030	Robert H. Rapp, et al. 70 Hilton Street Easton, PA 18042	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
City of Allentown Lehigh County	PAG2003907010	Richard Young City of Allentown 641 South 10th Street Allentown, PA 18103 and Gerald Fry Department of Transportation 1002 Hamilton Street Allentown, PA 18101	Tributary to Lehigh River CWF	Lehigh County Conservation District (610) 391-9583
City of Allentown Lehigh County	PAG2003907019	Robert Sperling Allentown School District 1301 Sumner Avenue Allentown, PA 18102	Catasauqua Creek CWF	Lehigh County Conservation District (610) 391-9583
Kingston Township Luzerne County	PAG2004007035	Fred Adams 12 Rear Cook Street Plains, PA 18705	Toby Creek TSF	Luzerne County Conservation District (570) 674-7991
Dupont Borough Luzerne County	PAG2004007041	Ballina Realty & Dev., Inc. 1610 Adams Avenue Dunmore, PA 18509	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Hampden Township Cumberland County	PAG2002107042	Don Erwin Insite Development 1943 Monterey Drive Mechanicsburg, PA 17050-8510	Pine Run WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
West Hanover Township Dauphin County	PAG2002207055	Edmund Glabus Diocese of Harrisburg 4800 Union Deposit Road Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002207059	David Ionni Ionni Properties, LTD 1165 Willoughby Road Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Susquehanna Township Dauphin County	PAG2002207054	Gary L. Myers Susquehanna Township 1900 Linglestown Road Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR10I313R	Conway Associates 474 Mt. Sidney Road Lancaster, PA 17601	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Pennsboro Township Cumberland County	PAG2002107055	West Pennsboro Township Park West Pennsboro Township 2150 Newville Road Carlisle, PA 17013	Alexander Spring Creek CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Paradise Township York County	PAG2006707026	Mark Palerino 82 Beaver Creek Road Abbottstown, PA 17301	Paradise Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006707078	HMDT Associates, LP 175 4th Street Dallastown, PA 17313	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006707075	Greg Weigle 1001 South George Street York, PA 17403	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Caernarvon Township Berks County	PAG2000607065	Neal Fisher The Hankin Group P. O. Box 562 Chester Springs, PA 19425	Conestoga River Watershed WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Heidelberg Township Berks County	PAG2000608001	Thomas Berne Eastwood Associates, LLC P. O. Box 382 Reading, PA 19607	Cacoosing Creek Tulpehocken Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Henderson Township Huntingdon County	PAG2003107005	Thomas Bilich Lotrab 8359 Moon Bar Lane Huntingdon, PA 16652	Juniata River WWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Centre County Benner Township	PAG20014050131	Richard Fortney Eagle Point, Phase 2A Fisherman's Paradise, LLC 2121 Old Gatesburg Road Suite 200 State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Centre County Spring Township	PAG2001407019	Lee Shields Shields RV Storage Facility 1622 Hawthorn Drive State College, PA 16801	UNT to Logan Branch CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clinton County Wayne Township	PAG2001807002	Big Woods Land Co. P. O. Box 400 McElhattan, PA 17748	UNT to West Branch of Susquehanna River CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Columbia County Conyngham, Mount Carmel and Butler Townships	PAG2001908001	Conyngham Township Supervisors P. O. Box 10 298 Smith Street Wilburton, PA 17888	Shamokin Creek North Branch of Shamokin Creek Little Catawissa Mahanoy Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Lycoming County Wolf Township	PAG2004107016	Robert Yoder 5960 Susquehanna Trail Turbotville, PA 17702	Muncy Creek TSF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Muncy Creek and Muncy Townships	PAG2004108001	David Dougherty 100 West Third Street Williamsport, PA 17701	Wolf Run CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Fayette County South Union Township	PAR10L087R	The Redevelopment Authority of the County of Fayette 500 Court Plaza Tower 45 East Main Street Uniontown, PA 15401	Jennings Run WWF	Fayette County CD (724) 438-4497
Fayette County City of Uniontown	PAG2002608002	Craig Rippole Uniontown Commercial Properties, LP One Atlantic Avenue Pittsburgh, PA 15202	Redstone Creek WWF	Fayette County CD (724) 438-4497
Butler County Jackson Township	PAG2001007022	Zelienople Borough 111 West New Castle Street Zelienople, PA 16063	Scholars Run WWF	Butler Conservation District (724) 284-5270
Erie County Summit Township	PAG2002507014	Wal-Mart Supercenter Store 2278-05 Wal-Mart Real Estate Business Trust Sam M. Walton Development Complex 2001 SE 10th Street Bentonville, AR 72716-0550	McGahen Run CWF, MF	Erie Conservation District (814) 825-6403
Mercer County Pine Township	PAG2004307012	Mallard Lake Development, LLC P. O. Box 286 Portersville, PA 16051	Swamp Run CWF	Mercer Conservation District (724) 662-2242
Venango County Sandycreek Township	PAG2006108001	Daniel Muffley Latrobe Specialty Steel Company 1680 DeBence Drive Franklin, PA 16323	Morrison Run WWF	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Windsor Township	PAR603595	JKLM Corporation d/b/a Proscpect Metal Company—York Division 4340 East Prospect Road York, PA 17402	Kreutz Creek WWF 7I	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Williamsport Lycoming County	PAR804865	FedEx Freight East, Inc. 2649 Reach Road Williamsport, PA 17701	Storm Drain To Fox Hollow WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327 3664
South Strabane Township Washington County	PAR116134	DBT America, Inc. 255 Berry Road Washington, PA 15301	UNT to Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Ellwood City Lawrence County	PAR118332	Heraeus Electro Nite Company 3 Fountain Avenue Ellwood City, PA 16117	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wetmore Township McKean County	PAR128311	Rolling Frito Lay Sales, LP 408 Inverhaddon Trail Bel Air, MD 21014	UNT to Wilson Run	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>
Conewango Township Warren County	PAG049398	Todd A. Honhart 114 Yankee Bush Road Warren, PA 16365-3838	UNT to Irvine Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township Crawford County	PAG049387	Brett M. Hamilton 13815 Hickory Lane Conneaut Lake, PA 16316	UNT to Watson Run 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Crawford County	PAG048577	Robert E. Bayuk 15357 Sherretts Road Linesville, PA 16424	UNT to Conneaut Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Annin Township McKean County	PAG049393	Ray Shively 387 June Hollow Road Turtlepoint, PA 16750	June Hollow 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Erie County	PAG049389	Betty J. and Robert G. Blystone 7744 Clemens Road Union City, PA 16438	UNT to Horton Run 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG049402	Carol Pangborn R. D. 1 Box 1343 Russell, PA 16345	Akeley Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pittsfield Township Warren County	PAG048869	Joseph B. Gurdak R. R. 1 Box 141 Spring Creek, PA 16436	UNT to Miles Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Beaver Township Crawford County	PAG049399	El Ameen Majied 2214 Philadelphia Road Springboro, PA 16435	UNT to Middle Branch Conneaut Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAG048489	Nadene E. and Ronald K. Callahan 565 Mercer Road Greenville, PA 16125	UNT to the Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Allegheny Township Venango County	PAG049401	Erik P. and Sharon M. Shellgren R. R. 1 Box 181 Pleasantville, PA 16341	Otto Run 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-9 (SSN)**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Granville Township Mifflin County	PAG093542	Duane Aurand Buck Run Farms 87 Buck Run Lane Lewistown, PA 17044	Buck Run Farms 87 Buck Run Lane Lewistown, PA 17044	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-10**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Blair County Freedom Township	PAG103532	Texas Eastern Transmissions, LP (2008 DOT Lilly) 890 Winter Street Suite 300 Waltham, MA 02451	South Dry Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-12**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County Washington Township	PAG123650	Lari and Rose Gonzales Rosehil Farm 920 West Matterstown Road Millersburg, PA 17061	Wiconicso Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lebanon County East Hanover Township	PAG123538	George Christianson Swatara Swine Farm 411 Chestnut Street Lebanon, PA 17042-6142	Swatara Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Lebanon County East Hanover Township	PAG123450	George Christianson MACH Farm 411 Chestnut Street Lebanon, PA 17042-6142	Swatara Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Spring Township Snyder County	PAG124830	Dennis Zimmerman 727 Turkey Hill Road Beaver Springs, PA 17812	UNT to Middle Creek CWF	Northcentral Regional Office Watershed Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-0529

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 3480046, Operations Permit, Public Water Supply.**

Applicant	<b>Bethlehem Authority</b> 10 East Church Street Bethlehem, PA 18018 Lehigh Township
County	<b>Northampton</b>
Type of Facility	PWS

Consulting Engineer	Phillip McLachlan, P. E. Malcolm Pirnie, Inc. 111 South Independence Mall-East Suite 1010 Philadelphia, PA 19106
Permit to Operate Issued	December 20, 2007

<b>Permit No. 5207501, Public Water Supply.</b>	
Applicant	<b>Delaware Valley School District</b> 236 Routes 6 and 209 Milford, PA 18337 Dingman Township

County	<b>Pike</b>
Type of Facility	PWS
Consulting Engineer	Michael Weeks, P. E. McGoey, Hauser & Edsall Consulting Engineers, PC 111 Wheatfield Drive Suite 1 Milford, PA 18337

Permit to Construct Issued	January 15, 2008
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*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<b>Permit No. 0607511, Public Water Supply.</b>	
Applicant	<b>Spect Construction Services, Inc.</b>
Municipality	Colebrookdale Township
County	<b>Berks</b>
Type of Facility	Construction of a retirement community. The source will be The Boyertown Water Authority. The entire system will consist of distribution mains and a booster pump station.

Consulting Engineer	Stanley J. Endlich, P. E. EDM Consultants, Inc. 1101 South Broad Street Lansdale, PA 19446
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Permit to Construct Issued	January 11, 2008
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<b>Permit No. 3607519 MA, Minor Amendment, Public Water Supply.</b>	
Applicant	<b>Columbia Water Company</b>
Municipality	Columbia Borough

County **Lancaster**  
 Type of Facility Additional of a flocculant aid as treatment.  
 Consulting Engineer David T. Lewis, P. E.  
 Columbia Water Company  
 220 Locust Street  
 Columbia, PA 17512  
 Permit to Construct Issued January 17, 2008

**Operations Permit** issued to **Altoona City Authority**, Logan Township, **Blair County** on January 18, 2008, for the operation of facilities approved under Construction Permit No. 0707502 MA.

**Operations Permit** issued to **Wissahickon Spring Water, Inc.**, 3066305, Hamburg Borough, **Berks County** on January 8, 2008, for the operation of facilities approved under Construction Permit No. 0607519 MA.

**Operations Permit** issued to **Wissahickon Spring Water**, 3066305, Hamburg Borough, **Berks County** on January 8, 2008, for the operation of facilities approved under Construction Permit No. 0607520.

**Operations Permit** issued to **Oley Township Municipal Authority**, 3060053, Oley Township, **Berks County** on January 18, 2008, for the operation of facilities approved under Construction Permit No. 0601510.

**Operations Permit** issued to **Bob Evans Farms, Inc.**, 4050860, East Providence Township, **Bedford County** on January 17, 2008, for the operation of facilities approved under Construction Permit No. 0507504.

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

**Permit No. 4707501—Operation**, Public Water Supply.

Applicant **Mahoning Township Authority**  
 Township or Borough Mahoning Township  
 County **Montour**  
 Responsible Official Thomas N. Mertz, Chairperson  
 Mahoning Township Authority  
 1101 Bloom Street  
 Danville, PA 17821  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date January 22, 2008  
 Description of Action Operation of a booster pump station, storage tank and distribution line extension.

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

**Operations Permit** issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, (PWSID No. 5650032) Penn Township, **Westmoreland County** on January 14, 2008, for the operation of facilities approved under Construction Permit No. 6507508MA.

**Operations Permit** issued to **Mountain Water Association**, P. O. Box 297, Fairchance, PA 15436, (PWSID No. 5260032) City of Smithfield, **Fayette County** on

January 14, 2008, for the operation of facilities approved under Construction Permit No. 2607501MA.

**Operations Permit** issued to **Pine Gardens, L.P.**, 2553 Tillbrook, PA 15146, (PWSID No. 5650026) Loyalhanna Township, **Westmoreland County** on January 14, 2008, for the operation of facilities approved under Permit No. 6587502-T2.

**Operations Permit** issued to **Pine Gardens, L.P.**, 2553 Tillbrook, PA 15146, (PWSID No. 5650026) Loyalhanna Township, **Westmoreland County** on January 14, 2008, for the operation of facilities approved under Permit No. 6587502-A1-T2.

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

**Permit No. 1069502-T1-MA7**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 Borough or Township Butler City/Butler Township  
 County **Butler County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Scott M. Thomas, P. E.  
 Senior Operations Engineer  
 PA American Water  
 852 Wesley Drive  
 Mechanicsburg, PA 17055-4475  
 Permit to Construct Issued January 15, 2008

**Permit No. 3103-T1-MA3**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 Borough or Township Conewango Township  
 County **Warren County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Scott M. Thomas, P. E.  
 Senior Operations Engineer  
 PA American Water  
 852 Wesley Drive  
 Mechanicsburg, PA 17055-4475  
 Permit to Construct Issued January 15, 2008

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (5 P. S. § 750.5)

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
McConnellsburg Borough	112 Lincoln Way East McConnellsburg, PA 17233	Fulton

*Plan Description:* The approved plan provides for the installation of a Five-Stage Bardenpho System to address nutrient reduction requirements imposed by the Chesapeake Bay Tributary Strategy. A capacity expansion of the wastewater treatment facility is not necessary and annual average design flow will remain at 0.48 mgd. The Plan also provides for sludge composting facilities to

produce Class A Bospholds and a phosphorous filtration system to address TMDL implementation for Cove 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. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hamilton Township	1270 Crottlestown Road Chambersburg, PA 17201	Franklin

*Plan Description:* The approved plan provides for the establishment of primary, secondary and tertiary growth areas as dictated by availability of public sewer service. In addition, the Plan provides for the extension of public sewers to the "Old Kensington Heights" area of Letterkenny Township which, however, will require the completion of Act 537 planning by Letterkenny Township to be implemented. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Millcreek Township	3608 West 26th Street Erie, PA 16506	Erie

*Plan Description:* The approved plan provides for the construction of sanitary sewers and a pumping station to serve 38 existing EDU's along East Gore and Lake Pleasant Roads. The project reference number is M6-07-067. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the

cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Harris Residence, Lackawaxen Township, Pike County.** Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of his client, Jane Harris, P. O. Box 115, 119 Kimbles Road, Hawley, PA 18428), concerning the remediation of soils and groundwater found to have been impacted by No. 2 fuel oil as a result of a leaking aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the final report was published in *The News Eagle* on January 5, 2008.

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

**Norfolk Southern/Rutherford Intermodal Transfer Facility, Swatara Township, Dauphin County.** ENSR Corporation, Four Gateway Center, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222, on behalf of Norfolk Southern Railway Company, 4600 Deer Path Road, Suite 106, Room 148, Harrisburg, PA 17602, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a train accident. The property is and will remain a railroad yard. The report is intended to document remediation of the site to the Statewide Health Standard and was submitted within 90 days of the release which occurred on October 15, 2007.

**Vonda Kirchner Property, Lancaster City, Lancaster County.** GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Vonda Kirchner, 517 Union Street, Lancaster, PA 17603-5239, submitted a Final Report concerning remediation of site soils contaminated with used motor oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**McCoy Residence, Three Springs Borough, Huntingdon County.** Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of John McCoy, 101 Furman Street, Three Springs, PA 17264, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No.

2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Eureka Packaging**, City of Williamsport, **Lycoming County**, Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 on behalf of Henry Perciballi, Gunga Enterprises, LLC, 429 Market Street, Williamsport, PA 17701 has submitted a Remedial Investigation Report to remediate groundwater contaminated with tetrachloroethylene and Trichloroethylene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Dominion Transmission Ellisburg Compressor Station**, Genesee Township, **Potter County**, URS Corporation, 140 Cypress Station Drive, Suite 140, Houston, TX 77090 on behalf of Dominion Resources Services, Inc., 501 Martindale Street, Suite 400, Pittsburgh, PA 15212-5817 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with ethylene glycol. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamina-

tion, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**PPL Former Manufactured Gas Plant—Pen Argyl**, Pen Argyl Borough, **Northampton County**. Bryan Sladky, Silar Services, Inc., 983 Butler Pike, Bluebell, PA 19422 submitted a Final Report, detailing the remediation of site soils and groundwater impacted by semivolatiles organics related to the manufactured gas process (on behalf of his client, PPL Gas Utilities Corporation, 2 North 9th Street, Allentown, PA 18101). The final report demonstrated attainment of the Statewide Health Standard and the Site-Specific Standard, using pathway elimination and was approved on January 15, 2008.

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

**Stark Farm/The Villages at Orchard Hills**, Southampton Township, **Cumberland County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Stark Southampton 145, LLC, Pond Road Center, 4345 Route 9, Suite 28, Freehold, NJ 07728, submitted a remedial investigation report and cleanup plan concerning the remediation of site soils contaminated with arsenic and pesticides. The report and plan were approved by the Department of Environmental Protection on January 18, 2008. The applicant is remediating the site to a combination of Statewide Health and Site-Specific Standards.

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

**Accuride Erie, LP (Former Kaiser Aluminum)**, City of Erie, **Erie County**. MACTEC Engineering & Consulting, Carnegie Office Park, Building 4, Suite 200, 700 North Bell Avenue, Pittsburgh, PA 15106 on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510-4658 has submitted a Nonresidential, Nonuse Aquifer Final Report concerning the remediation of site soils contaminated with arsenic, cadmium, lead and site groundwater contaminated with aluminum, benzene, beryllium, cadmium, iron, lead and manganese. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 14, 2008.

**Markovitz Enterprises Flowline Division**, Shenango Township, **Lawrence County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murysville, PA 15668 on behalf of Markovitz Enterprises,



Inc.—Flowline Division, 1400 New Butler Road, New Castle, PA 16107 has submitted a Risk Assessment Report concerning the remediation of site soil contaminated with cis-1,2-dichloroethene, trichloroethene, nickel, vinyl chloride and site groundwater contaminated with 1,1,2-trichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, tetrachloroethene, trans-1,2-dichloroethene, trichloroethene, vinyl chloride and dissolved nickel. The Risk Assessment Report was disapproved by the Department of Environmental Protection on January 18, 2008.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

##### Permits Issued under the Solid Waste Management (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.*

**PAD980550412. Lonza, Inc.**, 900 River Road, Conshohocken, PA 19428, Upper Merion Township, **Montgomery County**. This permit modified to add Tank V521 and the removal Tanks V5101 through V5110. Permit issued by Southeast Regional Office on January 15, 2008.

##### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 400459. Merck & Co., Inc.**, Sumneytown Pike, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County**. This permit was modified to consolidate the operations of the Rotary Kiln Incinerator (RKI) into the Waste Heat Incinerator permit (ID No. 400459). With this consolidation, the prior RKI permit, ID No. 400674, is revoked. The consolidated permit was issued by Southeast Regional Office on January 15, 2008.

#### AIR QUALITY

##### General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

**GP3-44-03020: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on January 10, 2008, for Portable Nonmetallic Mineral Processing Plant under GP3 in Armagh Township, **Mifflin County**.

**GP11-1-07-03054: Fiberblade, LLC** (400 Gamesa Drive, Fairless Hills, PA 19030) on January 16, 2008, for Nonroad Engines under GP11 in Logan Township, **Blair County**.

**GP11-44-03020: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on January 10, 2008, for Nonroad Engines under GP11 in Armagh Township, **Mifflin County**.

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

**GP-20-300A: Kastle Resources—Fouk Compressor Station** (Townline Road, Springboro, PA 16435) on January 14, 2008, for a Caterpillar engine BAQ/GPA/GP-5 in Beaver Township, **Crawford County**.

##### Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

**09-0198: ABC Crushed Materials, LLC** (100 Pipe Mill Road, Fairless, PA 19030) on January 18, 2008, to operate a crushing and screening Plant in Falls Township, **Bucks County**.

**15-0037C: Oberthur Card System, Inc.** (523 James Hance Court, Exton, PA 19341) on January 18, 2008, to operate one eight color nonheatset in West Whiteland Township, **Chester County**.

**46-0044A: Glasgow, Inc.** (Church and Flint Hill Roads, King of Prussia, PA 19406) on January 18, 2008, to operate a replacement components/upgrades in Upper Merion Township, **Montgomery County**.

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

**36-05014I: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17601-3152) on January 16, 2008, for modifications to the existing secondary aluminum processing plant in Manheim Township, **Lancaster County**.

**36-05107C: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517-9112) on January 10, 2008, to remove a catalytic oxidizer on the Bread Oven at the Denver Plant in East Cocalico Township, **Lancaster County**.

**67-03145A: Weldon Machine Tool, Inc.** (1800 West King Street, York, PA 17404-5643) on January 10, 2008, for construction of a coating booth at the new facility located in West Manchester Township, **York County**.

##### Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

**46-0112C: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) on January 11, 2008, to operate a resin and friction particle process thermal oxidizer in Skippack Township, **Montgomery County**.

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

**36-03137A: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on December 29, 2007, to add a new

primary crushing plant circuit at the Burkholder plant in Earl Township, **Lancaster County**. This plan approval was extended.

**67-03133: Separation Technologies, Inc.** (101 Hampton Avenue, Neeham, MA 02494-2628) on January 11, 2008, for construction of a fly ash processing facility at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. This plan approval was extended.

**67-05007B: Adhesives Research, Inc.** (P. O. Box 100, Glen Rock, PA 17327) on January 14, 2008, to install two new coating sources to be controlled together with an existing source by a new regenerative thermal oxidizer at their coating facility in Springfield Township, **York County**. This plan approval was extended.

**67-05093A: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on January 1, 2008, for use of No. 6 fuel oil and reclaimed oil as alternate fuels at their existing batch asphalt plant (controlled by a fabric collector) at their Emigsville Plant in Manchester Township, **York County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**59-304-008G: Hitachi Metals Automotive Components USA, LLC** (P. O. Box 68, Blossburg, PA 16912) on January 11, 2008, to operate a dip coat tank on a temporary basis until May 10, 2008, in Lawrence Township, **Tioga County**. The plan approval has been extended.

**41-302-050: Wire rope Works, Inc.** (100 Maynard Street, Williamsport, PA 17701) on January 16, 2008, to operate two 15 mmBtu/hr anthracite coal-fired boilers on a temporary basis until May 15, 2008, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

**17-302-024: Clearfield Area School District** (438 River Road, Clearfield, PA 16830) on January 16, 2008, to operate a 10 mmBtu/hr wood-fired boiler on a temporary basis until May 15, 2008, in Lawrence Township, **Clearfield County**. The plan approval has been extended.

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

**25-1006B: Lake Erie Biofuels, LLC** (1540 East Lake Road, Erie, PA 16511) on January 31, 2008, to allow various fuels to be fired in the Process Boilers installed under GP-1 in Erie City, **Erie County**.

**42-004B: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) on January 31, 2008, for a flare in Bradford, **McKean County**.

**43-270E: CCL Container Advanced Monobloc—Aerosol Division** (One Llodio Drive, Hermitage, PA 16148) on January 31, 2008, to modify plan approval 43-270B in Hermitage, **Mercer County**.

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

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05044: Department of Public Welfare—Wernersville State Hospital** (P. O. Box 300, Wernersville, PA 19565-0300) on January 11, 2008, for operation of the Wernersville State Hospital in South Heidelberg Township, **Berks County**. This is a renewal of the Title V operating permit.

**67-05030: C-P Converters, Inc.** (15 Grumbacker Road, York, PA 17406-8417) on January 8, 2008, for operation of a flexible packaging manufacturing facility in Manchester Township, **York County**. This Title V operating permit was administratively amended to incorporate plan approval 67-05030D. This is Revision No. 2.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**15-00055: Highway Materials, Inc.** (850 Quarry Road, Downingtown, PA 19335-3449) on January 15, 2008, for a Non-Title V Facility, State-only Operating Permit renewal in East Caln Township, **Chester County**. Highway Materials operates a batch asphalt plant. The source of emissions is the batch asphalt plant, which is controlled by a cyclone/baghouse. In this renewal the percent ash in the Waste Derived Liquid Fuel was increased from 0.5% to 1.0 %. Monitoring, recordkeeping and reporting requirements are included in the permit to address applicable limitations.

**46-00094: Highway Materials, Inc.** (5100 Joshua Road, Plymouth Meeting, PA 19462) on January 15, 2008, for a non-Title V Facility, State-only Operating Permit in Whitmarsh Township, **Montgomery County**. Highway Materials operates a batch asphalt plant. The source of emissions is the batch asphalt plant, which is controlled by a cyclone/baghouse. In this renewal the percent ash in the Waste Derived Liquid Fuel was increased from 0.5% to 1.0 %. Monitoring, recordkeeping and reporting requirements are included in the permit to address applicable limitations.

**09-00047: Warminster Fiberglass Co.** (725 County Line Road, Southampton, PA 18966) on January 18, 2008, for operation of a fiberglass products plant in Upper Southampton Township, **Bucks County**. This is a renewal of the State-only operating permit issued in December of 2002.

**46-00243: Upper Montgomery Joint Authority—UMJA** (1100 Mensch Dam Road, Pennsburg, PA 18073) on January 18, 2008, for a non-Title V, State-only, Natural Minor Operating Permit for operation of a thermal fluid sludge dryer at their waste water treatment facility in Upper Hanover Township, **Montgomery County**. A wet scrubber/condenser and biofilter are used as control devices. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00115: Knoll** (Railroad Street, East Greenwich, PA 19355) on January 18, 2008, for operation of a spray booth and fabric filter in East Greenville Township, **Montgomery County**. The facility has a potential to emit less than 25 tpy of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00135: Met Pro Corp.—Fybroc Division** (700 Emlen Way, Telford, PA 18969) on January 18, 2008, for

renewal of the State-only Operating Permit in Telford Borough, **Bucks County**. The initial permit was issued on January 28, 2003. The facility's major emission points include resin injection/transfer mold and filament winding processes.

**46-00053: Superior Metal Products Co., Inc.** (116 Berks Street, Pottstown, PA 19464) on January 18, 2008, for renewal of the State-only Operating Permit in Pottstown Borough, **Montgomery County**. The initial permit was issued on January 28, 2003. The facility's primary emission points include: two air atomizing spray paint booths, two electrostatic spray paint booths, a paint line process oven and three No. 2 fuel oil fired boilers.

**09-00089: American Cremation Services, Inc.** (1859 Stout Drive, Warwick, PA 18974) on January 18, 2008, for operation of two human crematories in Warwick Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. Several clerical changes have been made to the permit. Otherwise, there have been no other changes made to the permit since last issued on August 2, 2002. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-03009: Bally Block Co.** (30 South 7th Street, Bally, PA 19503) on January 14, 2008, for operation of a hardwood countertop manufacturing facility in Bally Borough, **Berks County**.

**06-03078: Brush Wellman, Inc.** (P. O. Box 973, Reading, PA 19603) on January 11, 2008, for operation of a beryllium alloy machine shop controlled by various wet scrubbers in Perry Township, **Berks County**.

**22-03036: Alfa Laval, Inc.** (300 Chestnut Street, Lykens, PA 17048) on January 17, 2008, for operation of a fabricated metal products plant in Lykens Borough, **Dauphin County**. This is a renewal of the facility's State-only operating permit.

**36-05108: International Paper Company** (801 Fountain Avenue, Lancaster, PA 17601-4532) on January 15, 2008, for operation of their solid fiber shipping container manufacturing facility in Manheim Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**67-03025: Bickel's Snack Foods, Inc.** (1000 West College Avenue, York, PA 17404-3537) on December 10, 2007, to operate four snack product fryers at Plants 1 and 2, College Avenue, West Manchester Township, **York County**.

**67-03103: Gerhardt, USA** (400 East Locust Street, Dallastown, PA 17313-1902) on January 7, 2008, for operation of a chrome plating facility in Dallastown Borough, **York County**. This is a renewal of the State-only operating permit.

**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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00001: Sunoco, Inc.—R and M** (Delaware Avenue and Green Street, P. O. Box 426, Marcus Hook, PA 19061-0426) on January 18, 2008, to incorporate plan approval 23-0001W into the Title V Operating Permit in Marcus Hook Borough, **Delaware County**.

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

**36-05099: Pennsy Supply, Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on January 10, 2008, for operation of an asphalt plant in East Hempfield Township, **Lancaster County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Whiteley Township, **Greene County** to add surface acreage to install 12 ventilation boreholes, Surface Acres Proposed 4.85. No additional discharges. Application received August 7, 2006. Permit issued January 18, 2008.

**30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company**, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Morris, South Franklin, East Finley and West Finley Townships, **Washington County** to add acreage for the north longwall expansion. Templeton Fork, Tenmile Creek, Buffalo Creek Sawhill Run, Crafts Creek and their UNTs may be affected by this mining. Underground Acres Proposed 7,050, SCP Acres Proposed 7,050. No additional discharges. Application received July 1, 2005. Permit issued January 18, 2008.

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

**56020104 and NPDES No. PA0249246, Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552-0157, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersval-

ley Township, **Somerset County**, affecting 128.8 acres. Receiving streams: UNT to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 2, 2007. Permit issued January 14, 2008.

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

**02823014 and NPDES Permit No. PA0617661. Settler's Ridge, LP** (c/o CBL & Associates Properties, Inc., 800 South Street, Suite 395, Waltham, MA 02453). Transfer permit from Zecol Corp. for continued treatment of a bituminous surface mine discharge, located in Robinson Township, **Allegheny County**, affecting .321 acre. Receiving stream: Campbells Run. Transfer application received June 14, 2007. Transfer permit issued January 18, 2008.

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

**33020106 and NPDES Permit No. PA0242209. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous strip operation in Union Township, **Jefferson County** affecting 33.8 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Little Mill Creek. Application received November 26, 2007. Permit issued January 16, 2008.

**1475-10060103-E-4. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet of UNT No. 1 to Muddy Creek in Clay and Center Townships, **Butler County**. Receiving streams: UNT No. 6 to Stony Run. Application received November 13, 2007. Permit issued January 16, 2008.

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

**17070101 and NPDES No. PA0256471. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface-auger mine in Morris Township, **Clearfield County**, affecting 112.1 acres. Receiving streams: UNTs to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 2, 2007. Permit issued January 7, 2008.

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

**54970204R2. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Reilly and Frailey Townships, **Schuylkill County** affecting 265.0 acres, receiving stream: none. Application received May 30, 2007. Renewal issued January 15, 2008.

**40070201. Mineral Reclamation, LLC**, (30 Market Street, Pittston, PA 18640), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 37.0 acres, receiving stream: none. Application received July 11, 2007. Permit issued January 15, 2008.

#### *Noncoal Permits Actions*

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

**30070602 and NPDES Permit No. PA0251216. Fayette Coal & Coke, Inc.** (2611 Memorial Boulevard,

Connellsville, PA 15425). Permit issued for commencement, operation and reclamation of a noncoal surface mining site located in Dunkard Township, **Greene County**, affecting 28 acres. Receiving streams: Dunkard Creek, Monongahela River and UNTs to Dunkard Creek. Application received August 17, 2007. Permit issued January 16, 2008.

**26072801. Fayette Coal & Coke, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425). Permit issued for commencement, operation and reclamation of a small noncoal surface mine located in Dunbar Township, **Fayette County**, affecting 5 acres. Receiving streams: UNT to Dickerson Run. Application received August 21, 2007. Permit issued January 17, 2008.

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

**58072807. Sickler's Apple Tree Plaza, LLC**, (651 SR 6 West, Suite One, Tunkhannock, PA 18657), commencement, operation and restoration of a quarry operation in Lathrop Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 26, 2007. Permit issued January 14, 2008.

**67070301 and NPDES Permit No. PA0224600. Glen-Gery Corp.**, (P. O. Box 7001, Wyomissing, PA 19610), commencement, operation and restoration of quarry operation in Dover Township, **York County** affecting 70.6 acres, receiving stream: UNT of Fox Run. Application received May 10, 2007. Permit issued January 15, 2008.

**58920301C3 and NPDES Permit No. PA0595845. New Milford Sand & Gravel, Inc.**, (R. R. 2, Box 2206, Hallstead, PA 18822), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in New Milford Township, **Susquehanna County**, receiving stream: Beaver Creek. Application received November 29, 2007. Renewal issued January 22, 2008.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**01084102. Dyno Noble, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for sewage treatment plant development in Bonneauville Borough, **Adams County**. Blasting activity permit end date is December 30, 2008. Permit issued January 8, 2008.

**01084101. Jemco, Inc.**, 3338b Prices Distillery Road, Ijamesville, MD 21754-9315, blasting activity permit issued for residential development in Cumberland Township, **Adams County**. Blasting activity permit end date is January 15, 2009. Permit issued January 8, 2008.

**11084001. Kesco, Inc.**, P. O. Box 95, Adrian, PA 16210, blasting activity permit issued for emergency road slope project development in Johnstown City, **Cambria County**. Blasting activity permit end date is July 13, 2008. Permit issued January 15, 2007.

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

**39084101. Silver Valley Drilling & Blasting, Inc.,** (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Hanover Acres in the City of Allentown, **Lehigh County** with an expiration date of January 10, 2009. Permit issued January 14, 2008.

**39084102. Austin Powder Company,** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Whitfield Estates in Lower Macungie and Upper Macungie Townships, **Lehigh County** with an expiration date of January 11, 2009. Permit issued January 14, 2008.

**35084110. Keystone Blasting Service,** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Summer Breeze Development in West Lampeter Township, **Lancaster County** with an expiration date of December 31, 2009. Permit issued January 15, 2008.

**35084102. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Summit Woods in Elmhurst and Roaring Brook Townships, **Lackawanna County** with an expiration date of January 10, 2009. Permit issued January 16, 2008.

**35084104. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Laurel Ridge Estates in Jefferson Township, **Lackawanna County** with an expiration date of January 31, 2009. Permit issued January 16, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E64-267. Department of Transportation/Engineering District 4-0,** 55 Keystone Industrial Park, Dunmore, PA 18512. Salem and Sterling Townships, **Wayne County**, United States Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a single-span, prestressed I-beam, bridge with a clear span of 113 feet, 6 inches and an underclearance of 16 feet over West Branch Wallenpaupack Creek. The project is located at SR 3005 (Forks Bridge Road) Segment 0050, Offset 0000 (Newfoundland, PA Quadrangle N: 19.9 inches; W: 13.9 inches).

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

**E36-832. East Donegal Township, Jeffrey Butler,** 190 Rock Point Road, Marietta, PA 17547-9786, East Donegal Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 30.0 foot wide by 90.0 foot long concrete boat ramp, a 6.0 foot wide by 110.5 foot long wooden and aluminum boat dock and associated grading for access and parking facilities in the floodways of the Susquehanna River (WWF) and a UNT to Susquehanna River (WWF) (Columbia East, PA Quadrangle N: 10.6 inches; W: 13.3 inches, Latitude: 40° 3' 0"; Longitude: 76° 36' 30") in East Donegal Township, Lancaster County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E08-447. Department of Transportation, Engineering District 3-0,** P. O. Box 218 Montoursville, PA 17754-0218. SR 4024 Segment 0100 Offset 0000 Bridge Replacement Project in Athens Township, **Bradford County**, ACOE Susquehanna River Basin District (Bentley Creek, PA Quadrangle N: 21.5 inches; W: 1.7 inches).

Department of Transportation, Engineering District 3-0 proposes to remove an existing steel I-beam bridge and replace the bridge with a precast reinforced concrete box culvert, having a normal clear span of 17.0 feet and a skew of 70°, which carries SR 4024, a rural classified road, over Stone Lick Creek. This project is located in Athens Township, Bradford County.

This project proposes to have a minimal impact on Stone Lick Creek, which is designated a WWF. This project does not propose to impact any jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

**E19-268. KD Land LLC, William L. Ditmar**, 57 Reitz Boulevard, Lewisburg, PA 17837. Glen Brook Access Road, in Briar Creek Township, **Columbia County**, ACOE Baltimore District (Berwick, PA Quadrangle N: 41° 05' 25"; W: 76° 13' 39").

Construct and maintain an access road and culvert pipe in the floodway of Glen Brook. The site is located near the left side bank of Glen Brook at the intersection with Township Route 481. The footprint of the fill will be approximately 2,640 square feet. This project does not propose to permanently impact Glen Brook, which is, designated a CWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

**E03-435. Russell L. Cersosimo, The Cersosimo Family Limited Partnership, LP**, 650 Ridge Road, Pittsburgh, PA 15205. To maintain a stone lined channel in Washington Township, **Armstrong County**, Pittsburgh ACOE District (East Brady, PA Quadrangle N: 8.17 inches; W: 16.58 inches, Latitude: 40° 55' 12"; Longitude: 79° 29' 42").

1. To construct and maintain approximately 78 linear feet of a UNT to the Allegheny River (WWF) upstream of an existing 60-inch culvert, by filling an unauthorized on-stream concrete basin. Portions of the concrete basin walls for a minimum depth of 2.5 feet below the proposed grade will be removed.

2. To construct and maintain approximately 94 linear feet of new channel just downstream of the existing 60-inch diameter culvert. The purpose of the new channel is to restore the aquatic habitat and fish passage from the Allegheny River (WWF) to the reach of the UNT extending upstream of the existing culvert.

3. To operate and maintain approximately 65 linear feet of the existing, grouted, stone-lined channel below the existing culvert.

4. To construct and maintain a flow diversion structure located downstream of the existing culvert, consisting of 6-inch thick slush grout impregnated with native stream bed material and an 11.75-inch high by 4.5-foot wide concrete diversion berm having five 3-inch wide by 4-inch deep weir slots located 15 feet downstream of the culvert, to distribute the base (normal) flow (80% to the new channel and 20% to the original channel).

5. To construct and maintain stream bank stabilization, including riparian vegetative plantings along the 362 linear feet of the total length of the watercourse affected by this project, in accordance with the approved plans.

6. To operate and maintain an approximately 0.11 acre pond in the floodway of a UNT to the Allegheny River along the project.

**E65-897. Rolling Rock Club**, P. O. Box 747, Ligonier, PA 15658-0747. To restore a stream bank along Rolling Rock Creek in Ligonier Township, **Westmoreland County**, Pittsburgh ACOE District (Ligonier, PA Quadrangle N: 15.2 inches; W: 14.8 inches, Latitude: 40° 12' 32"; Longitude: 79° 13' 51"). To construct and maintain a

low flow log frame channel block along Rolling Rock Creek (HQ-CWF) to restore the stream bank along this watercourse. Flood debris shall also be removed from Rolling Rock Creek at this location to restore the natural stream channel. The project site is located approximately 370 ft. from the confluence of this watercourse with the Loyalhanna Creek, on lands owned by Rolling Rock Farms.

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

**E10-440. Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. T-323 Evergreen Mill Road Bridge Replacement, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40° 48' 5"; W: 80° 6' 17").

To remove the existing single span pony truss bridge having a clear span of 83.0', a curb to curb width of 19.67', a minimum vertical underclearance of 11.76' on an 89° skew and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 90.0', a curb to curb width of 30.0' a minimum vertical clearance of approximately 12' and a skew of 90° carrying T-323 (Evergreen Mill Road) across the Little Conoquenessing Creek (CWF) 0.2 mile west of the intersection of Hartman and Evergreen Mill Roads.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1609-002. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Madison Township, **Clarion County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 130 acres of dangerous spoil piles and embankments. The project will include the backfilling of <0.01 acre of PEM wetland and 1.8 acres of open water that have developed within the surface mine site. 2.4 acres of wetland will be constructed with the project (Rimersburg Quadrangle N: 5.25 inches; W: 3.0 inches).

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### SPECIAL NOTICES

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#### CATEGORICAL EXCLUSION

*Southeast Regional Office, Water Management Program, 2 East Main Street, Norristown, PA 19401.*

*Location: Tacony Creek Park*, Philadelphia, PA in the vicinity of these two intersections: 7th Street and Nedro Avenue and 1st Street and Ramona Avenue.

*Description:* The Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The City of Philadelphia proposes the installation of an inflatable dam in the Rock Run Relief Sewer at 7th Street and Nedro Avenue and Crest gate in the trunk sewer of the CSO regulating structure at 1st Street and Ramona Avenue. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

### GOVERNMENT-FINANCED CONSTRUCTION CONTRACTS

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

**Finney Enterprises, GFCC No. 17-06-08, Woodward Township, Clearfield County (Goss Run, Moshannon Creek Watershed):** A Government-Financed Construction Contract has been awarded to Finney Enterprises that will result in the reclamation of over 3.0 acres of underground mine subsidence in Woodward Township, Clearfield County. The site will be reclaimed and regraded to approximate original contour. As a Best Management Practice alkaline addition in the form of waste lime will be added to the pit floor at a rate of 50 tons/acre. The value of this reclamation is estimated at \$18,000. Contact: John Varner; (814) 342-8200, Moshannon.

**Hilltop Coal Company, GFCC No. 17-07-02, Bigler Township, Clearfield County (Clearfield Creek—Upper West Branch Watershed):** A Government-Financed Construction Contract has been awarded to Hilltop Coal Company that will result in the reclamation of over 4.9 acres of underground mine subsidence in Bigler Township, Clearfield County. The site will be reclaimed and regraded to approximate original contour. As a Best Management Practice alkaline addition in the form of waste lime will be added to the pit floor at a rate of 100 tons/acre. The value of this reclamation is estimated at \$29,400. Contact: John Varner; (814) 342-8200, Moshannon.

[Pa.B. Doc. No. 08-184. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Bid Opportunity

**OSM 54(3639)102.1, Abandoned Mine Reclamation Project, Branch Dale East, Branch and Reilly Townships, Schuylkill County.** The principal items of work and approximate quantities include 924,000 cubic yards of Grading, 1,250 cubic yards of Drainage Excavation, 1,730 square yards of Rock Lining and 72 acres of Seeding. This project issues on February 1, 2008, and

bids will be opened on March 4, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-185. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Environmental Justice Advisory Board; Change of Meeting Date

The November 11, 2008, meeting of the Environmental Justice Advisory Board has been rescheduled. The meeting will now take place at 8:30 a.m. on November 19, 2008, in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Doan Barefield at (717) 783-5630 or dbarefield@state.pa.us. The agenda and meeting materials for the November 19, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-5630 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-186. Filed for public inspection February 1, 2008, 9:00 a.m.]

### NOx Budget Trading Program; New Source Set-Aside 2008 Proposed NOx Allocations

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment regarding the proposed NOx allowance allocations from the new source set-aside for the 2008 control period. The new source set-aside contains 2,542 NOx allowances, 1,920 of which are available for new sources after allocation corrections. For each NOx budget unit that requested allowances, Table 1 lists the following: 1) the NOx allowances applied for under the "request" column; 2) the maximum potential number of NOx allowances authorized by the regulation under the "maximum" column; and 3) the final, pro rata NOx allocation under the "allocation" column. Each unit received 100% of its requested 2008 NOx allowance allocation.

New source operators are advised that this allocation is for one control period only.

#### *Written Comments*

Written comments on the proposed NOx allowance allocations from the new source set-aside for the 2008 control period should be sent to the attention of Jane Mahinske, Air Quality Program Specialist, Department of Environmental Protection, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department must receive written comments by March 3, 2008. Questions concerning this notice should be directed to Jane Mahinske, Division of Air Resource Management at (717) 783-8949.



**Table 1—2008 New Source Set-Aside Allocations**

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Reliant Energy (Seward)	313	CFB1	697	697	697
Reliant Energy (Seward)	313	CFB2	697	697	697
FPL Energy (Marcus Hook)	55801	CT1	54	54	54
FPL Energy (Marcus Hook)	55801	CT2	54	54	54
FPL Energy (Marcus Hook)	55801	CT3	54	54	54
FPL Energy (Marcus Hook)	55801	AB1	43	43	43
FPL Energy (Marcus Hook)	55801	AB2	43	43	43
FPL Energy (Marcus Hook)	55801	AB3	43	43	43
FPL Energy (Marcus Hook)	55801	AB4	43	43	43
		<b>Totals:</b>	<b>1,728</b>	<b>1,728</b>	<b>1,728</b>

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-187. Filed for public inspection February 1, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirement of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-188. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Beaumont at Bryn Mawr  
601 North Ithan Avenue  
Bryn Mawr, PA 19010  
FAC ID 026802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(c) (relating to doors).

Sherwood Oaks  
100 Norman Drive  
Cranberry Township, PA 16066  
FAC ID 197002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Fair Winds Manor  
126 Iron Bridge Road  
Sarver, PA 16055  
FAC ID 060102

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, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who 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 listed previously or for speech



and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-189. Filed for public inspection February 1, 2008, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Per Diem Rates at Pennsylvania State Veterans' Homes

The Department of Military and Veterans Affairs has established the following per diem rates for the costs of care for residents at Pennsylvania's six State Veterans' Homes. These per diem rates are effective January 1, 2008, until further notice.

#### *Hollidaysburg Veterans' Home*

Nursing Care	\$263.07
Personal Care (Domiciliary)	\$162.08

#### *Pennsylvania Soldiers' and Sailors' Home*

Nursing Care	\$281.73
Personal Care (Domiciliary)	\$142.52

#### *Southeastern Veterans' Center*

Nursing Care	\$252.93
Personal Care (Domiciliary)	\$181.82

#### *Gino J. Merli Veterans' Center*

Nursing Care	\$259.03
Personal Care (Domiciliary)	\$145.07

#### *Southwestern Veterans' Center*

Nursing Care	\$237.72
Personal Care (Domiciliary)	\$160.46

#### *Delaware Valley Veterans' Home*

Nursing Care	\$280.15
Personal Care (Domiciliary)	\$182.85

SCOTT D. WAGNER,  
*Brigadier General*  
*Deputy Adjutant General*

[Pa.B. Doc. No. 08-190. Filed for public inspection February 1, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payments to County Nursing Facilities; Final Rates for State Fiscal Year 2007-2008

#### *Purpose of Notice*

The purpose of this notice is to announce the Department of Public Welfare's (Department) final annual rates for State Fiscal Year (FY) 2007-2008, for county nursing facilities that participate in the Medical Assistance (MA) Program.

The rates are calculated in accordance with 55 Pa.Code Chapter 1189, Subchapter D (relating to rate setting). As stated at 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem rate multiplied by a budget adjustment factor (BAF). The proposed annual per diem rates for FY 2007-2008, were previously announced at 37 Pa.B. 5573 (October 13, 2007).

As required by § 1189.91(d), the Department followed the formula set forth in the Commonwealth's approved State Plan to determine that the BAF for FY 2007-2008 for county nursing facilities is 1.03. The Federal Centers for Medicare and Medicaid Services approved State Plan amendment 07-008 on September 5, 2007.

The BAF for rate setting year 2007-2008 shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities over the 3 year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in rate year 2004-2005 to 10.12%. The formula for this BAF as it applies to county nursing facilities is  $BAF = 1.00 + 0.03$ .

The final per diem rates for FY 2007-2008 are available on the website for the Office of Medical Assistance Programs at [www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/LTCCaseMixInfo/](http://www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/LTCCaseMixInfo/) and at local county assistance offices throughout the Commonwealth or by contacting Tom Jayson, Policy Unit, Office of Long-Term Living at (717) 705-3705.

#### *Public Process*

The Department published a notice announcing its proposed county per diem payment rates for FY 2007-2008 at 37 Pa.B. 5573 (October 13, 2007) and invited interested persons to submit comments. No comments were received by the Department in response to the proposed rates notice.

#### *Appeals*

Following publication of this notice, the Department will send rate letters to each county MA nursing facility to notify the facilities of their final rates for FY 2007-2008. The rate letter will also advise the facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2007-2008. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's regulations in 55 Pa.Code Chapter 41 (relating to Medical Assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

#### *Fiscal Impact*

The change in county nursing facility payment rates, effective July 1, 2007, is estimated to cost the Department \$17.251 million (\$7.908 million in State funds) in FY 2007-2008.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the final rates for FY 2007-2008 to the

Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-540. (1) General Fund; (2) Implementing Year 2007-08 is \$7,908,000; (3) 1st Succeeding Year 2008-09 is \$8,627,000; 2nd Succeeding Year 2009-10 is \$8,627,000; 3rd Succeeding Year 2010-11 is \$8,627,000; 4th Succeeding Year 2011-12 is \$8,627,000; 5th Succeeding Year 2012-13 is \$8,627,000; (4) 2006-07 Program—\$685,279,000; 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 08-191. Filed for public inspection February 1, 2008, 9:00 a.m.]

## Payments to Nonpublic Nursing Facilities; Final Rates for State Fiscal Year 2007-2008

### *Purpose of Notice*

The purpose of this notice is to announce the Department of Public Welfare's (Department) final annual case-mix per diem payment rates for State Fiscal Year (FY) 2007-2008 for nonpublic nursing facilities that participate in the Medical Assistance (MA) Program.

As required by the case-mix payment methodology set forth in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department annually sets a new MA per diem rate for each nonpublic nursing facility. Each facility's annual per diem rate is comprised of four components: resident care; other resident related; administrative; and capital.

Section 1187.96 (relating to price- and rate-setting computations) states that the sum of the rate components will be multiplied by a budget adjustment factor (BAF). The BAF is based on the funding that is appropriated for nursing facility services in the General Appropriations Act and "will be determined in accordance with a formula specified in the Commonwealth's approved State Plan." 55 Pa. Code § 1187.96(e)(2)(iv).

The Federal Centers for Medicare and Medicaid Services (CMS) approved State Plan Amendment (SPA) 07-007 on September 5, 2007. The SPA states that the BAF for rate-setting year 2007-2008 shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities over the 3 year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in rate year 2004-2005 to 10.12%. The formula for this BAF as it applies to nonpublic nursing facilities is as follows: (the nonpublic nursing facilities' share of total appropriated funds plus the estimated annual patient pay amount) divided by the estimated acuity adjusted annual payments of \$3,147,260,444 which equals .93194.

The final FY 2007-2008 annual per diem rates are available on the Office of Medical Assistance Programs' (OMAP) website at [www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/LTCCCaseMixInfo/](http://www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/LTCCCaseMixInfo/). As they become available, the adjusted quarterly rates for the October, January and April quarters of FY 2007-2008 will be accessible on the OMAP website, at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Office of Long-Term Living at (717) 705-3705.

The data that the Department used to calculate the rates is available on the OMAP website. Because some of the audited costs used in the database are taken from audit reports for fiscal periods beginning prior to January 1, 2001, the Department revised the audited costs in the database in accordance with 55 Pa. Code § 1187.91 (1)(iv)(D) (relating to database) to disregard certain audit adjustments disallowing minor movable property or linen costs. The criteria that the Department used to make these revisions are available on the OMAP website or by contacting Tom Jayson.

### *Public Process*

The Department published a notice announcing its proposed case-mix per diem payment rates for FY 2007-2008 at 37 Pa.B. 5573 (October 13, 2007) and invited interested persons to submit comments. One commentator submitted a response to the notice. For the most part, the response reiterated the same concerns and objections that had been raised by the commentator and others during the extensive public process relating to the June 2006 rulemaking process. The Department considered the comments included in the letter when composing this final rate notice.

### *Appeals*

Following publication of this notice, the Department will send rate letters to each MA nursing facility to notify the facilities of their final rates for FY 2007-2008. The rate letter will also advise each facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2007-2008. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to medical assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

### *Fiscal Impact*

The change in payment rates, effective July 1, 2007, and the quarterly case-mix adjustments are estimated to cost the Department \$75.794 million (\$34.746 million in State funds) in FY 2007-2008.

### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-539. (1) General Fund; (2) Implementing Year 2007-08 is \$34,746,000; (3) 1st Succeeding Year 2008-09 is \$37,905,000; 2nd Succeeding Year 2009-10 is \$37,905,000; 3rd Succeeding Year 2010-11 is \$37,905,000; 4th Succeeding Year 2011-12 is \$37,905,000; 5th Succeeding Year 2012-13 is \$37,905,000; (4) 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 08-192. Filed for public inspection February 1, 2008, 9:00 a.m.]

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2004	238	1.1238
December 31, 2004	359	1.1066
June 30, 2005	229	1.0892
December 31, 2005	35	1.0600

**HOSPITAL-BASED NURSING FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2002	1	1.1984
June 30, 2003	16	1.1543
June 30, 2004	17	1.1238
June 30, 2005	17	1.0892

**SPECIAL REHABILITATION FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 2002	3	1.1689
June 30, 2003	4	1.1543
December 31, 2003	3	1.1400
June 30, 2004	4	1.1238
December 31, 2004	2	1.1066
June 30, 2005	5	1.0892

\* As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. In accordance with 55 Pa. Code § 1187.94 (relating to peer grouping for price setting), to establish peer groups, the Department used the Metropolitan Statistical Areas (MSA) group classification published in the Federal Office of Management and Budget Bulletin No. 99-04 (relating to revised statistical definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions) to classify each nursing facility into one of three MSA groups or one non-MSA group. The Department then used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds, 120—269 and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(1)(iv). Peer group 13 is designated for special rehabilitation facilities only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

After the database was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-

**Peer Groups, Peer Group Medians and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities**

*Purpose of Notice*

The purpose of this notice is to announce the Department of Public Welfare's (Department) peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting). The Department used the peer groups, peer group medians and peer group prices to determine case-mix rates for nonpublic nursing facilities for the State Fiscal Year (FY) July 1, 2007, through June 30, 2008. The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa.Code Chapter 1187 (relating to nursing facility services) as amended at 35 Pa.B. 4612 (August 13, 2005). The data that the Department used to determine the peer group medians and prices is available on the Office of Medical Assistance Programs' website at [www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/LTCCaseMixInfo/](http://www.dpw.state.pa.us/PartnersProviders/MedicalAssistance/DoingBusiness/LTCCaseMixInfo/).

To establish the database for the calculation of peer group medians and prices, the Department used each facility's three most recent audited cost reports that were issued by the Department on or before March 31, 2007, and indexed the costs for each report forward to the common date of December 31, 2007, using the CMS Nursing Home Without Capital Market Basket Index.

The following is a listing, by group, of the number of facilities with a particular year-end, and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2007.

**GENERAL AND COUNTY NURSING FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2000	1	1.2936
December 31, 2001	11	1.2168
June 30, 2002	18	1.1984
December 31, 2002	322	1.1689
June 30, 2003	238	1.1543
December 31, 2003	351	1.1400

mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident care cost medians, the Department first divided the audited allowable other resident care costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities for Year 13 are listed in Annex A.

A Medical Assistance nursing facility provider may file an administrative appeal if the provider believes that the Department made any errors, or the provider otherwise disagrees with the Year 13 peer group prices that the Department established for its peer group. A provider's appeal must be sent in writing to the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, and received by the Bureau of Hearings and Appeals within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The peer group prices applied in setting the provider's rates may be changed as a result of the final adjudication of the provider's peer group price appeal. Providers should refer to 67 Pa.C.S. Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to medical assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

#### *Fiscal Impact*

The fiscal impact associated with this change is estimated to be \$11.612 million (\$5.277 million in State funds) for FY 2007-2008

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Long Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-541. (1) General Fund; (2) Implementing Year 2007-08 is \$5,277,000; (3) 1st Succeeding Year 2008-09 is \$5,757,000; 2nd Succeeding Year 2009-10 is \$5,757,000; 3rd Succeeding Year 2010-11 is \$5,757,000; 4th Succeeding Year 2011-12 is \$5,757,000; 5th Succeeding Year 2012-13 is \$5,757,000; (4) 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

### Annex A

#### TITLE 55. PUBLIC WELFARE PART III. MEDICAL ASSISTANCE MANUAL CHAPTER 1187. NURSING FACILITY SERVICES Subchapter G. RATE SETTING

#### Appendix B

#### MEDIANS AND PRICES FOR 2007-2008

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
1	0019578200001	BROOMALL REHAB AND NURSING CENTER	12/31/2004	12/31/2002	12/31/2001
1	0011163880002	CARE PAVILION OF WALNUT PARK, INC	06/30/2005	06/30/2004	06/30/2003

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
1	1000064640017	FAIR ACRES GERIATRIC CENTER	12/31/2004	12/31/2003	12/31/2002
1	0007564990004	FRIENDSHIP RIDGE	12/31/2004	12/31/2003	12/31/2002
1	0007570930002	IMMACULATE MARY HOME	06/30/2005	06/30/2004	06/30/2003
1	1007411200006	JOHN J KANE REGIONAL CENTER—GLEN HAZEL	12/31/2004	12/31/2003	12/31/2002
1	1007411200008	JOHN J KANE REGIONAL CENTER—MCKEESPORT	12/31/2004	12/31/2003	12/31/2002
1	1007411200001	JOHN J KANE REGIONAL CENTER—ROSS TOWNSHIP	12/31/2004	12/31/2003	12/31/2002
1	1007411200004	JOHN J KANE REGIONAL CENTER—SCOTT TOWNSHIP	12/31/2004	12/31/2003	12/31/2002
1	1007600910035	MADLYN AND LEONARD ABRAMSON CENTER	06/30/2005	06/30/2004	06/30/2003
1	1007773100003	NESHAMINY MANOR HOME	12/31/2005	12/31/2004	12/31/2003
1	0007477580001	PARKHOUSE, PROVIDENCE POINTE	12/31/2004	12/31/2003	12/31/2002
1	0007561580001	PHILADELPHIA NURSING HOME	12/31/2004	12/31/2003	12/31/2002
1	1007655340002	POCOPSON HOME	12/31/2004	12/31/2003	12/31/2002
1	0007494300003	SAINT FRANCIS COUNTRY HOUSE	06/30/2005	06/30/2004	06/30/2003
1	1007389300003	ST JOHN SPECIALTY CARE CENTER	06/30/2005	06/30/2004	06/30/2003
1	1001264530004	ST JOSEPH'S MANOR (DBA ENTITY OF HRHS)	06/30/2005	06/30/2004	06/30/2003
1	1002272960004	WASHINGTON COUNTY HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
1	0005762020001	WESTMORELAND MANOR	12/31/2004	12/31/2003	12/31/2002
PG1		Resident Care Median \$114.90	Other Resident Rltd Median \$53.72		Administrative Median \$21.35
PG1		Resident Care Price \$134.43	Other Resident Rltd Price \$60.17		Administrative Price \$22.20

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
2	1007749810004	ANDORRA WOODS HEALTHCARE CENTER	12/31/2004	12/31/2003	12/31/2002
2	0006337390001	ASBURY HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
2	0007562100001	ASHTON HALL NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	0010270360001	ATTLEBORO NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
2	0011856700001	BALA NURSING AND RETIREMENT CENTER	06/30/2005	06/30/2004	06/30/2003
2	0009143190001	BALDOCK HEALTH CARE CENTER	06/30/2005	06/30/2004	06/30/2003
2	1012798310001	BALDWIN HEALTH CENTER	06/30/2004	06/30/2003	06/30/2002
2	0009746940001	BAPTIST HOMES OF WESTERN PENNSYLVANIA	06/30/2005	06/30/2004	06/30/2003
2	1007783630008	BEAVER VALLEY NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	1007727260033	BRANDYWINE HALL	06/30/2005	06/30/2004	06/30/2003
2	1007300650003	BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/2004	12/31/2003	12/31/2002
2	0007908660002	BRIARLEAF NURSING AND CONVAL CENTER	06/30/2005	06/30/2004	06/30/2003
2	1009799700001	BRIGHTEN AT BROOMALL	06/30/2005	12/31/2003	12/31/2002

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
2	1009797370001	BRIGHTEN AT BRYN MAWR	06/30/2005	12/31/2003	12/31/2002
2	0019531330001	BROOKSIDE HEALTHCARE AND REHAB CENTER	12/31/2004	12/31/2002	06/30/2000
2	0007574220001	BROOMALL PRESBYTERIAN VILLAGE	12/31/2004	12/31/2003	12/31/2002
2	0011293300001	BUCKINGHAM VALLEY REHAB AND NURSING CTR	06/30/2005	06/30/2004	06/30/2003
2	0007575490001	CATHEDRAL VILLAGE	06/30/2005	06/30/2004	06/30/2003
2	0019201230001	CENTENNIAL VILLAGE	12/31/2004	12/31/2003	12/31/2001
2	0019547760001	CHAPEL MANOR	06/30/2005	06/30/2004	12/31/2002
2	1007292240001	CHARLES M. MORRIS NURSING AND REHAB CTR	06/30/2005	06/30/2004	06/30/2003
2	1015756410001	CHATHAM ACRES NURSING CENTER, INC	06/30/2005	06/30/2004	06/30/2003
2	0012177100001	CHELTENHAM NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	0017811000001	CHELTENHAM YORK ROAD NSG & REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	0015660040002	CHERRY TREE NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
2	1007720920004	CHESTNUT HILL LODGE HEALTH AND REHAB CTR	12/31/2004	12/31/2003	12/31/2002
2	1007726910001	CLIVEDEN CONVALESCENT CENTER	06/30/2005	06/30/2004	06/30/2003
2	1007458090001	COMMONS AT SQUIRREL HILL	12/31/2004	12/31/2003	12/31/2002
2	1001336090003	CONCORDIA LUTHERAN HEALTH AND HUMAN CARE	06/30/2005	06/30/2004	06/30/2003
2	1018133130001	CONSULATE HEALTH CARE OF CHESWICK	06/30/2005	06/30/2004	06/30/2003
2	0009828380001	COUNTRY MEADOWS OF SOUTH HILLS	12/31/2004	12/31/2003	12/31/2002
2	0019204460001	CRANBERRY PLACE	06/30/2005	06/30/2004	06/30/2002
2	0008332840001	CRESTVIEW CENTER	06/30/2005	06/30/2004	06/30/2003
2	0007450830001	DEER MEADOWS RETIREMENT COMMUNITY	06/30/2005	06/30/2004	06/30/2003
2	1007783630025	ELKINS CREST HEALTH AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	0007449700001	EVANGELICAL MANOR	12/31/2004	12/31/2003	12/31/2002
2	1007727260028	FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	06/30/2005	06/30/2004	06/30/2003
2	1007727260042	FAIRVIEW CARE CENTER OF PAPERMILL ROAD	06/30/2005	06/30/2004	06/30/2003
2	0018790090001	FORBES ROAD NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
2	0008992030001	GARDEN SPRING CENTER	06/30/2005	06/30/2004	06/30/2003
2	0009748540001	GERMANTOWN HOME	06/30/2005	06/30/2004	06/30/2003
2	1017760690001	GLENDALE UPTOWN HOME	06/30/2005	06/30/2004	06/30/2003
2	1015552280001	GOLDEN LIVING CENTER—DOYLESTOWN	12/31/2004	12/31/2003	12/31/2002
2	1015524500001	GOLDEN LIVING CENTER—LANSDALE	12/31/2004	12/31/2003	12/31/2002
2	1015498100001	GOLDEN LIVING CENTER—MONROEVILLE	12/31/2004	12/31/2003	12/31/2002
2	1015499550001	GOLDEN LIVING CENTER—MT LEBANON	12/31/2004	12/31/2003	12/31/2002
2	1015509560001	GOLDEN LIVING CENTER—MURRYSVILLE	12/31/2004	12/31/2003	12/31/2002
2	1015547300001	GOLDEN LIVING CENTER—PHOENIXVILLE	12/31/2004	12/31/2003	12/31/2002
2	1015582930001	GOLDEN LIVING CENTER—UNIONTOWN	12/31/2004	12/31/2003	12/31/2002
2	0009512140001	GREEN ACRES—IVY HILL NURSING HOME	06/30/2005	06/30/2004	06/30/2003

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
2	0019578760001	GREENERY SPECIALTY CARE CENTER	12/31/2004	06/30/2003	06/30/2002
2	0007910950001	GREENLEAF NURSING HOME AND CONVAL CENTER	06/30/2005	06/30/2004	06/30/2003
2	0018362800002	GREENSBURG CARE CENTER	12/31/2004	12/31/2003	12/31/2002
2	0007574870001	GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	06/30/2005	06/30/2004	06/30/2003
2	0018363060001	HARMAR VILLAGE CARE CENTER	12/31/2004	12/31/2003	12/31/2002
2	0019532040001	HARSTON HALL	06/30/2005	06/30/2004	12/31/2002
2	1007785050010	HEARTLAND HEALTH CARE CENTER	06/30/2005	06/30/2004	06/30/2003
2	0019252190001	HEMPFIELD MANOR	12/31/2004	12/31/2003	12/31/2002
2	0019010200001	HERITAGE SHADYSIDE, THE	06/30/2005	06/30/2004	06/30/2003
2	0018557400001	HIGHLAND PARK CARE CENTER	12/31/2004	12/31/2003	12/31/2002
2	1007737790001	HILLCREST CENTER	06/30/2005	06/30/2004	06/30/2003
2	0009988920001	HUMBERT LANE NURSING AND REHAB CENTRE	06/30/2005	06/30/2004	06/30/2003
2	1001264530002	LAFAYETTE—REDEEMER (DBA ENTITY OF HRHS)	06/30/2005	06/30/2004	06/30/2003
2	1007783630028	LANGHORNE GARDENS REHAB AND NURSING CTR	06/30/2005	06/30/2004	06/30/2003
2	0016259290001	LGAR HEALTH AND REHABILITATION CENTER	12/31/2004	12/31/2003	12/31/2002
2	1007727260019	LIBERTY COURT, GENESIS ELDERCARE NETWORK	06/30/2005	06/30/2004	06/30/2003
2	1007784700008	LIFEQUEST NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
2	0007565320001	LITTLE FLOWER MANOR	06/30/2005	06/30/2004	06/30/2003
2	0009354080001	LUTHER WOODS CONVALESCENT CENTER	12/31/2004	12/31/2003	12/31/2002
2	1011974130002	MAIN LINE NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	1007295000002	MAJESTIC OAKS	06/30/2005	06/30/2004	06/30/2003
2	1007777400066	MANATAWNY MANOR INC	06/30/2005	06/30/2004	06/30/2003
2	1007300560099	MANORCARE HEALTH SVCS—BETHEL PARK	12/31/2004	12/31/2003	12/31/2002
2	0011061490001	MANORCARE HEALTH SVCS—GREEN TREE	12/31/2004	12/31/2003	12/31/2002
2	1007300560092	MANORCARE HEALTH SVCS—HUNTINGDON VALLEY	12/31/2005	12/31/2004	12/31/2003
2	1007300560012	MANORCARE HEALTH SVCS—KING OF PRUSSIA	12/31/2005	12/31/2004	12/31/2003
2	1007300560004	MANORCARE HEALTH SVCS—LANSDALE	12/31/2005	12/31/2004	12/31/2003
2	1007300560116	MANORCARE HEALTH SVCS—MCMURRAY	12/31/2005	12/31/2004	12/31/2003
2	0016017490001	MANORCARE HEALTH SVCS—MERCY FITZGERALD	06/30/2005	06/30/2004	06/30/2003
2	1007300560105	MANORCARE HEALTH SVCS—MONROEVILLE	12/31/2004	12/31/2003	12/31/2002
2	1007300560008	MANORCARE HEALTH SVCS—NORTH HILLS	12/31/2004	12/31/2003	12/31/2002
2	1007300560059	MANORCARE HEALTH SVCS—POTTSTOWN	12/31/2004	12/31/2003	12/31/2002
2	0017759350001	MANORCARE HEALTH SVCS—WHITEHALL BOROUGH	12/31/2004	12/31/2003	12/31/2002
2	1007300560001	MANORCARE HEALTH SVCS—YARDLEY	12/31/2005	12/31/2004	12/31/2003
2	1007300560075	MANORCARE HEALTH SVCS—YEADON	12/31/2005	12/31/2004	12/31/2003
2	1007726910004	MAPLEWOOD MANOR CENTER	06/30/2005	06/30/2004	06/30/2003
2	1001918450002	MARIAN MANOR CORPORATION	06/30/2005	06/30/2004	06/30/2003

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
2	1000027230008	MASONIC VILLAGE AT SEWICKLEY	12/31/2004	12/31/2003	12/31/2002
2	0007521120002	MOUNT MACRINA MANOR NURSING HOME	06/30/2005	06/30/2004	06/30/2003
2	0019578670001	MOUNTAINVIEW SPECIALTY CARE CENTER	12/31/2004	12/31/2002	12/31/2001
2	1007494880009	OXFORD HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
2	0007576000003	PARK PLEASANT HEALTH CARE FACILITY	06/30/2005	06/30/2004	06/30/2003
2	0007566400001	PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/2005	06/30/2004	06/30/2003
2	0012939630002	PAUL'S RUN	12/31/2004	12/31/2003	12/31/2002
2	1007280850001	PEMBROOKE HEALTH AND REHAB RESIDENCE	06/30/2005	06/30/2004	06/30/2003
2	0010643250002	PENN CENTER FOR REHABILITATION AND CARE	06/30/2005	06/30/2004	06/30/2003
2	0019531600001	PENNSBURG MANOR	06/30/2005	06/30/2004	12/31/2002
2	0007494760001	PHILADELPHIA PROTESTANT HOME	12/31/2004	12/31/2003	12/31/2002
2	0018166900001	PHOEBE RICHLAND HCC	06/30/2005	06/30/2004	06/30/2003
2	1001257320007	PINE RUN HEALTH CENTER	06/30/2005	06/30/2004	06/30/2003
2	1007280850006	PROSPECT PARK HEALTH AND REHAB RESIDENCE	06/30/2005	06/30/2004	06/30/2003
2	0018363330001	PROVIDENCE CARE CENTER	12/31/2004	12/31/2003	12/31/2002
2	1007762600003	QUAKERTOWN CENTER	12/31/2005	12/31/2004	12/31/2003
2	1007457290004	REGINA COMMUNITY NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
2	1017333480001	REHAB & NURSING CTR GREATER PITTSBURGH	12/31/2004	12/31/2003	12/31/2002
2	0012017830001	RIDGE CREST NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	1007780870001	RITTENHOUSE PINE CENTER	06/30/2005	06/30/2004	06/30/2003
2	0009938310002	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
2	0010560920001	RIVERSIDE CARE CENTER	12/31/2004	12/31/2003	12/31/2002
2	0012079380001	ROCHESTER MANOR	12/31/2004	12/31/2003	12/31/2002
2	1007453170003	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/2004	12/31/2003	12/31/2002
2	0007569800002	SACRED HEART MANOR	06/30/2005	06/30/2004	06/30/2003
2	0007552950001	SAINT ANNE HOME	06/30/2005	06/30/2004	06/30/2003
2	0007508240001	SAINT IGNATIUS NURSING HOME	06/30/2005	06/30/2004	06/30/2003
2	0007512690001	SAINT JOHN NEUMANN NURSING HOME	06/30/2005	06/30/2004	06/30/2003
2	0011860410001	SAINT MARTHA MANOR	06/30/2005	06/30/2004	06/30/2003
2	0007491620001	SAINT MARY'S MANOR	06/30/2005	06/30/2004	06/30/2003
2	0014198220001	SANATOGA CENTER	06/30/2005	06/30/2004	06/30/2003
2	0007519200002	SAUNDERS HOUSE	06/30/2005	06/30/2004	06/30/2003
2	0019484380001	SENECA PLACE	06/30/2005	06/30/2004	06/30/2003
2	1007785050001	SHADYSIDE NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	0007480110002	SILVER LAKE CENTER	06/30/2005	06/30/2004	06/30/2003
2	1007727260012	SILVER STREAM CENTER	06/30/2005	06/30/2004	06/30/2003
2	0007485680002	SIMPSON HOUSE, INC	12/31/2004	12/31/2003	12/31/2002
2	1007727260007	SOMERTON CENTER	06/30/2005	06/30/2004	06/30/2003
2	0009744890001	SOUTHMONT OF PRESBYTERIAN SENIORCARE	12/31/2005	12/31/2004	12/31/2003



Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
2	1017127310001	SPRINGS AT THE WATERMARK, THE	06/30/2005	06/30/2004	06/30/2003
2	1012019460001	ST. BARNABAS NURSING HOME	06/30/2004	06/30/2003	06/30/2002
2	1010293650001	ST. MONICA MANOR	06/30/2004	06/30/2003	06/30/2002
2	0010355390002	STAPELEY IN GERMANTOWN	06/30/2005	06/30/2004	06/30/2003
2	0019017270001	STERLING HEALTH CARE AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	1007783630054	SUBURBAN WOODS HEALTH AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
2	0007508510003	SUNNYVIEW HOME—BUTLER COUNTY HOME	12/31/2004	12/31/2003	12/31/2002
2	1016337900001	SYCAMORE CREEK NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
2	1008752500001	TEL HAI RETIREMENT COMMUNITY	06/30/2005	06/30/2004	06/30/2003
2	0019532400001	THE BELVEDERE CENTER, GENESIS HEALTHCARE	06/30/2005	06/30/2004	12/31/2002
2	1007716300001	TOWNE MANOR EAST	12/31/2004	12/31/2003	12/31/2002
2	0011845570001	TUCKER HOUSE	06/30/2005	06/30/2004	06/30/2003
2	1007783630016	VALLEY MANOR NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	0016442270002	VILLA SAINT JOSEPH OF BADEN INC	06/30/2005	06/30/2004	06/30/2003
2	1016400420001	VILLAGE AT PENNWOOD	12/31/2004	12/31/2003	12/31/2002
2	1007499890003	VINCENTIAN HOME	06/30/2005	06/30/2004	06/30/2003
2	1007742390003	VINCENTIAN REGENCY	06/30/2005	06/30/2004	06/30/2003
2	1007785050016	WALLINGFORD NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
2	0009878700002	WEST HAVEN NURSING HOME	06/30/2005	06/30/2004	06/30/2003
2	1011349320001	WEST HILLS HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	1012805380001	WEXFORD HOUSE NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
2	0016367350001	WILLOW RIDGE CENTER	12/31/2005	12/31/2004	12/31/2003
2	1007544140014	WILLOW TERRACE	06/30/2005	06/30/2004	06/30/2003
2	0010338930002	WILLOWS OF PRESBYTERIAN SENIORCARE, THE	12/31/2005	12/31/2004	12/31/2003
2	0018363510001	WOODHAVEN CARE CENTER	12/31/2004	12/31/2003	12/31/2002
PG2		Resident Care Median \$89.15	Other Resident Rltd Median \$35.94		Administrative Median \$19.76
PG2		Resident Care Price \$104.31	Other Resident Rltd Price \$40.25		Administrative Price \$20.55

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
3	1007778850002	58TH STREET PRESBYTERIAN HOME, THE	12/31/2004	12/31/2003	12/31/2002
3	0007553010002	ARTMAN LUTHERAN HOME	06/30/2005	06/30/2004	06/30/2003
3	0007573330003	AUTUMN GROVE CARE CENTER	06/30/2005	06/30/2004	06/30/2003
3	0017221270001	BARCLAY FRIENDS	12/31/2004	12/31/2003	12/31/2002
3	0018608300001	BEAVER ELDER CARE AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
3	1007614000004	BELAIR HEALTH AND REHABILITATION CENTER	06/30/2005	06/30/2004	06/30/2003

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
3	1019122310001	BELLE HAVEN	12/31/2004	12/31/2003	12/31/2002
3	0007470600001	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/2004	12/31/2003	12/31/2002
3	1014889670001	BRIGHTEN AT AMBLER	06/30/2005	06/30/2004	06/30/2003
3	0014397270002	BRINTON MANOR	12/31/2005	12/31/2004	12/31/2003
3	0010302000002	CANTERBURY PLACE	12/31/2004	12/31/2003	12/31/2002
3	0017213800001	CEDARS OF MONROEVILLE, THE	12/31/2004	12/31/2003	12/31/2002
3	1003211530002	CHANDLER HALL HEALTH SERVICES INC	12/31/2004	12/31/2002	12/31/2001
3	0017572850001	CHICORA MEDICAL CENTER	06/30/2005	06/30/2004	06/30/2003
3	0007457900001	CHRIST'S HOME RETIREMENT CENTER	06/30/2005	06/30/2004	06/30/2003
3	0009120920001	CONNER-WILLIAMS NURSING HOME	06/30/2005	06/30/2004	06/30/2003
3	1018132700001	CONSULATE HEALTH CARE OF NORTH STRABANE	12/31/2004	12/31/2003	12/31/2002
3	1007507380007	COVENTRY MANOR NURSING HOME	12/31/2004	12/31/2003	12/31/2002
3	0008879280001	DOCK TERRACE	06/30/2005	06/30/2004	06/30/2003
3	1007783630018	DRESHER HILL HEALTH AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
3	1007653650003	EDGEHILL NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
3	1007726730011	ELDERCREST NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
3	1008144140003	ELM TERRACE GARDENS	06/30/2005	06/30/2004	06/30/2003
3	1007300740005	EVERGREEN NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
3	1019292010001	FAIR WINDS MANOR	06/30/2005	06/30/2004	06/30/2003
3	0007450920001	FREDERICK MENNONITE COMMUNITY	12/31/2004	12/31/2003	12/31/2002
3	0011456010001	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/2004	12/31/2003	12/31/2002
3	1015512650001	GOLDEN LIVING CENTER—OAKMONT	12/31/2004	12/31/2003	12/31/2002
3	1015549280001	GOLDEN LIVING CENTER—ROSEMONT	12/31/2004	12/31/2003	12/31/2002
3	1015489580001	GOLDEN LIVING CENTER—SOUTH HILLS	12/31/2004	12/31/2003	12/31/2002
3	1015550590001	GOLDEN LIVING CENTER—STENTON	12/31/2004	12/31/2003	12/31/2002
3	0018363150001	HARMON HOUSE CARE CENTER	12/31/2004	12/31/2003	12/31/2002
3	1007726730007	HAVENCREST NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
3	1011974130001	HAVERFORD NURSING & REHABILITATION CTR	06/30/2004	06/30/2003	06/30/2002
3	1011458100003	HENRY CLAY VILLA	12/31/2004	12/31/2003	12/31/2002
3	0010035800001	HERITAGE TOWERS	12/31/2004	12/31/2003	12/31/2002
3	0011208630002	HICKORY HOUSE NURSING HOME	12/31/2004	12/31/2003	12/31/2002
3	0012891650003	HIGHLAND CENTER, GENESIS ELDERCARE NTWRK	06/30/2005	06/30/2004	06/30/2003
3	0007471860001	HOLY FAMILY HOME	12/31/2004	12/31/2003	12/31/2002
3	1007762510003	HOPKINS CENTER	12/31/2005	12/31/2004	12/31/2003
3	1005344010002	JEFFERSON HILLS MANOR	12/31/2004	12/31/2003	12/31/2002
3	1007300650006	KADE NURSING HOME	12/31/2004	12/31/2003	12/31/2002
3	0007545740002	KEARSLEY LONG TERM CARE CENTER	06/30/2005	06/30/2004	06/30/2003
3	0007479900003	LAFAYETTE MANOR, INC	12/31/2004	12/31/2003	12/31/2002
3	1007726730005	LATROBE REGIONAL HEALTH AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
3	1007302520001	LAUREL RIDGE CENTER	06/30/2005	06/30/2004	06/30/2003
3	0015937270002	LAWSON NURSING HOME, INC	12/31/2004	12/31/2003	12/31/2002

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
3	0007507900001	LITTLE SISTERS OF THE POOR	12/31/2004	12/31/2003	12/31/2002
3	0012581400001	LOYALHANNA CARE CENTER	12/31/2004	12/31/2003	12/31/2002
3	0007503880001	LUTHERAN COMM AT TELFORD HLTHCRE CTR INC	06/30/2005	06/30/2004	06/30/2003
3	0007548970001	MARWOOD REST HOME, INC	06/30/2005	06/30/2004	06/30/2003
3	0007463850001	MARY J DREXEL HOME	12/31/2004	12/31/2003	12/31/2002
3	1000027230032	MASONIC VILLAGE AT LAFAYETTE HILL	12/31/2004	12/31/2003	12/31/2002
3	1000027230006	MASONIC VILLAGE AT WARMINSTER	12/31/2004	12/31/2003	12/31/2002
3	0012758760001	MCMURRAY HILLS MANOR	06/30/2005	06/30/2004	06/30/2003
3	1007726730013	MEADOWCREST NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
3	0007769830001	MEADOWS AT MARTINS RUN, THE	12/31/2004	12/31/2003	12/31/2002
3	0019291830001	MON VALLEY CARE CENTER	12/31/2004		
3	0015148030001	NAAMANS CREEK COUNTRY MANOR	06/30/2005	06/30/2004	06/30/2003
3	1011348160001	NORTH HILLS HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
3	1007726730009	OAK HILL NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
3	0016270750001	PENNYPACK CENTER	12/31/2005	12/31/2004	12/31/2003
3	0006548550001	PETER BECKER COMMUNITY	06/30/2005	06/30/2004	06/30/2003
3	0007507710002	PICKERING MANOR HOME	06/30/2005	06/30/2004	06/30/2003
3	0007575110001	REDSTONE HIGHLANDS HEALTH CARE CENTER	06/30/2005	06/30/2004	06/30/2003
3	1001336450002	REFORMED PRESBYTERIAN HOME	12/31/2004	12/31/2003	12/31/2002
3	1017553180001	RESIDENCE FOR RENAL CARE AT SHADYSIDE	12/31/2004	12/31/2003	12/31/2002
3	0011293400001	RICHBORO CARE CENTER	06/30/2005	06/30/2004	06/30/2003
3	1000036400003	ROCKHILL MENNONITE COMMUNITY	06/30/2005	06/30/2004	06/30/2003
3	0015804150002	SAINT JOSEPH VILLA	06/30/2005	06/30/2004	06/30/2003
3	0019402700001	SAXONY HEALTH CENTER	12/31/2004	12/31/2002	12/31/2001
3	0018037170001	SCOTTDALE MANOR REHABILITATION CENTER	12/31/2004	12/31/2003	12/31/2002
3	0008824110001	SHERWOOD OAKS	06/30/2005	06/30/2004	06/30/2003
3	1007785050007	SKY VUE TERRACE	06/30/2005	06/30/2004	06/30/2003
3	0010170020001	SOUDERTON MENNONITE HOMES	06/30/2005	06/30/2004	06/30/2003
3	1019298830001	SOUTH FAYETTE NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
3	1007277760001	SOUTHWESTERN NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
3	1007783630021	STATESMAN HEALTH AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
3	1007716300005	TOWNE MANOR WEST	12/31/2004	12/31/2003	12/31/2002
3	0011184080003	TOWNVIEW HEALTH AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
3	0007573240001	UNITARIAN UNIVERSALIST HOUSE	12/31/2004	12/31/2003	12/31/2002
3	1012021200001	VALENCIA WOODS AT ST BARNABAS	06/30/2004	06/30/2003	06/30/2002
3	1007456200003	VINCENTIAN DE MARILLAC	06/30/2005	06/30/2004	06/30/2003
3	1000058970004	WAYNE CENTER	06/30/2005	06/30/2004	06/30/2003
3	1001679750002	WILLIAM PENN CARE CENTER	12/31/2004	12/31/2003	12/31/2002
3	1007498710002	WILLOWBROOKE COURT AT BRITTANY POINTE	12/31/2004	12/31/2003	12/31/2002
3	0007565230002	WYNCOTE CHURCH HOME	06/30/2005	06/30/2004	06/30/2003

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PG3		Resident Care Median \$87.33	Other Resident Rltd Median \$38.33		Administrative Median \$19.85
PG3		Resident Care Price \$102.18	Other Resident Rltd Price \$42.93		Administrative Price \$20.64

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
4	0011577000002	ALLIED SERVICES SKILLED NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
4	0005763100001	BERKS HEIM	12/31/2004	12/31/2003	12/31/2002
4	1007415500015	CAMBRIA COUNTY HOME—LAUREL CREST REHAB	12/31/2004	12/31/2003	12/31/2002
4	1000048620009	CEDAR HAVEN	12/31/2004	12/31/2003	12/31/2002
4	0005757700003	CEDARBROOK NURSING HOMES	12/31/2004	12/31/2003	12/31/2002
4	1000073090009	CLAREMONT NRC OF CUMBERLAND COUNTY	12/31/2004	12/31/2003	12/31/2002
4	1008143990001	COLONIAL MANOR NURSING HOME	12/31/2004	12/31/2003	12/31/2002
4	1013876410001	CONESTOGA VIEW	12/31/2004	12/31/2003	12/31/2002
4	1007487670001	CROSS KEYS VILLAGE—BRETHREN HM COMM, THE	06/30/2005	06/30/2004	06/30/2003
4	1015531520001	GOLDEN LIVING CENTER—WEST SHORE	12/31/2004	12/31/2003	12/31/2002
4	1007683200003	GRACEDALE—NORTHAMPTON COUNTY HOME	12/31/2004	12/31/2003	12/31/2002
4	0007571820003	LACKAWANNA COUNTY HEALTH CARE CENTER	12/31/2004	12/31/2003	12/31/2002
4	1000027230017	MASONIC VILLAGE AT ELIZABETHTOWN	12/31/2004	12/31/2003	12/31/2002
4	1007783630053	MOUNTAIN CITY NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
4	1007378070003	MOUNTAIN VIEW MANOR NRSG AND REHAB CTR	12/31/2004	12/31/2003	12/31/2002
4	1007292150001	PHOEBE HOME, INC	06/30/2005	06/30/2004	06/30/2003
4	0007509400002	PLEASANT ACRES NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
4	1007744350006	PLEASANT RIDGE MANOR EAST/WEST	12/31/2004	12/31/2003	12/31/2002
4	1017950190001	SPRING CREEK REHAB AND HEALTH CARE CTR	12/31/2004	12/31/2003	12/31/2002
4	1017374090001	VALLEY CREST NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
PG4		Resident Care Median \$108.94	Other Resident Rltd Median \$50.13		Administrative Median \$19.01
PG2		Resident Care Price \$127.46	Other Resident Rltd Price \$56.15		Administrative Price \$19.77

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
5	0010076320001	ABINGTON MANOR	12/31/2005	12/31/2004	12/31/2003
5	0014861370001	BERKSHIRE CENTER	06/30/2005	06/30/2004	06/30/2003
5	1007562590012	BERWICK RETIREMENT VILLAGE NRSNG CTR II	06/30/2005	06/30/2004	06/30/2003
5	0009420910001	BIRCHWOOD NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
5	0017466840001	BLOOMSBURG HEALTH CARE CENTER	06/30/2005	06/30/2004	06/30/2003
5	1001262480003	BRETHREN VILLAGE	06/30/2005	06/30/2004	06/30/2003
5	1009101610001	COLONIAL PARK CARE CENTER	12/31/2003	12/31/2002	12/31/2001
5	0007474260001	CORNWALL MANOR	12/31/2004	12/31/2003	12/31/2002
5	0019250400001	CORRY MANOR	12/31/2004	12/31/2003	12/31/2002
5	1007306460003	EASTON NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
5	1007512800002	ECC RETIREMENT VILLAGE—ALBRIGHT COMM	12/31/2004	12/31/2003	12/31/2002
5	0019250770001	EDINBORO MANOR	12/31/2004	12/31/2003	12/31/2002
5	1007555290001	EPHRATA MANOR	12/31/2004	12/31/2003	12/31/2002
5	0007566860002	FAIRMOUNT HOMES	06/30/2005	06/30/2004	06/30/2003
5	0019251570001	FAIRVIEW MANOR	12/31/2004	12/31/2003	12/31/2002
5	0011349300005	FELLOWSHIP MANOR	06/30/2005	06/30/2004	06/30/2003
5	1007777400018	FREY VILLAGE	12/31/2004	12/31/2003	12/31/2002
5	1015491310001	GOLDEN LIVING CENTER—EAST MOUNTAIN	12/31/2004	12/31/2003	12/31/2002
5	1015519170001	GOLDEN LIVING CENTER—LANCASTER	12/31/2004	12/31/2003	12/31/2002
5	1015513720001	GOLDEN LIVING CENTER—READING	12/31/2004	12/31/2003	12/31/2002
5	1015515410001	GOLDEN LIVING CENTER—SCRANTON	12/31/2004	12/31/2003	12/31/2002
5	1015586130001	GOLDEN LIVING CENTER—SUMMIT	12/31/2004	12/31/2003	12/31/2002
5	1015486900001	GOLDEN LIVING CENTER—TUNKHANNOCK	12/31/2004	12/31/2003	12/31/2002
5	1015518640001	GOLDEN LIVING CENTER—WESTERN RESERVE	12/31/2004	12/31/2003	12/31/2002
5	0008862970001	HANOVER HALL	12/31/2004	12/31/2003	12/31/2002
5	0015254870001	HARRISON SENIOR LIVING OF CHRISTIANA	12/31/2005	12/31/2004	12/31/2003
5	1007588700002	HIGHLAND MANOR NURSING AND CONVAL CENTER	06/30/2005	06/30/2004	06/30/2003
5	1007608140001	HOLY FAMILY MANOR	12/31/2004	12/31/2003	12/31/2002
5	0015681800002	HOMEWOOD AT PLUM CREEK	12/31/2004	12/31/2003	12/31/2002
5	0007472840001	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/2004	12/31/2003	12/31/2002
5	0007472750002	JEWISH HOME OF GREATER HARRISBURG	06/30/2005	06/30/2004	06/30/2003
5	1007716300003	KINGSTON COMMONS	12/31/2004	12/31/2003	12/31/2002
5	0009851970001	KUTZTOWN MANOR	06/30/2005	06/30/2004	06/30/2003
5	1008143990005	LANCASHIRE HALL	12/31/2004	12/31/2003	12/31/2002
5	1007469500008	LAUREL CENTER	12/31/2005	12/31/2004	12/31/2003
5	1002291290002	LEBANON VALLEY BRETHREN HOME	12/31/2004	12/31/2003	12/31/2002
5	0014944980001	LEHIGH CENTER	06/30/2005	06/30/2004	06/30/2003
5	1007785050020	LIBERTY NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
5	0007513020001	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/2004	12/31/2003	12/31/2002
5	1007777400065	LUTHERAN HOME AT TOPTON	12/31/2004	12/31/2003	12/31/2002

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
5	0007552770002	MAHONING VALLEY NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
5	1007300560117	MANORCARE HEALTH SVCS—ALLENTOWN	12/31/2004	12/31/2003	12/31/2002
5	1007300560088	MANORCARE HEALTH SVCS—BETHLEHEM I	12/31/2004	12/31/2003	12/31/2002
5	1007300560067	MANORCARE HEALTH SVCS—BETHLEHEM II	12/31/2004	12/31/2003	12/31/2002
5	0007476690001	MANORCARE HEALTH SVCS—CAMP HILL	12/31/2004	12/31/2003	12/31/2002
5	1007300560095	MANORCARE HEALTH SVCS—CARLISLE	12/31/2004	12/31/2003	12/31/2002
5	1007300560019	MANORCARE HEALTH SVCS—DALLASTOWN	12/31/2005	12/31/2004	12/31/2003
5	1007300560118	MANORCARE HEALTH SVCS—EASTON	12/31/2004	12/31/2003	12/31/2002
5	1007300560047	MANORCARE HEALTH SVCS—KINGSTON	12/31/2005	12/31/2004	12/31/2003
5	0009605180001	MANORCARE HEALTH SVCS—KINGSTON COURT	06/30/2005	06/30/2004	06/30/2003
5	1007300560027	MANORCARE HEALTH SVCS—LANCASTER	12/31/2005	12/31/2004	12/31/2003
5	1007300560055	MANORCARE HEALTH SVCS—LAURELDALE	12/31/2004	12/31/2003	12/31/2002
5	1007300560039	MANORCARE HEALTH SVCS—LEBANON	12/31/2005	12/31/2004	12/31/2003
5	1007300560081	MANORCARE HEALTH SVCS—SINKING SPRING	12/31/2004	12/31/2003	12/31/2002
5	1007300560051	MANORCARE HEALTH SVCS—WEST READING NORTH	12/31/2005	12/31/2004	12/31/2003
5	1007708660001	MANORCARE HEALTH SVCS—YORK NORTH	06/30/2005	06/30/2004	06/30/2003
5	1007786030001	MANORCARE HEALTH SVCS—YORK SOUTH	06/30/2005	06/30/2004	06/30/2003
5	0016657370002	MAPLE FARM NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
5	1005959080003	MEADOWS NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
5	0007515540001	MENNONITE HOME, THE	06/30/2005	06/30/2004	06/30/2003
5	1000025720004	MESSIAH VILLAGE	06/30/2005	06/30/2004	06/30/2003
5	0009931990001	MIFFLIN CENTER	12/31/2005	12/31/2004	12/31/2003
5	1002275810002	MORAVIAN MANOR	12/31/2004	12/31/2003	12/31/2002
5	0013905550001	MOUNTAIN VIEW CARE CENTER	06/30/2005	06/30/2004	06/30/2003
5	0018525420001	OLD ORCHARD HEALTH CARE CENTER	12/31/2004	12/31/2003	12/31/2002
5	0017836790004	ORANGEVILLE NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
5	0013042160001	PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/2005	06/30/2004	06/30/2003
5	0007513110002	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/2004	12/31/2003	12/31/2002
5	1017331140001	PRESQUE ISLE REHAB & NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
5	0007496810002	QUARRYVILLE PRESBYTERIAN RETIRMENT COMM	06/30/2005	06/30/2004	06/30/2003
5	0007505660001	REST HAVEN—YORK	06/30/2005	06/30/2004	06/30/2003
5	0009934840001	RIVERSTREET MANOR	12/31/2005	12/31/2004	12/31/2003
5	0007493960001	SAINTE ANNE'S RETIREMENT COMMUNITY	06/30/2005	06/30/2004	06/30/2003
5	1007457470001	SAINTE MARY'S EAST	12/31/2004	12/31/2003	12/31/2002
5	0015509080002	SHIPPENSBURG HEALTH CARE CENTER	12/31/2004	12/31/2003	12/31/2002
5	1014500930001	SLATE BELT NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
5	1007726730001	SPRUCE MANOR NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
5	1011465300001	SUSQUEHANNA VALLEY NURSING AND REHAB CTR	12/31/2004	12/31/2003	12/31/2002

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
5	1001378040002	TAYLOR NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
5	1018123700001	THE MANOR AT PERRY VILLAGE	12/31/2004	12/31/2003	12/31/2002
5	1018126480001	THE MANOR AT SUSQUEHANNA VILLAGE	12/31/2004	12/31/2003	12/31/2002
5	1018132330001	THE PAVILION AT ST LUKE VILLAGE	12/31/2004	12/31/2003	12/31/2002
5	1007785050013	TWINBROOK MEDICAL CENTER	06/30/2005	06/30/2004	06/30/2003
5	1007600550014	WEATHERWOOD—CARBON COUNTY NH & REHAB CTR	12/31/2004	12/31/2003	12/31/2002
5	0007506640002	WESLEY VILLAGE	12/31/2004	12/31/2003	12/31/2002
PG5		Resident Care Median \$81.91	Other Resident Rltd Median \$32.87		Administrative Median \$18.18
PG5		Resident Care Price \$95.83	Other Resident Rltd Price \$36.81		Administrative Price \$18.91

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
6	1007393560003	ABINGTON CREST NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
6	1007507380004	AUDUBON VILLA	12/31/2004	12/31/2003	12/31/2002
6	1017524140001	BALANCED CARE BLOOMSBURG	06/30/2005	06/30/2004	06/30/2003
6	0007479270001	BALL PAVILION, THE	06/30/2005	06/30/2004	06/30/2003
6	1001664120010	BARBARA J EGAN NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
6	0018870560001	BELLE REVE HEALTH CARE CENTER	12/31/2004	12/31/2003	
6	1017505810003	BETHANY VILLAGE RETIREMENT CENTER	12/31/2004	12/31/2003	12/31/2002
6	0007515810003	BONHAM NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
6	1007717380002	BUTLER VALLEY MANOR	12/31/2004	12/31/2003	12/31/2002
6	0007452430001	CALVARY FELLOWSHIP HOMES, INC	06/30/2005	06/30/2004	06/30/2003
6	0017217470001	CARBONDALE NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
6	0007451630001	CHAPEL POINTE AT CARLISLE	12/31/2004	12/31/2003	12/31/2002
6	0007476040001	CHURCH OF GOD HOME, INC	12/31/2004	12/31/2003	12/31/2002
6	1001237560003	COUNTRY MEADOWS NURSING CENTER—BETHLEHEM	12/31/2004	12/31/2003	12/31/2002
6	1014899550001	COUNTRYSIDE CHRISTIAN COMMUNITY	12/31/2004	12/31/2003	12/31/2002
6	0007551790001	COURTYARD GARDENS NURSING AND REHAB CTR	12/31/2004	12/31/2003	12/31/2002
6	1007777400050	CUMBERLAND CROSSINGS RETIREMENT COMM	12/31/2004	06/30/2003	06/30/2002
6	0007448900002	DAVIS MANOR	06/30/2005	06/30/2004	06/30/2003
6	1007507380010	DENVER NURSING HOME	12/31/2004	12/31/2003	12/31/2002
6	1019304900001	DUNMORE HEALTH CARE CENTER	06/30/2005	06/30/2004	06/30/2003
6	1007512800004	ECC RETIREMENT VILLAGE—STONERIDGE COMM	12/31/2004	12/31/2003	12/31/2002
6	1018673970001	FOREST PARK HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
6	1017505810002	FORESTVIEW	06/30/2005	06/30/2004	06/30/2003
6	1015529140001	GOLDEN LIVINGCENTER-BLUE RIDGE MOUNTAIN	12/31/2004	12/31/2003	12/31/2002

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
6	1015530900001	GOLDEN LIVING CENTER—CAMP HILL	12/31/2004	12/31/2003	12/31/2002
6	1015495340001	GOLDEN LIVING CENTER—ERIE	12/31/2004	12/31/2003	12/31/2002
6	1008394040001	GREEN RIDGE HEALTH CARE CENTER, LLC	12/31/2003	12/31/2002	12/31/2001
6	0019321150001	GUARDIAN ELDER CARE CENTER	12/31/2004	12/31/2002	12/31/2001
6	1007727260002	HAMILTON ARMS CENTER	06/30/2005	06/30/2004	06/30/2003
6	1007785050004	HAMPTON HOUSE	06/30/2005	06/30/2004	06/30/2003
6	0007475510001	HERITAGE HOUSE	06/30/2005	06/30/2004	06/30/2003
6	0007509960001	HOLY FAMILY RESIDENCE	12/31/2004	12/31/2003	12/31/2002
6	0007575940001	HOMELAND CENTER	06/30/2005	06/30/2004	06/30/2003
6	0010636500002	HOMESTEAD VILLAGE, INC	06/30/2005	06/30/2004	06/30/2003
6	0007573700001	KEPLER HOME, INC, THE	12/31/2004	12/31/2003	12/31/2002
6	0007575300001	KINKORA PYTHIAN HOME	06/30/2005	06/30/2004	06/30/2003
6	1007557700003	LAKESIDE NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
6	0008383510002	LANDIS HOMES	06/30/2005	06/30/2004	06/30/2003
6	0019484560001	LAURELS HEALTH AND REHAB AT KINGSTON	12/31/2004	06/30/2003	06/30/2002
6	0019484740002	LAURELS HEALTH AND REHAB AT MID VALLEY	12/31/2004	06/30/2003	06/30/2002
6	1007555290004	LEBANON VALLEY HOME THE	12/31/2004	12/31/2003	12/31/2002
6	1001260410031	LUTHER ACRES MANOR	12/31/2004	12/31/2003	12/31/2002
6	1007777400064	LUTHER CREST NURSING FACILITY	12/31/2004	12/31/2003	12/31/2002
6	1001664120007	LUTHERAN NRSG AND REHAB CTR—SPRENKLE DR	12/31/2004	12/31/2003	12/31/2002
6	1007538560005	MANCHESTER PRESBYTERIAN LODGE	12/31/2004	12/31/2003	12/31/2002
6	0007521770001	MANORCARE HEALTH SVCS—ELIZABETHTOWN	12/31/2004	12/31/2003	12/31/2002
6	0007574500001	MARY ELLEN CONVALESCENT HOME, INC	06/30/2005	06/30/2004	06/30/2003
6	0012388540001	MERCY CENTER NURSING UNIT, INC	12/31/2004	12/31/2003	12/31/2002
6	0007544850005	MILFORD SENIOR CARE AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
6	0012079290002	MILLCREEK MANOR	06/30/2005	06/30/2004	06/30/2003
6	1007557700006	MILLVILLE HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
6	0007479720001	MISERICORDIA CONVALESCENT HOME	12/31/2004	12/31/2003	12/31/2002
6	1007561970002	MORAVIAN SPRINGS HEALTH CENTER	06/30/2005	06/30/2004	06/30/2003
6	0010917520001	MOSSER NURSING HOME	06/30/2005	06/30/2004	06/30/2003
6	1017617540001	MOUNT HOPE NAZARENE RETIREMENT COMMUNITY	06/30/2005	06/30/2004	06/30/2003
6	1007653650006	MOUNTAIN REST NURSING HOME	06/30/2005	06/30/2004	06/30/2003
6	1007300650009	NIPPLE CONVALESCENT HOME	12/31/2004	12/31/2003	12/31/2002
6	1007497730011	NORMANDIE RIDGE	12/31/2004	12/31/2003	12/31/2002
6	0015819780002	OSPREY RIDGE HEALTHCARE AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
6	1007507380013	PALMYRA NURSING HOME	12/31/2004	12/31/2003	12/31/2002
6	1007306460006	PRAXIS ALZHEIMER'S FACILITY	12/31/2004	12/31/2003	12/31/2002
6	1007538560006	PRESBYTERIAN LODGE	12/31/2004	12/31/2003	12/31/2002
6	0019761920001	RHEEMS NURSING AND REHABILITATION CENTER	12/31/2004	12/31/2003	12/31/2002
6	1007457470003	SAINT MARY'S AT ASBURY RIDGE	12/31/2004	12/31/2003	



Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
6	0007549400003	SAINT MARY'S VILLA NURSING HOME, INC	12/31/2004	12/31/2003	12/31/2002
6	1007448570003	SARAH A REED RETIREMENT CENTER, THE	06/30/2005	06/30/2004	06/30/2003
6	1007774550001	SARAH A TODD MEMORIAL HOME	12/31/2004	12/31/2003	12/31/2002
6	0007571460001	SMITH HEALTH CARE, LTD	06/30/2005	06/30/2004	06/30/2003
6	1001260410029	SPANG CREST MANOR	12/31/2004	12/31/2003	12/31/2002
6	1007393560002	STONEBRIDGE HEALTH AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
6	1007494880012	SWAIM HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
6	1018125210001	THE MANOR AT ST LUKE VILLAGE	12/31/2004	12/31/2003	12/31/2002
6	1007555290006	THORNWALD HOME	12/31/2004	12/31/2003	12/31/2002
6	1007507380019	TWIN OAKS NURSING HOME	12/31/2004	12/31/2003	12/31/2002
6	0007488530001	UNITED ZION RETIREMENT COMMUNITY	12/31/2005	12/31/2004	12/31/2003
6	1007767250002	VILLAGE AT LUTHER SQUARE	12/31/2004	12/31/2003	12/31/2002
6	0018957820001	VILLAGE VISTA MANOR	12/31/2004	12/31/2003	12/31/2001
6	1007494880018	WESTMINSTER VILLAGE	12/31/2004	12/31/2003	12/31/2002
6	0015198910001	WYOMISSING NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
6	0007564070001	ZERBE SISTERS NURSING CENTER, INC	06/30/2005	06/30/2004	06/30/2003
PG6		Resident Care Median \$85.39	Other Resident Rltd Median \$37.58		Administrative Median \$19.25
PG6		Resident Care Price \$99.91	Other Resident Rltd Price \$42.09		Administrative Price \$20.02

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
8	0019284080001	ALTOONA CENTER FOR NURSING CARE	12/31/2004	12/31/2003	12/31/2002
8	0007549770001	ARBUTUS PARK MANOR	06/30/2005	06/30/2004	06/30/2003
8	1007296630007	CENTRE CREST HOME	12/31/2004	12/31/2003	12/31/2002
8	0007520410002	CHURCH OF THE BRETHREN HOME	06/30/2005	06/30/2004	06/30/2003
8	0007483430002	GARVEY MANOR	12/31/2004	12/31/2003	12/31/2002
8	1015520930001	GOLDEN LIVING CENTER—HILLVIEW	12/31/2004	12/31/2003	12/31/2002
8	0015682050002	HOMEWOOD AT MARTINSBURG PA INC	12/31/2004	12/31/2003	12/31/2002
8	1007294850003	LAUREL WOOD CARE CENTER	12/31/2004	12/31/2003	12/31/2002
8	1007300560031	MANORCARE HEALTH SVCS—JERSEY SHORE	12/31/2005	12/31/2004	12/31/2003
8	1007300560077	MANORCARE HEALTH SVCS—WILLIAMSPORT NORTH	12/31/2004	12/31/2003	12/31/2002
8	0015399470002	MEADOW VIEW NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
8	0007472200001	MORRISONS COVE HOME	12/31/2004	12/31/2003	12/31/2002
8	0007509690002	ORCHARD MANOR, INC	06/30/2005	06/30/2004	06/30/2003
8	0011403650001	ROSE VIEW CENTER	06/30/2005	06/30/2004	06/30/2003
8	0007486660002	SAINT PAUL HOMES	12/31/2004	12/31/2003	12/31/2002
8	0007486200001	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/2005	06/30/2004	06/30/2003
8	1007494880015	SYCAMORE MANOR HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
8	1011880850001	THE HEARTHSIDE, A NURSING AND REHAB	12/31/2004	12/31/2003	12/31/2002

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
8	1007486780001	VALLEY VIEW HOME	12/31/2004	12/31/2003	12/31/2002
8	0014028520001	VALLEY VIEW NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
8	0017836410002	WHITE CLIFF NURSING HOME	12/31/2004	12/31/2003	12/31/2002
8	0007492980001	WILLIAMSPORT HOME, THE	12/31/2004	12/31/2003	12/31/2002
8	1007513140007	WINDY HILL VILLAGE OF PRESBYTERIAN HOMES	12/31/2004	12/31/2003	12/31/2002
PG8		Resident Care Median \$84.76	Other Resident Rltd Median \$36.64		Administrative Median \$17.51
PG8		Resident Care Price \$99.17	Other Resident Rltd Price \$41.04		Administrative Price \$18.21

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
9	0017855390001	CLEPPER MANOR	12/31/2004	12/31/2003	12/31/2002
9	0012990090001	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/2005	06/30/2004	06/30/2003
9	1017505810001	EPWORTH MANOR	12/31/2004	12/31/2003	12/31/2002
9	1015577500001	GOLDEN LIVING CENTER—HAIDA	12/31/2004	12/31/2003	12/31/2002
9	1015580230001	GOLDEN LIVING CENTER—MEYERSDALE	12/31/2004	12/31/2003	12/31/2002
9	1015515140001	GOLDEN LIVING CENTER—RICHLAND	12/31/2004	12/31/2003	12/31/2002
9	1007731330019	GOOD SAMARITAN NSG CARE CTR—JOHNSTOWN	06/30/2005	06/30/2004	06/30/2003
9	1007509430001	GROVE MANOR	06/30/2005	06/30/2004	06/30/2003
9	0008972720001	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/2004	12/31/2003	12/31/2002
9	0007473280001	JOHN XXIII HOME	12/31/2004	12/31/2003	12/31/2002
9	0013989000002	LAUREL VIEW VILLAGE	06/30/2005	06/30/2004	06/30/2003
9	1001998070016	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/2004	12/31/2003	12/31/2002
9	1001998070012	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/2004	12/31/2003	12/31/2002
9	1007300560035	MANORCARE HEALTH SVCS—WILLIAMSPORT SOUTH	12/31/2004	12/31/2003	12/31/2002
9	0011329800001	NUGENT CONVALESCENT HOME	12/31/2004	12/31/2003	12/31/2002
9	0007571640001	PRESBYTERIAN HOME OF GREATER JOHNSTOWN	12/31/2004	12/31/2003	12/31/2002
9	1007513140003	PRESBYTERIAN HOMES—PRESBYTERY-HUNTINGDON	12/31/2004	12/31/2003	12/31/2002
9	1001324140008	THE PATRIOT, A CHOICE COMMUNITY	12/31/2004	12/31/2003	12/31/2002
9	0018464740001	TRINITY LIVING CENTER	06/30/2005	06/30/2004	06/30/2003
9	0016782520001	WOODLAND PLACE	12/31/2004	12/31/2003	12/31/2002
PG9		Resident Care Median \$71.58	Other Resident Rltd Median \$33.72		Administrative Median \$15.22
PG9		Resident Care Price \$83.75	Other Resident Rltd Price \$37.77		Administrative Price \$15.83

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
11	1007392020002	ARMSTRONG COUNTY HEALTH CENTER	12/31/2004	12/31/2003	12/31/2002
11	1013454270001	ASHTON HEALTHCARE	06/30/2005	06/30/2004	06/30/2003
11	1001324140005	BEACON RIDGE, A CHOICE COMMUNITY	12/31/2004	12/31/2003	12/31/2002
11	1000072830011	BRADFORD COUNTY MANOR	12/31/2004	12/31/2003	12/31/2002
11	0019250120001	BRADFORD MANOR	12/31/2004	12/31/2003	12/31/2002
11	1009802000001	BRIGHTEN AT JULIA RIBAUDO	06/30/2005	12/31/2003	12/31/2002
11	0007476400002	BROAD ACRES HEALTH AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
11	1007783630003	BROAD MOUNTAIN NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
11	0007457620001	CHRIST THE KING MANOR	06/30/2005	06/30/2004	06/30/2003
11	0007549030002	CLARVIEW NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
11	0007476220002	CRAWFORD COUNTY CARE CENTER	12/31/2004	12/31/2003	12/31/2002
11	0007463490002	DUBOIS NURSING HOME	06/30/2005	06/30/2004	06/30/2003
11	0007474800002	ELK HAVEN NURSING HOME	06/30/2005	06/30/2004	06/30/2003
11	0007554460002	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/2005	06/30/2004	06/30/2003
11	1007641160002	FALLING SPRING NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
11	0008840040002	FOREST CITY NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
11	0007452610001	GOLDEN HILL NURSING HOME, INC	06/30/2005	06/30/2004	06/30/2003
11	1015581300001	GOLDEN LIVING CENTER—SHIPPENVILLE	12/31/2004	12/31/2003	12/31/2002
11	1015515970001	GOLDEN LIVING CENTER—STROUD	12/31/2004	12/31/2003	12/31/2002
11	1015518820001	GOLDEN LIVING CENTER—WILLIAM PENN	12/31/2004	12/31/2003	12/31/2002
11	1007452550002	GRANDVIEW HEALTH HOMES, INC	06/30/2005	06/30/2004	06/30/2003
11	1007710950002	GREEN ACRES—ADAMS COUNTY NSG & REHAB CTR	12/31/2004	12/31/2003	12/31/2002
11	0007565790003	GREEN HOME, INC, THE	06/30/2005	06/30/2004	06/30/2003
11	0017956510001	HIGHLANDS CARE CENTER, THE	12/31/2004	12/31/2003	12/31/2002
11	1007508450005	HOMETOWN NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
11	0010334630003	JEFFERSON MANOR HEALTH CENTER	06/30/2005	06/30/2004	06/30/2003
11	1007494880006	JULIA POUND CARE CENTER	12/31/2004	12/31/2003	12/31/2002
11	0018363240001	KITTANNING CARE CENTER	12/31/2004	12/31/2003	12/31/2002
11	0008937290001	KRAMM HEALTHCARE CENTER, INC	06/30/2005	06/30/2004	06/30/2003
11	0007472660001	KRAMM NURSING HOME, INC	06/30/2005	06/30/2004	06/30/2003
11	1007300560043	MANORCARE HEALTH SVCS—CHAMBERSBURG	12/31/2004	12/31/2003	12/31/2002
11	1007300560063	MANORCARE HEALTH SVCS—POTTSVILLE	12/31/2004	12/31/2003	12/31/2002
11	1007300560023	MANORCARE HEALTH SVCS—SUNBURY	12/31/2004	12/31/2003	12/31/2002
11	1000074430005	MENNO-HAVEN, INC	12/31/2004	12/31/2003	12/31/2002
11	1007508450003	MOUNT CARMEL NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
11	1007783630031	MOUNTAIN LAUREL NRC	06/30/2005	06/30/2004	06/30/2003
11	0019751950002	NOTTINGHAM VILLAGE	12/31/2004	12/31/2002	12/31/2001
11	1007777400022	OHESON MANOR	12/31/2004	12/31/2003	12/31/2002
11	1007538560002	OIL CITY PRESBYTERIAN HOME	12/31/2004	12/31/2003	12/31/2002
11	0013013030001	ORWIGSBURG CENTER	06/30/2005	06/30/2004	06/30/2003
11	1018134940001	PENNKNOLL VILLAGE	12/31/2004	12/31/2003	12/31/2002

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
11	0008619590002	PLEASANT VALLEY MANOR, INC	12/31/2004	12/31/2003	12/31/2002
11	1001571370002	QUINCY RETIREMENT COMMUNITY	12/31/2004	12/31/2003	12/31/2002
11	1000073180006	REST HAVEN	12/31/2004	12/31/2003	12/31/2002
11	1007723880004	RIDGEVIEW ELDER CARE REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
11	1007497730008	RIVERWOODS	12/31/2004	12/31/2003	12/31/2002
11	1001344640003	ROLLING FIELDS, INC	12/31/2004	12/31/2003	12/31/2002
11	0015050630002	ROLLING MEADOWS	06/30/2005	06/30/2004	06/30/2003
11	1001382300004	ROUSE WARREN COUNTY HOME	12/31/2004	12/31/2003	12/31/2002
11	0007560310006	SCENERY HILL MANOR	12/31/2004	12/31/2003	12/31/2002
11	0012057910001	SCHUYLKILL CENTER	06/30/2005	06/30/2004	06/30/2003
11	1012260410001	SENA-KEAN MANOR	12/31/2004	12/31/2003	12/31/2002
11	0017400810001	SETON MANOR INC	06/30/2005	06/30/2004	06/30/2003
11	1007508450001	SHENANDOAH MANOR NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
11	1000014030004	SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/2004	12/31/2003	12/31/2002
11	0009495570004	SUSQUE VIEW HOME, INC	12/31/2004	12/31/2003	12/31/2002
11	0019252000001	SWEDEN VALLEY MANOR	12/31/2004	12/31/2003	12/31/2002
11	1018122360001	THE MANOR AT PENN VILLAGE	12/31/2004	12/31/2003	12/31/2002
11	1007783630011	TREMONT HEALTH AND REHABILITATION CENTER	06/30/2005	06/30/2004	06/30/2003
11	0007565600002	VALLEY VIEW HAVEN, INC	12/31/2004	12/31/2003	12/31/2002
11	0019252370001	WARREN MANOR	12/31/2004	12/31/2003	12/31/2002
11	0014833130001	WAYNE WOODLANDS MANOR	06/30/2005	06/30/2004	06/30/2003
11	0009824080002	WESBURY UNITED METHODIST COMMUNITY	12/31/2004	12/31/2003	12/31/2002
11	1007513140001	WOODLAND RETIREMENT COMMUNITY	12/31/2004	12/31/2003	12/31/2002
PG11		Resident Care Median \$75.84	Other Resident Rltd Median \$34.21		Administrative Median \$16.13
PG11		Resident Care Price \$88.73	Other Resident Rltd Price \$38.32		Administrative Price \$16.78

<b>Median Peer Group</b>	<b>Current Provider Number</b>	<b>Current Provider Name</b>	<b>Most Recent Cost Report End Date</b>	<b>Second Most Recent Cost Report End Date</b>	<b>Third Most Recent Cost Report End Date</b>
12	0018493040001	AVALON NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
12	1008144500063	BEVERLY LIVINGCENTER—MOUNTAIN VIEW	12/31/2004	12/31/2003	12/31/2002
12	0011692000001	BRADFORD ECUMENICAL HOME, INC	12/31/2004	12/31/2003	12/31/2002
12	0017013880001	BROOKLINE MANOR AND REHABILITATIVE SRVCS	12/31/2004	12/31/2003	12/31/2002
12	0019759180001	BROOKMONT HEALTHCARE CENTER LLC	12/31/2004	06/30/2003	06/30/2002
12	1007777400014	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/2004	12/31/2003	12/31/2002
12	1007509430003	CARING PLACE, THE	06/30/2005	06/30/2004	06/30/2003
12	0018001800001	CARLETON SENIOR CARE AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
12	1007463790005	COMMUNITIES AT INDIAN HAVEN	12/31/2004	12/31/2003	12/31/2002

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
12	1010588030001	DARWAY ELDER CARE REHABILITATION CENTER	06/30/2004	06/30/2003	06/30/2002
12	0007464470001	DONAHOE MANOR	06/30/2005	06/30/2004	06/30/2003
12	0007552300003	DR ARTHUR CLIFTON MCKINLEY HEALTH CENTER	06/30/2005	06/30/2004	06/30/2003
12	1012046610001	EDISON MANOR NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
12	1007303790003	EMMANUEL CENTER FOR NURSING AND REHAB	12/31/2004	12/31/2003	12/31/2002
12	1007564000009	FRIENDLY NURSING HOME—PITMAN	06/30/2005	06/30/2004	06/30/2003
12	1019223180001	GETTYSBURG CENTER	12/31/2004	12/31/2003	12/31/2002
12	1001664120003	GETTYSBURG LUTHERAN NURSING REHAB	12/31/2004	12/31/2003	12/31/2002
12	1015488040001	GOLDEN LIVING CENTER—CAMBRIDGE SPRINGS	12/31/2004	12/31/2003	12/31/2002
12	1015584350001	GOLDEN LIVING CENTER—CENTRAL	12/31/2004	12/31/2003	12/31/2002
12	1015489850001	GOLDEN LIVING CENTER—CLARION	12/31/2004	12/31/2003	12/31/2002
12	1015528160001	GOLDEN LIVING CENTER—GETTYSBURG	12/31/2004	12/31/2003	12/31/2002
12	1015495990001	GOLDEN LIVING CENTER—KINZUA	12/31/2004	12/31/2003	12/31/2002
12	1015585330001	GOLDEN LIVING CENTER—MANSION	12/31/2004	12/31/2003	12/31/2002
12	1015497400001	GOLDEN LIVING CENTER—MEADVILLE	12/31/2004	12/31/2003	12/31/2002
12	1015513180001	GOLDEN LIVING CENTER—OIL CITY	12/31/2004	12/31/2003	12/31/2002
12	1015581860001	GOLDEN LIVING CENTER—TITUSVILLE	12/31/2004	12/31/2003	12/31/2002
12	1015518000001	GOLDEN LIVING CENTER—WAYNESBURG	12/31/2004	12/31/2003	12/31/2002
12	1015585060001	GOLDEN LIVING CENTER—YORK TERRACE	12/31/2004	12/31/2003	12/31/2002
12	0007521030001	GUY AND MARY FELT MANOR, INC	06/30/2005	06/30/2004	06/30/2003
12	0007510350001	HAVEN CONVALESCENT HOME, INC	12/31/2004	12/31/2003	12/31/2002
12	1019567910001	HIGHLAND VIEW CARE CENTER	06/30/2005	06/30/2004	06/30/2003
12	1007564000003	HUNTINGDON NURSING AND REHAB CENTER	06/30/2005	06/30/2004	06/30/2003
12	0016889000001	JAMESON CARE CENTER	12/31/2004	12/31/2003	12/31/2002
12	0018001700001	LAKEVIEW SENIOR CARE AND LIVING CENTER	12/31/2004	12/31/2003	12/31/2002
12	0018055600001	LAUREL CARE NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
12	1018114080001	LOCUST GROVE RETIREMENT VILLAGE	12/31/2004	12/31/2003	12/31/2002
12	1003684090004	LUTHERAN HOME AT KANE, THE	12/31/2004	12/31/2003	12/31/2002
12	0007565600004	MALTA HOME	12/31/2004	12/31/2003	12/31/2002
12	0018036820001	MEADOW VIEW SENIOR LIVING CENTER	12/31/2004	12/31/2003	12/31/2002
12	0015009510001	MENNO-HAVEN PENN HALL, INC	12/31/2004	12/31/2003	12/31/2002
12	0018037080003	MULBERRY SQUARE	12/31/2004	12/31/2003	12/31/2002
12	1007300740008	OVERLOOK MEDICAL CLINIC INC	12/31/2004	12/31/2003	12/31/2002
12	1007507650046	PAVILION AT BRMC	06/30/2005	06/30/2004	06/30/2003
12	1019367250001	ROLLING HILLS MANOR	06/30/2005	06/30/2004	06/30/2003
12	0007572260001	SAYRE HOUSE, INC	06/30/2005	06/30/2004	06/30/2003
12	0014732730001	SHENANGO PRESBYTERIAN HOME	12/31/2005	12/31/2004	12/31/2003
12	0007552210001	SHOOK HOME, THE	12/31/2004	12/31/2003	12/31/2002
12	1007300740012	SILVER OAKS NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
12	0010929740001	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/2004	12/31/2003	12/31/2002

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
12	0009668070001	SUGAR CREEK REST	06/30/2005	06/30/2004	06/30/2003
12	0018861660001	TRINITY MISSION HEALTH AND REHAB	12/31/2004	12/31/2003	12/31/2001
12	1007513140009	WESTMINSTER WOODS AT HUNTINGDON	12/31/2004	12/31/2003	12/31/2002
12	1009812160001	ZENDT HOME, THE	06/30/2004	06/30/2003	06/30/2002
PG12		Resident Care Median \$72.33	Other Resident Rltd Median \$33.29		Administrative Median \$15.56
PG12		Resident Care Price \$84.63	Other Resident Rltd Price \$37.28		Administrative Price \$16.18

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
13	1016341800001	ARISTACARE AT MEADOW SPRINGS	06/30/2005	12/31/2003	12/31/2002
13	0018745120001	FOX SUBACUTE AT CLARA BURKE	12/31/2004	12/31/2003	12/31/2002
13	0016133920001	FOX SUBACUTE CENTER	12/31/2004	12/31/2003	12/31/2002
13	1007608230006	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/2005	06/30/2004	06/30/2003
13	0017915090001	GOOD SHEPHERD HOME—BETHLEHEM	06/30/2005	06/30/2004	06/30/2003
13	1007494050001	INGLIS HOUSE	06/30/2005	06/30/2004	06/30/2003
13	0008790130001	MARGARET E. MOUL HOME	06/30/2005	06/30/2004	06/30/2003
PG13		Resident Care Median \$141.90	Other Resident Rltd Median \$66.55		Administrative Median \$44.78
PG13		Resident Care Price \$166.02	Other Resident Rltd Price \$74.54		Administrative Price \$46.57

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
14	1007276220011	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/2005	06/30/2004	06/30/2003
14	1007562590011	BERWICK RETIREMENT VILLAGE NRSNG CTR I	06/30/2005	06/30/2004	06/30/2003
14	1007644390010	BUCKTAIL MEDICAL CENTER	06/30/2005	06/30/2004	06/30/2003
14	1000011270027	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/2005	06/30/2004	06/30/2003
14	1007427630004	FULTON COUNTY MEDICAL CENTER LTCU	06/30/2005	06/30/2004	06/30/2003
14	1007550910008	LOCK HAVEN HOSPITAL E.C.U.	06/30/2005	06/30/2004	06/30/2002
14	1007713260009	MEMORIAL HOSPITAL INC SNU	06/30/2005	06/30/2004	06/30/2003
14	1007771410012	MOSES TAYLOR HOSPITAL S.N.F.	06/30/2005	06/30/2004	06/30/2003
14	1007607800001	MUNCY VALLEY HOSPITAL SNU	06/30/2005	06/30/2004	06/30/2003
14	1007292600009	PINECREST MANOR	06/30/2005	06/30/2004	06/30/2003
14	1000025630114	PINNACLE HEALTH SNU—SEIDLE	06/30/2005	06/30/2004	06/30/2003
14	1015736560001	SAINT CATHERINE HEALTHCARE CENTER	06/30/2005	06/30/2004	06/30/2003
14	1002086660015	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/2005	06/30/2004	06/30/2003
14	1007454700003	ST LUKE'S MINERS MEMORIAL GERIATRIC CTR	06/30/2005	06/30/2004	06/30/2003
14	1004958310017	SUMMIT AT BLUE MOUNTAIN NURSING & REHAB	06/30/2005	06/30/2004	06/30/2003

Median Peer Group	Current Provider Number	Current Provider Name	Most Recent Cost Report End Date	Second Most Recent Cost Report End Date	Third Most Recent Cost Report End Date
14	1014236120001	SUNBURY COMMUNITY HOSPITAL SNF	06/30/2005	06/30/2004	06/30/2003
14	1007544140074	WILLOWCREST	06/30/2005	06/30/2004	06/30/2003
PG14		Resident Care Median \$95.65	Other Resident Rltd Median \$50.81		Administrative Median \$22.22
PG14		Resident Care Price \$111.91	Other Resident Rltd Price \$56.91		Administrative Price \$23.11

[Pa.B. Doc. No. 08-193. Filed for public inspection February 1, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Secretary of Revenue announces that, for the year commencing January 1, 2008, the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) is 3.5%.

Section 1403 (c) of 4 Pa.C.S. requires the Department of Revenue (Department) to utilize the most recent Consumer Price Index effective immediately prior to the date the adjustment is due to take effect. This adjustment was published by the United States Department of Labor, Bureau of Labor Statistics on January 16, 2008. Therefore, the Department is publishing notice of the Annual Inflation Adjustment.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-194. Filed for public inspection February 1, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Request for Bids

#### Property Demolition, Snyder County, SR 0015-088

Sealed Bids for the demolition and removal of the following property located at 10 Colonial Drive, Selinsgrove, PA 17870 will be accepted by the Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754 until 10 a.m. on Wednesday, February 20, 2008. An inspection of the property will be held from 11 a.m. until 1:30 p.m. on Thursday, February 7, 2008. Directions: Take Route 15 south to Shamokin Dam. Turn right on Park Road (Cindy Rowe Auto Glass). Go 1 mile and make a

sharp right onto Fisher Road just past the old 1 room school house. Take the first left (Colonial Drive). The house is the 5th house on the left. Parcel No. 50, Claim No. 5400081000, 1,693 square foot, two story frame home with a 20' by 22' garage. Prequalification of bidders is not required on bids under \$25,000.

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

[Pa.B. Doc. No. 08-195. Filed for public inspection February 1, 2008, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2008

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2008 total allowable commercial catch for walleye from the Commonwealth waters of Lake Erie is 4,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 4,000 pounds of walleye probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2008 total allowable commercial catch for yellow perch from the Commonwealth waters of Lake Erie is 32,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 32,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 08-196. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Lake Silkworth Association	Lake Silkworth	Lehman Township Luzerne County	78 acre lake which discharges into UNT to Hunlock Creek	<i>Potamogeton pectinatus</i> <i>Potamogeton spp.</i> <i>Vallisneria americana</i>

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 08-197. Filed for public inspection February 1, 2008, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the twenty-fourth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this time.			
<b>AGING</b>			
Pa. Code Title VI Chapter 3 Fair Hearings and Appeals	December 2009.	An internal PDA review has been completed and changes are not required in the regulations at this time. PDA is in the process of reviewing the fair hearing and appeal procedures in conjunction with the Office of Long Term Living.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 11 Older Adult Daily Living Centers	September 2008, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of long term care services.	Denise Getgen (717) 772-0184



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pa. Code Title VI Chapter 15 Protective Services for Older Adults	December 2009, as proposed.	The law and regulations will continue to be reviewed in light of pending legislation and the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 20 Family Caregiver Support Program	December 2009, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussion regarding development of the family caregiver support program.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2009, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives.	Denise Getgen (717) 772-0184
Pa. Code Title VI Chapter 23 Long Term Care Ombudsman Program	December 2008, as proposed.	The Department wishes to promulgate regulations for the Long Term Care Ombudsman program in order to bring it into conformity with national standards.	Denise Getgen (717) 772-0184
<b>AGRICULTURE</b>			
Domestic Animal 7 Pa. Code Chapter 2	June, 2008, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Paul Knepley, DVM (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	June, 2008, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations.	Paul Knepley, DVM (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 21	June, 2008, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement.	Paul Knepley, DVM (717) 772-2852
Amusement Rides 7 Pa. Code Chapter 139	June, 2008, as final.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	John Dillabaugh (717) 787-6772
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	June, 2008, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	February, 2008, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Benjamin H. Nolt, Jr. (717) 787-1942

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pesticide Regulations 7 Pa. Code Chapter 128	January, 2008, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in Federal pesticide registration changes.	David Scott (717) 772-5214
Fertilizer Regulations 7 Pa. Code Chapter 73	September, 2009, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September, 2009, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S. §§ 6901—6921 (Soil and Plant Amendment Act).	John Breitsman (717) 772-5215
Dog Law 7 Pa. Code Chapters 23, 25 and 27	October, 2008, as final.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Jessie Smith Special Deputy Secretary (717) 214-3758
Clean and Green Regulations 7 Pa. Code Chapter 137b	March, 2008, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167
Agricultural Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	July, 2008, as proposed.	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167
Seed Testing Labeling and Standards 7 Pa. Code Chapter 111	January, 2008, as proposed.	This regulation will supplant the current regulation and implement provisions of 3 Pa.C.S. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
General Provisions for Seed Certification 7 Pa. Code Chapter 113	January, 2008, as proposed.	This regulation will replace 7 Pa. Code Chapter 113 and implement the provisions of 3 Pa.C.S. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
Standards for Seed Certification 7 Pa. Code Chapter 115	January, 2008, as proposed.	This regulation will replace 7 Pa. Code Chapter 115 and implement the provisions of 3 Pa.C.S. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
Odor Management Plan Writer Certification 7 Pa. Code Chapter 130f	Notice of proposed rulemaking was published at 37 Pa.B. 5793 (October 27, 2007).  May, 2008, as final.	This regulation will add section 130f to 7 Pa. Code. The regulation is required by Act 38 of 2005 (commonly referred to as ACRE). The regulation establishes certification requirements for public, commercial and independent odor management plan writers.	Johan Berger (717) 787-4189
<b><i>BANKING</i></b>			
Annual Assessment Regulation	Late 2008	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz Chief Counsel (717) 787-9573
Regulations defining proper conduct of the mortgage loan business	Early 2008	63 P. S. § 456.310(a); 7 P. S. § 6616(1); 7 P. S. § 6212.	Carter D. Frantz Chief Counsel (717) 787-9573

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations governing check cashing business	Late 2008	63 P. S. § 2304(1)	Carter D. Frantz Chief Counsel (717) 787-9573
Regulations governing money transmission business	Early 2009	7 P. S. § 6114	Carter D. Frantz Chief Counsel (717) 787-9573
<b>BOARD OF PARDONS</b>			
No regulations being developed or considered at this date.			
<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT</b>			
Neighborhood Assistance Program 12 Pa. Code Chapter 135 (Regulation)	Winter/Spring of 2008	The purpose of the regulation is to establish new special program priorities and to update the regulation with respect to recent legislative changes to the Neighborhood Assistance Act.	Jill Busch (717) 720-7314
<b>COMMISSION ON CRIME AND DELINQUENCY</b>			
No regulations being developed or considered at this time.			
<b>CONSERVATION &amp; NATURAL RESOURCES</b>			
State Forests (Chapter 21)	Publish proposed rulemaking July 2008	A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)	Matt Beaver (717) 783-4543 Susan Wood, Esq. (717) 772-4171
State Forest Picnic Areas (Chapter 23)	Publish proposed Rulemaking July 2008	The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)	Matt Beaver (717) 783-4543 Susan Wood, Esq. (717) 772-4171
<b>CORRECTIONS</b>			
Revisions to the existing regulations governing county correctional facilities, 37 Pa. Code Chapter 95	February, 2008 as final.	The regulations are being revised to eliminate unnecessary regulations and amending necessary regulations to be consistent with current correctional practice.	William Sprenkle (717) 975-4965
Promulgation of state intermediate punishment regulations	January, 2008, as final.	The regulations will replace the guidelines currently in effect.	Randall N. Sears (717) 731-0444
Amendments to 37 Pa. Code § 94.4	July, 2008, as proposed.	The amendment will restrict the ability of individuals to purchase items from outside the institution for inmates.	Randall N. Sears (717) 731-0444
<b>EDUCATION</b>			
Higher Education— Institutional Approval 22 Pa. Code Chapter 40	March 2008, as proposed.	These regulations establish procedures for the approval and operation of independent two-year college, college seminary or university, or for status as a State System, State-related or State-aided institution for the purposes of awarding college credits and granting degrees.	Jim Buckheit (717) 787-3787
Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapters A & C	Spring 2008, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, P. L. 30, No. 14, March 16, 1949, P. S. Section 1-101, et seq.	John Tommasini (717) 783-6134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 16 Special Education for Gifted Students 22 Pa. Code Chapter 16	May 2008, as final.	These regulations outline how special education programs and services are to be provided to students identified as gifted.	Jim Buckheit (717) 787-3787  or  Linda Rhen (717) 783-2311
Charter School Standards, Chapter 711	June 2008, as final.	These Department Standards govern Charter Schools, revision is required in order to comply with IDEA 2004.	Linda Rhen (717) 705-5014  or  Parker Martin (717) 783-9280
Special Education Services and Programs 22 Pa. Code Chapter 14	March 2008, as final.	These regulations outline how special education services and programs are to be provided to children with disabilities. Specific revisions are necessary to incorporate the recent changes to IDEA 2004.	Jim Buckheit (717) 787-3787  or  Linda Rhen (717) 705-5014
Academic Standards and Assessment, 22 Pa. Code Chapter 4	March 2008, as proposed.	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma.	Jim Buckheit (717) 787-3787  or  Diane Castelbuono (717) 787-2127
Higher Education— Program Approval 22 Pa. Code Chapter 42	March 2008, as proposed.	These regulations establish procedures for approval of specialized associate degree programs, upper division programs at 2-year and community colleges, graduate programs and vocational education programs.	Jim Buckheit (717) 787-3787
General Vocational Education Standards 22 Pa. Code Chapter 339	Spring 2008, as final.	A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the Pa. Code, section 4.32(a).	Lee Burket (717) 787-5530
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63	The Board, the Department, and various subcommittees are working on preliminary draft language to be considered by leadership. Once initial approval is received, the more formal process will begin.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. § 6701 et. seq.).	Linda Rhen (717) 705-5014  or  Parker Martin (717) 783-9280

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Academic Standards and Assessment 22 Pa. Code Chapter 4 Appendix A— Academic standards for reading, writing, speaking and listening and mathematics	September 2008, as proposed.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on state academic standards. The standards for reading, writing, speaking and listening and mathematics were issued in January 1999. The Board, in accordance with § 4.12(i) seeks to review the standards for the purpose of clarifying, consolidating and correcting the standards.	Jim Buckheit (717) 787-3787
<b>EMERGENCY MANAGEMENT AGENCY</b>			
No regulations being developed or considered at this time.			
<b>ENVIRONMENTAL HEARING BOARD</b>			
Pa. Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing Board intends to submit proposed rulemaking in January or February 2008.	The Environmental Hearing Board Rules Committee has recommended revising the Board's rules of practice and procedure to add new rules addressing the following issues: 1) default judgment; 2) withdrawal of appeals without prejudice; 3) prepayment of penalties; and 4) expedited litigation. The Rules Committee has also recommended revisions to existing rules, including summary judgment, discovery, participation in litigation by parties of interest. The Board is also considering a pilot project before adopting a new rule on electronic discovery.	Maryanne Wesdock (412) 565-5245
<b>ENVIRONMENTAL PROTECTION</b>			
Areas Unsuitable for Surface Mining 25 Pa. Code Chapter 86	FY 07-08	Proposed designation of 3,200 acre Muddy Run Watershed in NE Cambria County as unsuitable for Mining. A designation would protect a drinking water supply for over 550 households.	Geoff Lincoln (717) 783-9582 glincoln@state.pa.us
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapter 77	FY07-08	Revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including, hydrologic data requirements.	Bill Allen (717) 783-9580 wallen@state.pa.us
Oil and Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78	FY07-08	Revisions to Chapter 78 (Oil and Gas Wells) that governs the drilling, operation and plugging of oil and gas wells. Includes changes to bond amount and plugging procedures to attain a more effective seal; quantity and quality for replacement water supplies as well as adequate operation and maintenance; and alternate requirements for casing, cementing and plugging wells through mineable coal seams to facilitate future mining through the wells or recovery of coal bed methane prior to mining.	Ron Gilius (717) 772-2199 rgilius@state.pa.us
Coal Mine Reclamation Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapter 86	FY07-08	Revisions to Chapter 86 (Surface and Underground Mining: General) to provide for adjustments to the existing reclamation fee and to provide for the reclamation of sites where the operator reclamation bond has been forfeited	Keith Brady (717) 787-4814 kbrady@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Remining Financial Guarantees and Federal OSM Consistency Rule Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapters 86, 87, and 88	FY07-08	Revisions to Chapter 86—88 to include remining financial guarantees proposal, and revisions to address program conditions that are currently inconsistent with Federal OSM rules, including self-bonding, decisions on incidental coal extraction, coal exploration on areas unsuitable for mining, impoundment design criteria, and disposal of noncoal waste.	Bill Allen (717) 783-9580 wallen@state.pa.us
Title 25 Chapter 401 Mine Subsidence Insurance Fund General Provisions/ The Act of August 23, 1961 (P. L. 1068, No. 484) as amended (52 P. S. §§ 3201—3225) (Act). <i>*See note in Summary</i>	FY07-08	Revisions to Chapter 401 to expand Mine Subsidence Insurance (MSI) coverage to apply to appurtenances to structures as well as to structures, the removal of provisions that change periodically, such as premium rates and policy limits, so that they can be provided in the insurance policy, the explicit authority to provide grants, the option to compensate for the cost to repair or the diminution in market value (this option will allow an otherwise uninsurable to continue to carry coverage after a loss), and other editorial changes.  <i>*Note: Section 19 of the Act provides that the MSI Board has the authority to promulgate rules and regulations and to establish other provisions of the insurance policy as it deems prudent.</i>	Larry Ruane (717) 783-9590 lruane@state.pa.us
Water Supply Replacement Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapters 87, 88	FY07-08	Revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.	Keith Brady (717) 787-4814 kbrady@state.pa.us
Surface Mine Safety Surface Mine Conservation and Reclamation Act, Noncoal Surface Mine Conservation and Reclamation Act, 25 Pa. Code Chapter 209	FY07-08	Revision to Chapter 209 (Coal Mines) to adopt by reference the Federal MSHA regulations for surface coalmines and surface noncoal mines.	Bill Allen (717) 783-9580 wallen@state.pa.us
Mine Opening Blasting Surface Mine Conservation and Reclamation Act 25 Pa. Code Chapter 89	FY07-08	Revisions to Chapter 89 (Underground Mining of Coal and Coal Preparation Facilities) to better coordinate regulation of blasting of underground mine entries between surface blasting requirements and underground blasting requirements.	Bill Allen (717) 783-9580 wallen@state.pa.us
Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code Chapter 85	FY07-08	This proposal will update Chapter 85 based on the bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County.	Andrew Zemba (717) 772-5633 azemba@state.pa.us
General Provisions Clean Streams Law 25 Pa. Code Chapter 91	FY07-08	This proposal will include amendments to Chapter 91 to require a management plan as part of the permit application, and clarify issuance of innovative technology permits for wastewater treatment facilities. The proposal will also include revisions to account for changes to CAFO regulations.	Parimal Parikh (717) 787-8184 pparikh@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Watershed Permits Clean Streams Law 25 Pa. Code Chapter 92	FY07-08	Revision to Chapter 92 (National Pollution Discharge Elimination System Permitting, Monitoring and Compliance— NPDES) to allow the Department to develop watershed permits in watersheds covered by a TMDL or similar allocation.	John Wetherell (717) 705-0486 jwetherell@state.pa.us
Big Brook et al Redesignation Package Clean Streams Law 25 Pa. Code Chapter 93	FY07-08	This proposal identifies eight streams (Big Brook (Wayne County), Beaver Creek (Chester County), Clarion River (Clarion County), Furnace Run (Lancaster and Lebanon Counties), Mill Creek (Berks County), Stone Creek (Bedford County), Wissahickon Creek (Montgomery County) and Brooke Evans Creek (Montgomery County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Clark Creek et al Redesignation Package Clean Streams Law 25 Pa. Code Chapter 93	FY07-08	This proposal identifies nine streams (UNT Lackawanna River (Clark Creek) (Wayne County), Upper Lehigh River (Lackawanna, Monroe, Wayne and Luzern Counties), Pine Creek (Schuylkill County), UNT Conestoga Creek (Lancaster County), L. Lehigh (Lehigh and Berks Counties), Hammer Creek, (Lebanon and Lancaster Counties), Spring Mill Creek (Montgomery County), Cacoosing (Berks County), and Fishing Creek (Lancaster County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Blue Eye Run, et al (WQN) Stream Redesignation Package Clean Streams Law 25 Pa. Code Chapter 93	FY07-08	This proposal identifies seven stream segments (Blue Eye Run (Warren County), E. Br. Dyberry Creek (Wayne County), East Hickory Creek (Warren County), Muncy Creek (Sullivan County), Spruce Run (Union County), UNT Tunkhannock Creek (Susquehanna County), and Young Womans Creek (Clinton County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Triennial Review of Water Quality Standards Clean Streams Law 25 Pa. Code Chapter 93 Water Quality Standards and Chapter 16 Water Quality Toxics Management Strategy—Statement of Policy	FY07-08	This review identifies amendments to the Water Quality Standards and the Water Quality Toxics Management Strategy—Statement of Policy. Water Quality Criteria and Standards in Chapters 93 and 16 are revised to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. These amendments will also merge portions of Chapter 16 into the regulations in Chapter 93.	Tom Barron (717) 787-9637 tbarron@state.pa.us
Erosion and Sediment Control and Stormwater Management Clean Streams Law 25 Pa. Code Chapter 102	FY07-08	Several major modifications/revisions include: addition of provisions from Chapter 92 that relate to NPDES permitting requirements for discharges associated with Construction activity; incorporate post construction stormwater management; incorporate buffer provisions; and revise permit requirements.	Barbara Beshore (717) 772-5961 bbeshore@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Dam Safety and Waterways Management Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code Chapter 105	FY07-08	Several major modifications/revisions include: changes to permit requirements; permit application requirements; environmental assessment, and wetland replacement criteria.	Troy Conrad (717) 772-5970 tconrad@state.pa.us
Public Notification Revisions Safe Drinking Water Act 25 Pa. Code Chapter 109	FY07-08	Amendments to several sections in Chapter 109 to strengthen the public notification (PN) requirements for imminent threat situations. Will include enhancements to the preplanning requirements in the Operation and Maintenance Plan and Emergency Response Plan sections, and revisions to the Tier 1 PN delivery requirements.	Lisa Daniels (717) 772-4018 ldaniels@state.pa.us
Stage 2 Disinfectants and Disinfection Byproducts Rule Safe Drinking Water Act 25 Pa. Code Chapter 109	FY07-08	This rule will implement the requirements of the Federal Stage 2 DDBR that was effective March 6, 2006. The rule will require community water systems and noncommunity water systems, which treat drinking water with a primary disinfectant other than UV to conduct additional compliance monitoring for trihalomethanes and haloacetic acids.	Parimal Parikh (717) 787-8184 pparikh@state.pa.us
Chapter 109 General Update Safe Drinking Water Act 25 Pa. Code Chapter 109	FY07-08	This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring and reporting requirements for lead, copper, arsenic, radionuclides inorganic chemicals, volatile synthetic organic chemicals, and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for online instrumentation; reporting requirements for failure to monitor; and compliance determinations for the chemical contaminants. The update also will include mandatory electronic data reporting requirements.	Lisa Daniels (717) 772-2189 ldaniels@state.pa.us
Operator Certification Program 25 Pa. Code Chapter 302	FY07-08	These regulations formalize requirements for certification of drinking water and wastewater system operators.	Veronica Kasi (717) 772-4053 vbkasi@state.pa.us
Water Resources Planning Water Resources Planning Act 25 Pa. Code Chapter 110	FY07-08	Addition of new Chapter 110 (Water Resources) establishing requirements for the registration, record keeping and periodic reporting of water withdrawals and water uses in accordance with the Water Resources Act (Act 220 of 2002) to provide information for water resources planning and development of the State Water Plan.	Susan Weaver (717) 783-8055 suweaver@state.pa.us
Microbial Pathogens in Groundwater Rule 25 Pa. Code Chapter 109	FY 07-08	This rulemaking will incorporate the Environmental Protection Agency's Final Ground Water Rule, which was promulgated on November 8, 2006, to provide for increased protection against microbial pathogens in public water systems that use ground water sources.	John Diehl (717) 787-9561 jdiehl@state.pa.us



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of Nitrogen Oxide (NOx) Emissions from Glass Furnaces Air Pollution Control Act, 25 Pa. Code Chapters 121 and 129	FY 07-08	The proposed rulemaking establishes nitrogen oxide (NOx) emission control requirements, emission standards and emission limitations for glass melting furnaces during the ozone season (May 1 through September 30) and related administrative requirements for glass melting furnaces, starting in May 2009. Adoption of NOx emission limits for glass melting furnaces is part of the Commonwealth's strategy, in concert with other jurisdictions in the Ozone Transport Region (OTR), to reduce transport of ozone to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard. In addition, the strategy will also provide NOx emission reductions necessary to reduce the formation of fine particulates and regional haze.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Clean Air Interstate Rule Air Pollution Control Act 25 Pa. Code Chapters 121, 129 and 145	FY07-08	The final rulemaking will revise Air Quality Regulations to comply with the Federal Clean Air Interstate Rule by reducing emissions of sulfur oxides and nitrogen oxides from electric generating units as a means of mitigating the interstate transport of fine particulates (PM <sub>2.5</sub> ), NOx and SO <sub>2</sub> . The implementation of these measures to address ozone and PM <sub>2.5</sub> air quality nonattainment in this Commonwealth are reasonably necessary to protect the public health and reduce welfare losses.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Diesel Vehicle Idling and Auxiliary Power Systems Air Pollution Control Act, Chapter 126	FY07-08	A proposed new Subchapter F would place time limitations on idling of heavy-duty diesel vehicles to reduce emissions of several pollutants. Exemptions would be provided. A proposed new Subchapter G would regulate the use of diesel-powered auxiliary power systems for diesel-powered commercial motor vehicles with model year 2007 and newer engines.	Arleen Shulman (717) 772-3926 ashulman@state.pa.us
Air Quality Permit Streamlining Air Pollution Control Act 25 Pa. Code Chapter 127	FY07-08	The final rulemaking will revise certain public notice provisions for non-major sources. The regulation will also extend from 120 to 180 days the duration for temporary "shake-down" operation of new or modified sources subject to the Plan Approval requirements and adds a new provision to address completeness determinations of plan applications as part of the Department's efforts to streamline permitting activities.	Krish Ramamurthy (717) 783-9476 kramamurth@state.pa.us
Control of Nitrogen Oxide (NOx) Emissions from Cement Kilns Air Pollution Control Act 25 Pa. Code Chapters 121, 129, and 145	FY07-08	The proposed rulemaking would revise existing NOx emission limits for cement kilns by establishing allowable NOx emission limits for certain types of cement kilns. The proposed rulemaking includes several compliance demonstration options including compliance on a kiln-by-kiln basis, emissions averaging and use of Clean Air Interstate Rule (CAIR) NOx Ozone Season allowances. Adoption of NOx emission limits for cement kilns is part of the Commonwealth's strategy, in concert with other jurisdictions in the Ozone Transport Region (OTR), to reduce the transport of ozone to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard (NAAQS). The Department will also make progress in achieving and maintaining the fine particulates NAAQS.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Consumer Products Air Pollution Control Act 25 Pa. Code Chapter 130	FY07-08	The proposal would revise the consumer product regulation to add additional categories of regulated products. The revisions will reduce volatile organic compound and hazardous air pollutant emissions. The reductions are reasonably necessary to achieve and maintain the health-based 8-hour ozone National Ambient Air Quality Standard.	Susan Hoyle (717) 772-2329 shoyle@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Adhesives and Sealants Air Pollution Control Act 25 Pa. Code Chapter 130 and Chapter 129	FY07-08	The proposal would adopt volatile organic compound (VOC) content limits for 41 categories of adhesives, adhesive primers, sealants, sealant primers and adhesives applied to certain substrates. The proposal would also add requirements for the control of emissions from the use or application of adhesives, sealants and primers by the owners or operators of stationary sources. This proposal would be consistent with regulatory initiatives recommended by the Ozone Transport Commission to address regional transport of ozone precursor emissions.	Martin Felion (717) 772-3939 mafelion@state.pa.us
Radiation Protection Program Radiation Protection Act, Radon Certification Act 25 Pa. Code Chapter 215—240	FY07-08	Rewording of existing requirements and definitions for clarity; updating of U.S. Nuclear Regulatory Commission incorporation by reference citations; reinstating industrial radiography incident reporting requirement inadvertently deleted by previous rulemaking; updating radon protocols; and deleting notary requirements from radon services permit applications.	L. Ray Urciuolo (717) 783-9730 lurciuolo@state.pa.us
Radiological Health and Radon Certification Fees 25 Pa Code Chapters 218 and 240	FY07-08	The amendments in Chapter 218 will increase the annual fees for registration of radiation-producing machines, radiation-producing machine service provides, accelerator licenses and radioactive material licenses as well as the hourly rate professional fee associated with certain full cost recovery licenses. The amendments in Chapter 240 will increase the application fees for certification of radon services.	L. Ray Urciuolo (717) 783-9730 lurciuolo@state.pa.us
Administration of the Storage Tank and Spill Prevention Program Storage Tank and Spill Prevention Act 25 Pa. Code Chapter 245	FY07-08	Revisions to Chapter 245 to provide for training requirements for three distinct classes of underground storage tank system operators. The proposal will include a description of the classes of operators, required training for each class of operator, deadlines when operator training is required, and acceptable forms of training. The Federal Energy Policy Act of 2005 required EPA to publish operator training guidelines by August 8, 2007. States receiving Federal funding under Subtitle I of RCRA must develop State-specific operator training requirements consistent with the EPA guidelines by August 8, 2009.	Ray Powers (717) 772-5809 rapowers@state.pa.us
Waste Facility Notification Near Military Airports Solid Waste Management Act 25 Pa. Code §§ 271.1, 279.112, 287.1 and 293.112	FY07-08	This final regulation is in response to a petition filed by the U.S. Department of Defense. It would amend the Municipal and Residual Waste Regulations to include military airport in the definition of "airport" and require a transfer facility applicant to notify the PENNDOT's Bureau of Aviation and the Federal Aviation Administration and the airport if a proposed transfer facility or expansion is within 6 miles of an airport runway.	Steve Socash (717) 787-7381 ssocash@state.pa.us
Hazardous Waste Program Solid Waste Management Act 25 Pa. Code Chapters 260—270	FY07-08	This proposed regulation revises various chapters in Article VII (Hazardous Waste Management) of Subpart D that govern the generation, treatment, storage, transportation and disposal of hazardous waste.	Rick Shipman (717) 783-1736 dshipman@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Municipal and Residual Waste Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code Chapters 271—285 and 287—299	FY07-08	These proposed revisions are comprehensive modifications to the Municipal and Residual Waste Regulations, including: consolidating similar chapters and standardizing provisions, where applicable, between the two volumes; revising and clarifying definitions, including the definition of "waste"; developing additional permits-by-rule; incorporating commodity disposal bans; revising the local and municipal involvement process for waste disposal and processing facility applications; and revising the environmental assessment and harms/benefits test. The package will also include regulations to implement the Waste Transportation Safety Program as authorized by Act 90 of 2002.	Kim Hoover (717) 783-7514 khoover@state.pa.us
Administration of the Land Recycling Program (Act 2) Land Recycling and Environmental Remediation Standards Act 25 Pa. Code Chapter 250	FY07-08	Revisions to Chapter 250 (Administration of the Land Recycling Program) This proposal includes a number of miscellaneous revisions to the regulations and an update of the Statewide Health Standards Tables based on new toxicological information.	Dave Crownover (717) 783-7502 dcrownover@state.pa.us
Facility Odor Management 25 Pa. Code Chapter 83	FY07-08	This rulemaking provides the State Conservation Commission with oversight to manage the impact of odors generated from animal housing facilities and manure storage facilities on high-density livestock and poultry operations, referred to as Concentrated Animal Operations and from Concentrated Animal Feeding Operations.	Doug Brennan (717) 787-9373 dobrennan@state.pa.us
<b>GENERAL SERVICES</b>			
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47	Spring 2008, as final omitted.	These regulations should be updated to reflect current agency practice and procedure.	Mary Benefield Seiverling (717) 772-2749
Responsibility, 4 Pa. Code Chapter 60	Fall 2008, as proposed.	This chapter should be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Mary Benefield Seiverling (717) 772-2749
Prequalification Procedures, 4 Pa. Code Chapter _____	Summer 2008, as proposed.	These new regulations will establish procedures to prequalify bidders and offerors as authorized by § 532 of the Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Committee on Construction Contract Documents, 4 Pa. Code Chapter 62	Spring 2008, as final omitted.	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Mary Benefield Seiverling (717) 772-2749
Selections Committee, 4 Pa. Code Chapter 64	Fall 2008, as final omitted.	These regulations will be reviewed to ensure that they accurately reflect present practice and are consistent with the Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Emergency Construction Repairs 4 Pa. Code Chapter 67	Fall 2008, as final omitted.	The regulations should be amended to more accurately reflect present practice and to delete antiquated contract provisions.	Mary Benefield Seiverling (717) 772-2749
Contract Compliance 4 Pa. Code Chapter 68	Fall 2008, as final omitted.	References to the Human Relations Commission should be replaced by procedures under the current DGS programs.	Mary Benefield Seiverling (717) 772-2749
Methods of Awarding Contracts, 4 Pa. Code Chapter 69	Spring 2008, as final omitted.	These regulations should be repealed since they have been superseded by enactment of the Commonwealth Procurement Code.	Mary Benefield Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commonwealth Parking Facilities, 4 Pa. Code Chapter 71	Winter 2008, as final omitted.	The regulations need to be updated to reflect changes to agency procedure and practice.	Mary Benefield Seiverling (717) 772-2749
Commonwealth Automotive Fleet 4 Pa. Code Chapter 73	Spring 2008, as final omitted.	These regulations need to be reviewed and updated to reflect current practice.	Mary Benefield Seiverling (717) 772-2749
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications, 4 Pa. Code Chapter 81	Fall 2008, as final omitted.	These regulations should be revised since the DGS Bureau of Management Services no longer has responsibility for processing subscriptions and orders for the <i>Pennsylvania Code</i> .	Mary Benefield Seiverling (717) 772-2749
Bookstore Operations, 4 Pa. Code Chapter 83	Fall 2008, as final omitted.	These regulations should be revised since the bookstore operations were transferred to the Historical and Museum Commission by statute.	Mary Benefield Seiverling (717) 772-2749
Exercise of First Amendment Rights on Commonwealth Property 4 Pa. Code Chapter 85	Summer 2008, as final omitted.	The regulation will be rewritten to reflect the current organizational structure and to conform to changes which will be made to the Statement of Policy in Chapter 86.	Mary Benefield Seiverling (717) 772-2749
Use of the Forum 4 Pa. Code Chapter 87	Summer 2008, as final omitted.	The regulations should be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.	Mary Benefield Seiverling (717) 772-2749
<b>HEALTH</b>			
Health Facility Licensure—General Administrative Chapter and General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq.	March 2008, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals and other health care facilities. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	Barbara Holland (717) 346-9692  James T. Steele, Jr. (717) 783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	July 2008, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Jalene Kolb (717) 783-2500
Supplemental Nutrition Program for Women, Infant's and Children (WIC) 28 Pa. Code § 1101.1 et seq.	March 2008, as proposed.	The amendments to existing regulations will bring the Commonwealth into compliance with the requirements of the federal Child Nutrition and WIC Reauthorization Act of 2004. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.102, 448.201(12), 448.601, 448.801a, and 448.803(2) and the Administrative Code of 1929 (71 P. S. 532(a) and (g)).	Douglas Snyder (717) 783-2500
School Immunization Requirements 28 Pa. Code §§ 23.83 and 23.86	February 2008, as Proposed.	The amendments to existing regulations will revise immunization requirements for school entry and attendance, add a grace period for the provision of vaccinations in order for them to be considered valid, and change school reporting requirements to require reporting of doses of vaccine given. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).	Yvette M. Kostelac (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Sexual Assault Victims Emergency Services Regulations 28 Pa. Code §§ 117.51—117.58.	January 2008, as final.	The amendments to existing regulations will establish minimum parameters for the treatment of sexual assault victims presenting at Pennsylvania hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.102, 448.201(12), 448.601, 448.801a, and 448.803(2) and the Administrative Code of 1929 (71 P. S. 532(a) and (g)).	Robert Datorre (717) 783-2500
Drug and Alcohol confidentiality, disclosure of client-oriented information. 4 Pa. Code § 255.5 (a) (in part) and (b).	July 2008, as final.	The amendment of existing regulations will rescind and amend parts of 4 Pa. Code § 255.5(a) and 4 Pa. Code § 255.5(b), relating to disclosure of information and restrictions on the type of information which can be disclosed to various individuals and entities. Pursuant to 71 P. S. § 751-25 and 71 P. S. § 1690-101 et seq.	Keith B. Fickel (717) 783-2500
Health Facility Licensure Home Care Agencies and Home Care Registries 28 Pa. Code Chapter 611	March 2008, as proposed.	These new regulations are being promulgated pursuant to Section 803 (10 of the Health Care Facilities Act, Act of July 19, 1979 (P. L. 130, No. 48), as amended, 35 P. S. § 448.803(1), and Act 2006-69 at § 809.1. Act 69 of 2006 expressly authorized the Department to promulgate to set licensure standards for home care agencies and home care registries. Home care agencies employ direct care workers and home care registries refer direct care workers who are independent contractors to provide home care services to individual in their home or other independent living environment. Home care services include assistance with activities of daily living and instrumental activities of daily living, companionship, respite care and other non-medical services. The regulations were published as proposed on August 11, 2007. Comments from the public, the Legislature and the Independent Regulatory Review Commission have been received and reviewed.	Karin Simpson (717) 783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.13(c), 963.14(a), 963.15(a), 963(15)(c), 25 Pa. Code § 965.4(9), and 25 Pa. Code § 965.7	Winter 2007/ Spring 2008	<p>PENNVEST recommends the following revisions:</p> <p>(1) Delete 25 Pa. Code § 963.12(a) (6) in its entirety and the second sentence of 25 Pa. Code § 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(3) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(4) Amend 25 Pa. Code § 963.14(a) by revising the section to clarify when the use of an affordability analysis for the award of grants is necessary.</p> <p>(5) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(6) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(7) Amend 25 Pa. Code § 965.4(9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(8) Amend 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review if the applicant is able to prove to the satisfaction of PENNVEST that no alternative methodologies are available to reduce project costs for projects with construction costs plus contingency in excess of \$10 million.</p>	Shawn W. Weis (717) 783-6776
<b>INSURANCE</b>			
Producer Licensing, 31 Pa. Code Chapter 37, §§ 37.1—37.84	Summer/Fall 2008, as proposed.	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replace with new regulation consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Continuing Education for Insurance Agents and Brokers, 39, §§ 39.1—39.12	Spring/Summer 2008, as proposed.	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replace with new regulation consistent with the statute. This regulation will be updated to reflect education and training of producers.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code Chapter 67, §§ 67.21—28	Summer 2008, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Actuarial Opinion and Memorandum Regulation, 31 Pa. Code Chapter 84b, §§ 84b.1—84b.11	Spring 2008, as proposed.	To comply with the NAIC model regulation 822. The amendments will require all life insurance companies and fraternal benefit societies to submit actuarial opinions based on an asset adequacy analysis, commonly known as “Section 8 opinions.”	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code Chapter 133, §§ 133.1—133.12	Winter 2007/ Spring 2008, as final.	The purpose is to eliminate obsolete, unnecessary regulations.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code Chapter 139, §§ 139.1—139.3	Winter 2007/ Spring 2008, as proposed.	The purpose is to eliminate obsolete, unnecessary regulations.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Military Sales Model Regulation, New Regulation	Spring 2008, as proposed.	To adopt the NAIC model in response to Congress’ direction in Section 9 of the Military Personnel Financial Services Protection Act.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
<b>LABOR AND INDUSTRY</b>			
Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety	Submit final-omitted regulation in Spring 2008.	Will revoke Labor and Industry’s authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.	Edward Leister (717) 787-3323
Liquefied Petroleum Gas, Title 34, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Summer 2008.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister (717) 787-3323
Storage and Use of Flammable and Combustible Liquids, Title 37, Part I Chap. 13, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Spring 2008.	Amend existing regulations to provide requirements for unattended self-service stations.	Jack Davenport (717) 772-2443
Business Enterprise Program, Title 34, Bureau of Blindness and Visual Services	Submit proposed rulemaking in Fall 2008.	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	David DeNotaris (717) 783-3784
Office of Vocational and Rehabilitation, Title 34	Submit final rulemaking in Winter 2008.	Regulations will govern the registration process and implement the Sign Language Interpreter and Transliterator Registration Act which was enacted in 2004 (Act 57 of 2004).	Sharon Behun (717) 783-4192
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services	Submit proposed rulemaking in Winter 2008.	Update Unemployment Compensation tax and select benefit regulations.	Scott Miedrich (717) 787-2097

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits	Submit proposed rulemaking in Winter 2008.	Update requirements and procedures for filing benefit claims and applications.	Jeri Morris (717) 787-3667
Unemployment Compensation, Title 34, Chapter 101, Unemployment Compensation Board of Review	Submit proposed rulemaking in Fall 2008.	Update appeal and hearing procedures to reflect evolving procedures and statutory changes.	Edward Rawlings (717) 787-1620
Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment	Submit final-form regulation in Spring 2008.	Update processes governing medical care and costs under the Workers' Compensation Act.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 125A, Self-Insurance	Submit proposed rulemaking in Summer 2008.	Clarify standards and security requirements for individual self-insured employees.	George Knehr (717) 783-4476
Bureau of Workers' Compensation, Title 34, Chapter 131	Submit proposed rulemaking in Summer 2008.	Update procedures for proceedings before workers' compensation judges and incorporating Act 147 of 2006.	Elizabeth A. Crum (717) 787-5082
Workers' Compensation Appeal Board, Title 34, Chapter 111	Submit proposed rulemaking in Summer 2008.	Update procedures for Workers' Compensation Appeal Board.	Susan McDermott (215) 560-4583
Bureau of Mediation, Title 34	Submit proposed rulemaking in Fall 2008.	Specify procedures and process for Bureau mediators.	William D. Gross (717) 787-2803
Bureau of Labor Law Compliance, Title 34, Chapter 231, Minimum Wage	Submit proposed rulemaking in Fall 2008.	Update provisions and rescind expired Food-Service Employee Incentive Program.	James A. Holzman (717) 787-4186
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans' Homes 43 Pa. Code Section 7.1 et. seq.	September 2007 as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Dennis T. Guise (717) 861-8503
Persian Gulf Conflict Veterans' Compensation Program 43 Pa. Code Chapter 9	July 2007	This regulation is needed to implement Act 29 of 2006, which established the Persian Gulf Conflict Veterans' Compensation Program. The funding for this program was approved by Pennsylvania voters in November 2006, and the Act took effect in December 2006. DMVA's goal is to have regulations (which relate directly to military affairs) in effect by September 2007.	Dennis T. Guise (717) 861-8503
<b>MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION</b>			
Municipal Police Officers' Education and Training Commission 37 Pa. Code Chapter 204	Final regulations, May 2008.	Act 79 of 2005 requires the Commission to promulgate regulations to implement the Retired Law Enforcement Identification Act.	Syndi L. Guido (717) 772-0905



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
No regulations being developed or considered at this time.			
<b>PROBATION AND PAROLE</b>			
The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5 (13) requires the Commission to “make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers.”	The proposed regulation was published in the <i>Pennsylvania Bulletin</i> in the fall of 2006. The regulations are currently undergoing IRRC review.	The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of final regulations by Summer 2008 for publication in the <i>Pennsylvania Bulletin</i> .	Henry L. Van Brederode (717) 787-5699 x 389
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
Portions of 22 Pa. Code Part XIII, Chapters 201, 211, 213, 215	Filing of final form rulemaking anticipated within 2-3 months.	This proposal is being made to formalize and clarify current practices, remedy problems that have arisen and reflect issues unique to PSERS. Definitions that simply copy the Retirement Code or were outdated were deleted. Regulations that are outdated were, in some instances, moved to a more appropriate section based on content and then deleted for nonapplicability. New regulations were added to provide a clear, concise understanding of the Board's policies and procedures in accordance with the Retirement Code. The majority of the amendments to these regulations were to correct grammatical errors and editorial changes to improve readability and to provide consistency with the Retirement Code.	Frank Ryder (717) 720-4733
<b>PUBLIC WELFARE</b>			
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	October 2008, as proposed.	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the Federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	March 2009, as proposed.	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	June 2008, as proposed.	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Family Violence Option 55 Pa. Code Chapter 108	March 2008, as proposed.	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	June 2008, as proposed.	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; and 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Payment for Burial and Cremation 55 Pa. Code Chapters 283, 285	December 2008 as final-form as proposed.	The proposed rulemaking increases the maximum payment to funeral directors for burial or cremation services to a standard \$750 for all eligible individuals. This rulemaking also increases maximum level of contributions that may be made by another agency or individual towards burial expenses without reducing the Department payment. This amount is increased from \$180 to \$750. Additionally, this proposed rulemaking eliminates several restrictive requirements for burial, thus allowing families and funeral directors more flexibility and choice in planning and selecting burial goods and services.	Ruth O'Brien (717) 783-2800
Revisions to Special Allowances for Supportive Services 55 Pa. Code Chapter 165	June 2008 as proposed.	The purpose of this proposed regulation is to ensure adequate and consistent availability and distribution of special allowances. These special allowances are for supportive services to recipients of cash assistance who are engaged or intend to engage in employment and training activities approved by the Department.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (TANF Reauthorization) 55 Pa. Code Chapter 165	June 2008 as proposed.	The purpose of this proposed regulation is to incorporate revised policies for work participation according to Federal statutes and regulations.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Deficit Reduction Act of 2005 (Long Term Care Eligibility Requirements) 55 Pa. Code Chapter 178	June 2008, as proposed.	This regulation incorporates changes to the eligibility requirements for payment of Long Term Care (LTC) services identified in the Deficit Reduction Act of 2005. Major changes include revisions to the determination of periods of ineligibility for payment of LTC services due to transfers of assets for less than fair market value (FMV), a new eligibility criterion regarding an individual's equity value in his/her home, revision to the spousal impoverishment procedures regarding resource eligibility of a married individual, and implementation of a formal undue hardship process for those individuals denied eligibility for payment of LTC services due to a transfer of assets for less than FMV or because of substantial home equity.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (Citizenship and Identity requirements for Medicaid) 55 Pa. Code Chapters 125, 141, 150 and 201	June 2008, as proposed.	The purpose of this regulation is to incorporate revised policies relating to citizenship and identity mandated by the Federal Deficit Reduction Act of 2005 for individuals who are applying and being reviewed for continuing Medicaid.	Ruth O'Brien (717) 783-2800
Medical Assistance for Workers with Disabilities (MAWD) 55 Pa. Code Chapter 140	July 2008 as proposed.	The purpose of this proposed rulemaking is to make categorically needy Medical Assistance available to individuals with disabilities who are at least 16 years of age or older but under 65 years of age, and who meet established income, resource and work related requirements. Title II of the Ticket to Work and Work Incentives Act of 1999 amended § 1902(a)(10)(A)(ii)(XV) and (XVI) of the Social Security Act and expanded the options for states to provide health care coverage to the individuals working with a disability.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	March 2008, as proposed.	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services 55 Pa. Code Chapter 1239	March 2008, as proposed.	This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	June 2008, as final-omitted.	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife 55 Pa. Code Chapter 1141	June 2008, as final-omitted.	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150	June 2008, as final-omitted.	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2009, as proposed.	This regulation codifies the policy as set forth in the Statement of Policy published at 27 Pa.B. 6238 (November 29, 1997). This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
New Definition of "Emergency Medical Condition" 55 Pa. Code Chapters 1101, 1141, 1150, 1221	July 2008, as proposed.	This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	July 2008, as proposed.	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	June 2008, as final-omitted.	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	June 2008, as final-omitted.	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Civil Rights Requirements for Nursing Facilities 55 Pa. Code Chapter 1187	July 2008, as proposed.	This regulation will require nursing facilities to request and maintain a file of civil rights compliance information on each applicant. Through review of the civil rights information, the Department may better ensure that the MA program is operated in conformity with applicable laws that prohibit discrimination on race, color, national origin and disability.	Ruth O'Brien (717) 783-2800
Assisted Living Residence 55 Pa. Code Chapter 2800	March 2008	This rulemaking will provide a system of licensure and regulation of assisted living residences to ensure accountability and a balance of availability between institutional and home- and community-based long term care. This will help Pennsylvanians to age in place, maintain their independence and exercise decision making and personal choice.	Ruth O'Brien (717) 783-2800
Changes to Nursing Facility Rate Setting System 55 Pa. Code Chapter 1187	June 2008, as final-omitted.	This regulation will support the balancing of long term care by encouraging the continued trend of having nursing facilities serve higher acuity MA recipients, encouraging right sized facilities and decreased reliance on MA payments. Further objectives of this regulation will be to provide greater predictability in rate setting, reduce the number of appeals and incorporate performance standards/incentives to encourage cost effective and high quality care in the most appropriate setting.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Copayment Changes 55 Pa. Code Chapter 1101	September 2008, as final-omitted.	This regulation will codify new MA copayment exclusions mandated by the Federal Deficit Reduction Act (DRA) of 2005, and reduce the copayment for brand name drugs identified as preferred on the Department's Preferred Drug List (PDL) as authorized under the DRA. This regulation will be reviewed by the Medical Assistance Advisory Committee (MAAC).	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	February 2009, as proposed.	Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to ensure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language.	Ruth O'Brien (717) 783-2800
Licensure and Approval Appeal Procedures 55 Pa. Code Various Chapters	June 2008, as final-form.	This regulation replaces the uncodified regulation at 7 Pa.B. 3266 with the General Rules of Administrative Practice and Procedure (1 Pa. Code Chs. 31—35) for all facilities and agencies certified by the Department.	Ruth O'Brien (717) 783-2800
Third Party Liability Programs Changes 55 Pa. Code Chapter 258	October 2008, as proposed.	This regulation will incorporate additions and changes to the estate recovery program regulation that was codified in February 2003. The changes reflect modification and additions identified since implementation. These include additional and clarified definitions; inclusion of language regarding the Long Term Care Partnership; modification of the Department's priority of claim based on a change to 20 Pa.C.S. § 3392 relating to classification and order of payment; and clarifications regarding undue hardship waivers, postponement of collection and computation of claim.	Ruth O'Brien (717) 783-2800
Family-Based Mental Health Service Providers 55 Pa. Code Chapter 5260	October 2008, as proposed.	This proposed regulation would establish requirements for the delivery of services, and payment of family-based mental health services for children and adolescents.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 31, 1157, 1165	July 2008, as proposed.	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee (MAAC) on 3/28/02 and again to the MAAC as well as other interested stakeholders on 4/20/06. The comments and revised regulations are under review by the Department.	Ruth O'Brien (717) 783-2800
Outpatient Drug and Alcohol Clinic Services 55 Pa. Code Chapter 1223	November 2008, as proposed.	This proposed regulation is needed to maintain consistency with the Department of Health licensing definitions and align these regulations with current Federal and State licensing requirements, as well as, current treatment trends.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Intermediate Care Facilities for the Mentally Retarded 55 Pa. Code Chapter 6650	August 2007, as proposed.	This regulation applies to private and public residential facilities receiving monies for intermediate care facilities for the mentally retarded (ICFs/MR) or intermediate care facilities for persons with other related conditions (ICFs/ORC). This regulation will include facility capacity, facility expansion, new ICF/MR development, conversion of state funded programs to ICF/MR, conversion of existing ICF/MR to the Medicaid Consolidated Waiver program, medication administration, medication administration training, self-administration of medications and medication log.	Ruth O'Brien (717) 783-2800
Regulatory Revisions: Adult Training Facilities; Vocational Facilities; Community Homes for Individuals with Mental Retardation; Family Living Homes 55 Pa. Code Chapters 2380, 2390, 6400 and 6500	November 2010 as proposed.	The regulatory revisions will establish consistent new business practices for providers to ensure they meet the necessary health and safety needs of the individuals they serve. The regulatory revisions will also increase consistency across services and providers per Federal requirements.	Ruth O'Brien (717) 783-2800
Individual Support Plans 55 Pa. Code Chapters 2380, 2390, 6400, 6500	May 2008, as proposed.	This regulation will amend the current Individual Program Plan/Individual Written Program Plan regulations to reflect current practices and requirements related to Individual Support Plans.	Ruth O'Brien (717) 783-2800
Child Care Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3300	January 2008 as final-form.	The purpose of the proposed rulemaking is to update the minimum standards for child care facilities. The regulations need to be updated to reference the current laws that directly impact on the operation of child care facilities, to incorporate the Department's statements of policy issued since 1992, to implement changes in recommended health and safety practices, to clarify regulations and to reflect best practice in the field of child care.	Ruth O'Brien (717) 783-2800
<b>REVENUE</b>			
Construction Contractors 61 Pa. Code §§ 31.11—31.16 and 46.11—46.17	July, 2008 as proposed.	The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities following Act 45 of 1998. Department awaiting decision of the Pennsylvania Supreme Court.	Douglas Berguson (717) 346-4633
Realty Transfer Tax Amendments 61 Pa. Code Chapter 91	December, 2007, as final.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas Berguson (717) 346-4633
Support Offset and Other Personal Income Tax Provisions	May, 2008, as proposed.	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas Berguson (717) 346-4633
Amendments to Chapter 117. Return and Payment of Tax	May, 2008, as proposed.	The proposed regulation will amend § 117.9 and add § 117.9b to reflect the Department's policy regarding the form of Pennsylvania Personal Income Tax returns. In addition, the regulation will provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson (717) 346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Repeal of § 32.38 Sales and Use Tax Exclusion for Tangible Personal Property Used in Production of Commercial Motion Pictures	February, 2008, as final.	Act 55 of 2007 repealed the exclusion at 61 Pa. Code § 32.38, effective October 1, 2007. The Department is promulgating a final-omitted regulation to reflect this change in the statute and remove the obsolete regulation in a timely manner.	Douglas Berguson (717) 346-4633
Pennsylvania Subchapter S Corporations—Election Language 61 Pa. Code Chapter 107a	June, 2008, as proposed.	The Department is promulgating a new rulemaking as a result of Act 2006-67, which made significant changes to how S corporations are taxed under Pennsylvania Personal Income Tax.	Douglas Berguson (717) 346-4633
Corporate Net Income Tax 61 Pa. Code §§ 151.14, 153.54, and 153.66—Amended Report	June, 2008, as proposed.	The proposed regulation provides a procedure for the filing of amended corporate tax reports for tax reports governed by the assessment process enacted in Act 119 of 2006. Obsolete language will be replaced.	Douglas Berguson (717) 346-4633
Amendments to 61 Pa. Code Chapters 73 and 74 Malt Beverage Tax	May, 2008, as proposed.	The amendments to Chapters 73 and 74 codify legislative changes relating to the Malt Beverage Tax that were set forth in Act 46 of 2003.	Douglas Berguson (717) 346-4633
<b><i>SECURITIES COMMISSION</i></b>			
No regulations being developed or considered at this time.			
<b><i>STATE</i></b>			
Bureau of Commissions, Elections and Legislation —Alteration of Local Election Districts 4 Pa. Code § 184 (16—36)	Summer 2008, as proposed.	The regulation would address the statutory requirements relating to local redistricting in Article V of the Election Code, 25 P. S. §§ 2701—2750. Statutory Authority: Section 2750 of the Election Code, 25 P. S. § 2570, which authorizes the Secretary of the Commonwealth to promulgate regulations relating to Election District Alteration and Data Reporting.	L. Lawrence Boyle (717) 783-1657
—Lobbying Disclosure 51 Pa. Code (16—40)	Spring 2008, as proposed.	This proposed rulemaking is required to implement the Lobbying Disclosure Act, Act 134 of 2006, which requires the Lobbying Disclosure Committee to deliver proposed regulations implementing the provisions of Act 134 within 180 days. Statutory Authority: Section 1310-A of the Lobbying Disclosure Act, Act 134 of 2006.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Bureau of Professional and Occupational Affairs—</p> <p>Schedule of Civil Penalties (Nurses) 49 Pa. Code § 43b.18 (16—38)</p> <p>—Recording Devices 49 Pa. Code §§ 43b.101—43b.102 (number not yet assigned)</p>	<p>Spring 2008, as final.</p> <p>Summer 2008, as proposed.</p>	<p>The regulations would amend the civil penalty schedule for the State Board of Nursing by adding civil penalties for violation of the continuing education regulations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> <p>The regulation would provide rules for the use of electronic (audio and visual) recording devices during meetings of the boards and commissions within the Department of State for which the Bureau of Professional and Occupational Affairs provides administrative support. Statutory Authority: Sections 710 and 711 of the Sunshine Act, Act of October 15, 1998 (P. L. 179, No. 93) authorizes the adoption of rules and regulations governing the use of recording devices in public meetings.</p>	<p>Cynthia K. Montgomery (717) 783-7200</p> <p>Thomas A. Blackburn (717) 783-7200</p>
<p>State Board of Accountancy</p> <p>—Continuing Education 49 Pa. Code §§ 11.61—11.69a (16A-5511)</p> <p>—Biennial Renewal Fees 49 Pa. Code § 11.4 (16A-5512)</p>	<p>Summer 2008, as proposed.</p> <p>Spring 2008, as proposed.</p>	<p>The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This proposed rulemaking would increase the biennial renewal fees for certified public accountants, public accountants, public accounting firms and continuing education program sponsors. Statutory Authority: Section 6 of the C.P.A. Law, 63 P. S. § 9.6.</p>	<p>Sara Fox (717) 783-1404</p>
<p>State Architects Licensure Board</p> <p>—Requirements for Examination Eligibility 49 Pa. Code § 9.45(b) (16A-419)</p>	<p>Spring 2008, as final.</p>	<p>This regulation would adopt a 5-year “rolling clock” requirement so that applicants would be required to pass all divisions of the Architect Registration Examination within a rolling 5-year period. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law, 63 P. S. § 34.6(a) and (d).</p>	<p>Penny Walker (717) 783-3397</p>
<p>State Athletic Commission</p> <p>—Communicable Disease Testing 58 Pa. Code § 21.8 (16-37)</p>	<p>Spring 2008, as final.</p>	<p>This regulation would alter the Commission's current regulations that authorize the testing of boxers for communicable diseases to require such testing no more than 6 months prior to the date of the application for licensure. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501, authorize the Commission to promulgate regulations implementing changes to the health and safety rules as recommended by the Medical Advisory Board.</p>	<p>Greg Sirb (717) 787-5720</p>



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Barber Examiners</p> <p>—Student Records and Curriculum 49 Pa. Code Chapter 3 (16A-427)</p>	<p>Winter 2007-2008, as proposed.</p>	<p>This regulation would amend the current regulations to allow for part-time attendance at barber schools; to allow for transfer of hours between a barber shop and a barber school or between barber shops regardless of whether the shop or school is in-state or out-of-state; to require shop owners and schools to submit a quarterly report of student hours to the Board; to require a shop owner, or a shop owner's designee, to notify the Board of each student to be trained in the shop. Statutory Authority: Section 15-A.4(b) of the Barbers' License Law, 63 P. S. § 566.4(b).</p>	<p>Hillarene Staller (717) 783-3402</p>
<p>State Board of Chiropractic</p> <p>—Chiropractic specialties 49 Pa. Code Chapter 5 (16A-4312)</p> <p>—Patient records 49 Pa. Code § 5.51 (16A-4313)</p> <p>—Reactivation of Lapsed Licenses 49 Pa. Code § 5.17 (16A-4314)</p> <p>—Review of Chiropractic Treatment 49 Pa. Code Chapter 5 (16A-4315)</p> <p>—Assistance of unlicensed Supportive Personnel 49 Pa. Code Chapter 5 (16A-4316)</p> <p>—Volunteer license 49 Pa. Code § 5.20 (number not yet assigned)</p>	<p>Spring 2008, as proposed.</p> <p>Summer 2008, as final.</p> <p>Summer 2008, as final.</p> <p>Spring 2008, as proposed.</p> <p>Spring 2008, as proposed.</p> <p>Spring 2008, as final (Proposed-omitted).</p>	<p>The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This regulation will update the Board's requirement that a licensee whose license has been inactive for more than 5 years demonstrate current competence in order to reactivate the licensee's license. Statutory Authority: Sections 302(3) and 501(b) of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3) and 625.501(b).</p> <p>This proposed rulemaking would establish standards for chiropractors who are engaged in chiropractic peer review. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This proposed rulemaking would establish standards for the delegation of tasks to unlicensed supportive personnel. Statutory Authority: Sections 302(3) and 601 of the Chiropractic Practice Act, 63 P. S. §§ 624.302(3) and 625.601.</p> <p>This regulation is required to conform the regulations to the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.</p>	<p>Deborah Smith (717) 783-7155</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Corporation Bureau</p> <p>—UCC Revised Article 9 (16-35)</p>	Summer 2008, as proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Martha Brown (717) 787-6802
<p>State Board of Cosmetology</p> <p>—General Revisions 49 Pa. Code Chapter 7 (16A-4514)</p>	Spring 2008, as final.	This regulation would implement the omnibus amendments to the Beauty Culture Law provided by Act 99 of 2006. Statutory authority: Section 16 of Act 99 requires the Board to promulgate regulations within 18 months of its effective date (September 5, 2006).	Hillarene Staller (717) 783-7130
<p>State Board of Dentistry</p> <p>—EFDA Program Approval 49 Pa. Code Chapter 33 (16A-4616)</p> <p>—Dental Hygienists Scope of Practice/Local Anesthesia 49 Pa. Code Chapter 33 (16A-4617)</p> <p>—Sexual Misconduct 49 Pa. Code Chapter 33 (16A-4618)</p> <p>—Volunteer license 49 Pa. Code § 33.110 (number not yet assigned)</p>	<p>Spring 2008, as proposed.</p> <p>Spring 2008, as proposed.</p> <p>Spring 2008, as final.</p> <p>Spring 2008, as final (Proposed-omitted).</p>	<p>This regulation is intended to establish criteria for Board approval of education programs for expanded function dental assistants. Statutory Authority: Section 3(a) of the Dental Law, 63 P. S. § 122(a).</p> <p>This regulation is intended to update and amend the scope of practice of dental hygienists to conform to modern dental practices and will establish the requirements under which a dental hygienist may be permitted to administer local anesthesia under the direct supervision of a dentist. Statutory Authority: Section 3(d) of the Dental Law, 63 P. S. § 122(d).</p> <p>This regulation will define sexual misconduct as it pertains to dentists, dental hygienists and expanded function dental assistants. Statutory Authority: Sections 3(c), (d), (d.1) and (o) of the Dental Law, 63 P. S. § 122(c), (d), (d.1) and (o).</p> <p>This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p>	<p>Lisa Burns (717) 783-7162</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Registration Board for Professional Engineers, Land Surveyors and Geologists</p> <p>—General Revisions 49 Pa. Code Chapter 37 (number not yet assigned)</p>	Summer 2008, as proposed.	The regulation would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151.	Terrie Kocher (717) 783-7049
<p>State Board of Funeral Directors</p> <p>—Forms Review 49 Pa. Code §§ 13.204 and 13.244 (16A-4813)</p> <p>—Preneed Funeral Arrangements 49 Pa. Code Chapter 13 (16A-4815)</p> <p>—Preneed Activities of Unlicensed Employee 49 Pa. Code Chapter 13 (16A-4816)</p> <p>—Renewal Fee 49 Pa. Code § 13.12 (16A-4817)</p>	<p>Spring 2008, as final.</p> <p>Summer 2008, as final.</p> <p>Summer 2008, as final.</p> <p>Summer 2008, as final.</p>	<p>This regulation would clarify the criteria by which the Board will review form statements of funeral goods and services and preneed contracts and add grounds for the Board to disapprove forms. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>This regulation would clarify and add additional requirements for funeral directors who enter into preneed funeral arrangement agreements. Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).</p> <p>The regulation would clarify what conduct by an unlicensed individual is permitted, as strongly urged by the court in <i>Walker v. Flitton</i>, 364 F.Supp.2d 503 (U.S.D.C. M.D. Pa. 2005). Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).</p> <p>The regulation would increase the biennial renewal fee for licensed funeral directors. Statutory Authority: Section 18.1 of the Funeral Director Law, 63 P. S. § 479.18.1.</p>	Heidi Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine			
—Qualifications of Expert Witnesses 49 Pa. Code § 16.52 (16A-4923)	Summer 2008, as final.	This regulation will adopt the criteria for qualification as an expert established by section 512 of the Mcare Act for all proceedings before the Board. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9.	Tammy Radel (717) 783-1400
—Acupuncture 49 Pa. Code § 18.15 (16A-4924)	Spring 2008, as proposed.	This proposed rulemaking amends the Board's existing acupuncture regulations so they comport with Act 186 of 2006, which amends the Acupuncture Registration Act (63 P. S. §§ 1801—1806) by authorizing acupuncturists to treat patients for up to 60 calendar days without first obtaining a referral from a physician. Statutory Authority: Sections 3 and 3.1 of the Acupuncture Registration Act, 63 P. S. §§ 1803 and 1803.1.	
—General Revisions 49 Pa. Code Chapters 16, 17 and 18 (16A-4925)	Spring 2008, as proposed.	This proposed rulemaking will implement Acts 29, 46 and 48 of 2007, and will generally update the regulations of the Board relating to physicians, physician assistants, certified registered nurse practitioners, respiratory care practitioners, and volunteer licensees. Statutory Authority: Acts 29, 46 and 49 of 2007 direct the Board to adopt, promulgate and enforce regulations to effectuate the amendments adopted in the respective Acts. In addition, Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, authorizes the Board to promulgate regulations that are reasonably necessary to carry out the purposes of the Act.	
—Nurse Midwife Prescriptive Authority 49 Pa. Code Chapter 18 (16A-4926)	Summer 2008, as final.	This rulemaking is required to implement Act 50 of 2007 relating to prescriptive authority for nurse midwives. Statutory Authority: Sections 8 and 35(a) of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.35(a).	
—Clarification of Medicine and Surgery 49 Pa. Code Chapters 16 and 17 (16A-4927)	Spring 2008, as proposed.	This rulemaking would amend basic definitions and establish minimum standards of practice relating to examinations preceding treatment and relating to certain medical procedures. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
—Volunteer License 49 Pa. Code § 16.18 (number not yet assigned)	Spring 2008, as final (Proposed-omitted).	This regulation is required to amend the current regulations regarding volunteer licenses to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing			
—LPN/IV Therapy 49 Pa. Code § 21.145 (16A-5122)	Spring 2008, as proposed.	This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Ann Steffanic (717) 783-7142
—RN and LPN Program Examination Pass Rates 49 Pa. Code Chapter 21 (16A-5123)	Winter 2007-2008, as proposed.	This regulation will clarify the procedure for removing a nursing education program from the approved list and further establish standards for placing a nursing education program on provisional approval or removing the program from the approved list based on the failure rate for first-time examinees on the licensure examination. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—CRNP General Revisions 49 Pa. Code Chapter 21, Subchapter C (16A-5124)	Winter 2007-2008, as proposed.	This regulation is required to implement Act 206 of 2002, which gave exclusive jurisdiction over CRNPs to the State Board of Nursing and to revise the existing regulations to allow the effective use of CRNPs to the full extent of their education and training. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 7(c) of Act 306 of 2002, P. L. 1567, No. 206, December 9, 2002.	
—Fees for CRNP Continuing Education Course Approval 49 Pa. Code Chapter 21 (16A-5128)	Spring 2008, as final.	This regulation would establish a fee for the approval of CRNP continuing education courses. Statutory Authority: Sections 8.1(c) and 11.2(a) and (d) of the Professional Nursing Law, 63 P. S. §§ 218.1(c), 221.2(a) and (d).	
—Approval of Nursing Education Programs 49 Pa. Code Chapter 21 (16A-5129)	Spring 2008, as proposed.	This regulation updates the Board's regulations relating to nursing education programs as part of a systematic review of the professional nursing regulations undertaken by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Continuing Education for RNs 49 Pa. Code Chapter 21 (16A-5130)	Spring 2008, as final.	The proposed regulation is required to implement the continuing education requirements mandated by Act 58 of 2006. Statutory authority: Section 12 of the Professional Nursing Law, 63 P. S. § 222.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing (cont'd)			
—Schedule of Civil Penalties—Nurses 49 Pa. Code § 43b.18 (16-38)	Spring 2008, as final.	This regulation would amend the civil penalty schedule for the State Board of Nursing by adding civil penalties for violation of the continuing education regulations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Ann Steffanic (717) 783-7142
—Faculty Requirements for Nursing Education Programs 49 Pa. Code §§ 21.71 and 21.72 (16A-5131)	Spring 2008, as final.	This rulemaking would amend the Board's regulations relating to faculty requirements in order to expand the pool of qualified faculty, faculty assistants and allied faculty for nursing education programs. Statutory authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1, provides the Board the authority to establish standards for the operation and approval of nursing education programs.	
—Administration of Conscious Sedation Medications 49 Pa. Code Chapter 21 (16A-5132)	Fall 2008, as proposed.	The proposed regulation would provide standards for registered nurses in the administration of conscious sedation medications. Statutory authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Clinical Nurse Specialists 49 Pa. Code Subchapter H, §§ 21.801—21.831 (16A-5133)	Winter 2007-2008, as proposed.	This proposed regulation is required to implement Act 49 of 2007, which amended the professional Nursing Law to provide for the certification of clinical nurse specialists. Statutory Authority: Section 5 of Act 49 requires the Board to promulgate regulations within 18 months. Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) authorizes the Board to establish rules and regulations for the practice of professional nursing and the administration of the Act.	
—Volunteer License 49 Pa. Code Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)	Spring 2008, as final (Proposed-omitted).	This regulation is required to amend the regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Examiners of Nursing Home</p> <p>—Administrators Administrator-In-Training 49 Pa. Code Chapter 39 (16A-627)</p> <p>—Sexual Misconduct 49 Pa. Code §§ 39.1 and 39.9 (16A-629)</p> <p>—Continuing Education 49 Pa. Code § 39.61 (16A-6212)</p>	<p>Spring 2008, as final.</p> <p>Summer 2008, as proposed.</p> <p>Spring 2008, as proposed.</p>	<p>This regulation would create an alternative method for obtaining experience and training prior to admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p> <p>This regulation would add sexual abuse, sexual misconduct and sexual harassment as offenses for which a nursing home administrator's license may be disciplined. Statutory Authority: Sections 49(c) and 6(g) of the Nursing Home Administrators Licensure Act, 63 P. S. §§ 1104(c) and 1106(g).</p> <p>This rulemaking would amend the Board's existing regulations relating to continuing education clock hours. Statutory Authority: Section 9(b) of the Nursing Home Administrators Licensure Act, 63 P. S. § 1109(b).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure</p> <p>—Continuing Competency 49 Pa. Code §§ 42.50—42.58 (16A-677)</p>	<p>Spring 2008, as proposed.</p>	<p>The proposed rulemaking will implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p>	<p>Chris Stuckey (717) 783-1389</p>
<p>State Board of Optometry</p> <p>—Volunteer License 49 Pa. Code § 23.26 (number not yet assigned)</p>	<p>Spring 2008, as final (Proposed-omitted).</p>	<p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).</p>	<p>Deborah Smith (717) 783-7155</p>
<p>State Board of Osteopathic Medicine</p> <p>—Physician Assistant Prescriptive Authority 49 Pa. Code Chapter 25 (16A-5318)</p> <p>—Volunteer License- 49 Pa. Code Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)</p>	<p>Spring 2008, as final.</p> <p>Spring 2008, as final (Proposed-omitted).</p>	<p>This rulemaking (developed with the assistance, advice and consent of the Pharmacy Board) sets forth the requirements for physician assistants with regard to prescriptive authority under the direction of a licensed physician. Statutory Authority: Section 10(h) and (p) of the Osteopathic Medical Practice Act, 63 P. S. § 271.10(h) and (p).</p> <p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.</p>	<p>Gina Bittner (717) 783-4858</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Pharmacy</p> <p>—Supplies and Equipment 49 Pa. Code Chapter 27 (16A-5415)</p> <p>—General Revisions 49 Pa. Code Chapter 27 (16A-5416)</p> <p>—Continuing Education 49 Pa. Code § 27.32 (16A-5417)</p> <p>—Sale of Hypodermic Needles and Syringes 49 Pa. Code Chapter 27 (16A-5418)</p> <p>—Pharmacist Breaks 479 Pa. Code Chapter 27 (16A-5419)</p>	<p>Spring 2008, as final.</p> <p>Spring 2008, as final.</p> <p>Summer 2008, as final.</p> <p>Spring 2008, as final.</p> <p>Summer 2008, as final.</p>	<p>The regulation would amend existing regulations pertaining to supplies and equipment to eliminate a specific list of supplies and allow pharmacies to keep on hand supplies specific to the pharmacy's area of practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).</p> <p>The regulation would update the regulations of the Board to delete outdated portions and amend sections to recognize current pharmacy practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).</p> <p>This regulation would clarify the Board's continuing education requirements. Statutory Authority: Section 3.1 of the Pharmacy Act, 63 P. S. § 390-3.1.</p> <p>This regulation would amend existing regulations to eliminate the requirement for a prescription prior to dispensing needles and syringes by a pharmacist. Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9).</p> <p>This regulation would permit a sole pharmacist on duty to take up to a thirty-minute break while the pharmacy remains open. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).</p>	<p>Melanie Zimmerman (717) 783-7156</p>
<p>State Board of Physical Therapy</p> <p>—Biennial Renewal Fees 49 Pa. Code § 40.5 (16A-6511)</p> <p>—Deletion of Athletic Trainer Regulations 49 Pa. Code Chapter 40, Subchapter B (16A-6512)</p>	<p>Spring 2008, as final.</p> <p>Spring 2008, as final (Proposed-omitted).</p>	<p>This regulation would increase the biennial renewal fees for physical therapists, physical therapy assistants and certificate holders. Statutory Authority: Section 8(b) of the Physical Therapy Practice Act, 63 P. S. § 1308(b).</p> <p>This regulation is required to delete the outdated/superseded athletic trainer regulations from Chapter 40. Statutory Authority: Acts 92 and 93 of 2001, which repealed sections 10.1 and 10.2 of the Physical Therapy Practice Act, formerly 63 P. S. §§ 1310.1 and 1310.2.</p>	<p>Michelle Roberts (717) 783-7134</p>



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Podiatry</p> <p>—Certificate of Authority to Perform Acupuncture 49 Pa. Code Chapter 29 (16A-449)</p> <p>—Volunteer License 49 Pa. Code § 29.55 (number not yet assigned)</p>	<p>Spring 2008, as proposed.</p> <p>Spring 2008, as final (Proposed-Omitted).</p>	<p>This regulation is required to establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.</p> <p>This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p>	<p>Gina Bittner (717) 783-4858</p>
<p>State Board of Psychology</p> <p>—Qualifications 49 Pa. Code Chapter 41 (16A-6315)</p> <p>—Continuing Education 49 Pa. Code § 41.59 (16A-6317)</p> <p>—Code of Conduct 49 Pa. Code § 41.61 (16A-6318)</p>	<p>Spring 2008, as proposed.</p> <p>Spring 2008, as proposed.</p> <p>Summer 2008, as proposed.</p>	<p>This regulation amends education, experience and examination requirements as well as creates new and amends existing supervisor requirements. Statutory Authority: Sections 3.2(1) and (2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and (2).</p> <p>This regulation would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215.</p> <p>This regulation would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Real Estate Commission</p> <p>Seller's Property Disclosure Statement 49 Pa. Code § 33.335a (16A-5618)</p> <p>—Education 49 Pa. Code §§ 35.384, 35.385. (16A-5613)</p> <p>—Consumer Notice 49 Pa. Code § 35.336 (16A-5614)</p> <p>—Partial Fees 49 Pa. Code Chapter 35 (16A-5615)</p>	<p>Spring 2008, as proposed.</p> <p>Spring 2008, as proposed.</p> <p>Spring 2008, as final.</p> <p>Spring 2008, as proposed.</p>	<p>This regulation adopts a form "seller's property disclosure statement" as required by Act 114 of 2000. Statutory Authority: Section 7304(a) of the Residential Real Estate Transfers Law, 63 P. S. § 7304(a).</p> <p>This proposed regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.404a.</p> <p>This regulation would shorten and simplify the Consumer Notice mandated by section 608 of the Real Estate Licensing and Registration Act. Statutory Authority: 63 P. S. § 455.608.</p> <p>This proposed regulation would eliminate the partial fees charged to licensees who apply mid-biennium. Statutory authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.</p>	<p>Patricia Ridley (717) 783-3658</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p> <p>—Technical Amendments 49 Pa. Code §§ 47.1 and 47.1a. (16A-699)</p> <p>—Standards of Professional Conduct 49 Pa. Code Chapters 47, 48 and 49 (16A-6911)</p> <p>—Biennial Renewal Fees 49 Pa. Code § 47.4 (16A-6915)</p>	<p>Winter 2007-2008, as final.</p> <p>Spring 2008, as proposed.</p> <p>Spring 2008, as final.</p>	<p>This regulation clarifies the definition of “accredited school,” amends the name of the examination, and provides that students who graduate from social work programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.</p> <p>The regulation would establish a code of ethics and standards of professional conduct for social workers, clinical social workers, marriage and family therapists, and professional counselors licensed by the board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p> <p>The regulation would increase the biennial renewal fees for licensed social workers, licensed clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75. Statutory authority: Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1918(c).</p>	<p>Sandra Matter (717) 783-1389</p>
<p>State Board of Examiners in Speech-Language and Hearing</p> <p>—General Revisions 49 Pa. Code Chapter 45. (number not yet assigned)</p>	<p>Summer 2008, as proposed.</p>	<p>This regulation is intended to be a general update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).</p>	<p>Sandra Matter (717) 783-1389</p>
<p>State Board of Vehicle Manufacturers, Dealers and Salespersons</p> <p>—Salesperson License 49 Pa. Code Chapter 19 (16A-609)</p>	<p>Summer 2008, as proposed.</p>	<p>The Board of Vehicles Act requires every person who is engaged in the buying, selling or exchanging of vehicles for a commission, compensation or other consideration, to be a licensed salesperson on behalf of a dealer, unless that person is the dealer. This regulation would clarify that the reference to “dealer” in the phrase “unless that person is the dealer” refers only to a person holding a dealer license as a sole proprietor. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p>	<p>Pamela Marsden (717) 783-1697</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Veterinary Medicine  —Veterinary Dentistry 49 Pa. Code Chapter 31 (16A-5718)  —Facilities 49 Pa. Code Chapter 31 (16A-5720)  —Professional Conduct 49 Pa. Code Chapter 31 (16A-5721)	Summer 2008, as proposed.  Summer 2008, as proposed.  Spring 2008, as final.	This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.  This regulation would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.  This regulation would clarify the types of conduct that constitutes unprofessional conduct which may lead to disciplinary action under section 21(1) of the Veterinary Medicine Practice Act. Statutory Authority: Sections 5 and 21 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.21.	Michelle Roberts (717) 783-7134
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
4 Pa. Code § 250.2. Time to appeal. (This proposed regulation will supercede that portion of 1 Pa. Code § 35.35 pertaining to the 10-day period of time to appeal from delegated actions of subordinate officers and substitute a 30-day period of time to file an appeal.)	SERS re-submitted it with IRRC's technical addition as Regulation 31-6.	Current hearing regulations are inconsistent with operational practice supporting member-friendly service.	Paul Stahlnecker, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code §§ 250.1 and 250.15. Applicability of general rules. (These current regulations will be modified to permit the application of proposed 4 Pa. Code § 250.2.)	SERS re-submitted it with IRRC's technical addition as Regulation 31-6.	Specific provisions in SERS' regulations should be exceptions to the general rules of administrative practice and procedure.	Paul Stahlnecker, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 247.11 Priority of taxation, attachments and assignments of funds. (This proposed regulation will clarify the priority of payments to be made from the members' accounts by SERS pursuant to 71 Pa.C.S. § 5953.)	SERS' Board authorized going forward and it is in process as Regulation 31-7.	The statute does not set priorities among conflicting demands on members' accounts. A recent court decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of priority issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 247.7(a). Priority of death benefit payment. (This proposed regulation will clarify the priority of death benefit payments to be made by SERS pursuant to the second sentence of 71 Pa.C.S. § 5905(g).)	SERS' Board authorized going forward and it is in process as Regulation 31-12.	The statute does not set priorities among conflicting demands on members' death benefits. A regulation would enable consistent application of the statute and would reduce litigation of priority issues.	Salvatore Darigo, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This proposed regulation amendment would delete State Employees' Credit Union payment language.)	2008	The language is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 247.6. (a) Termination of Annuities. (This proposed regulation would delete the 30-day requirement to elect multiple service.)	SERS' Board authorized going forward and it is in process as Regulation 31-10.	The regulation has been rendered obsolete by changes to SERS' enabling legislation.	Jill Vecchio, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 247.4. (c) Disability Annuities. (This proposed regulation will clarify: 1) the methodology used to determine the employer-funded offset credit; 2) the service-connected disability supplement and 3) the rights of terminated members to apply for a disability.)	2008	The statute does not expressly determine the methodology, the effects of these formulas and when terminated members can apply. Recent court and administrative decisions have offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of disability and supplement issues. This is also being considered as a statutory amendment.	Brian McDonough (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (The regulation would be amended to specify the effects of a service purchase or reinstatement.)	2008	This regulation would be amended to clarify the effects of the reinstatement or purchase of previous State service. A recent administrative decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of purchase of service issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code §§ 241.1; 247.7. Definitions. (The definition of "Beneficiary" would be amended to specify that the beneficiaries must be named rather than merely described.)	SERS' Board authorized going forward and they are in process as Regulations 31-8 and 31-11.	The amendment would clarify and settle whether a proper name ("John Doe") or a general description ("my children," "my issue," "per stirpes") suffices. A lack of named beneficiaries can cause significant legal and administrative ambiguities that this amendment would avoid. This is also being considered as a statutory amendment.	Jill Vecchio, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 241.2. Electronic submission of member documents and electronic benefit transactions.	SERS' Board authorized going forward and it is in process as Regulation 31-9.	This new regulation would specify procedures for electronic member transactions consistent with Commonwealth practice and policy and include a hold harmless provision.	Jill Vecchio, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
4 Pa. Code § 243.8. Membership rules for educational employees.	2008	This new regulation would clarify the requirements for membership and final average salary calculations for educational employees.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  David Durbin (717) 783-7210
<b>STATE POLICE</b>			
DNA Detection of Sexual and Violent Offenders. 37 Pa. Code Chapter 58	December 2008, as proposed.	Act 185 of 2004 repealed Chapter 47 of Title 42 of the <i>Pennsylvania Consolidated Statutes</i> and amended Title 44 to add Chapter 23, DNA Data and Testing. The act requires the State Police to promulgate rules and regulations to carry out its provisions.	Syndi L. Guido Policy Director (717) 772-0905
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	December 2008, as proposed.	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. See 42 Pa.C.S. § 9799.1. Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them in light of subsequent and anticipated amendments Megan's Law.	Syndi L. Guido Policy Director (717) 772-0905
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
43—Temporary Registration Cards and Plates  67 Pa. Code Chapter 43	December 2008	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
175—Vehicle Equipment and Inspection  67 Pa. Code Chapter 175	June 2008	Many changes to the regulation are needed to bring the regulation into alignment with Vehicle Code changes. Other changes are needed to portions of the regulation to implement desired initiatives. One such initiative is to eliminate refunds to inspection stations for unused registration stickers, resulting in a savings to the Commonwealth.	John Munafa (717) 787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
21—Odometer Read Disclosure Statements  67 Pa. Code Chapter 21	December 2008	Changes are needed to bring the regulation current with the Vehicle Code, to specify the age at which a vehicle becomes exempt from odometer disclosure.	Andy Cleaver (717) 787-2171
23—Delivery of Certificates of Title  67 Pa. Code Chapter 23	December 2008	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S., Section 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.	Andy Cleaver (717) 787-2171
17—Authorization to Verify ID Numbers  67 Pa. Code Chapter 17	December 2008	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Andy Cleaver (717) 787-2171
51—Transfer, Exchange and Reclassification of Registration  67 Pa. Code Chapter 51	June 2008	An amendment is needed to remove the dollar amount referenced in the regulation since Section 1927 of the Vehicle Code lists the fee. This action will avoid future changes to the regulation if the law changes the fee.	Steve Tomassini (717) 787-2171
71—School Bus Drivers  67 Pa. Code Chapter 71	April 2008	The regulations are being updated to clarify the requirements for diabetic drivers by in part making terminology consistent with the American Diabetic Association. (Status as of 12/07 to be sent to Governor's Office January 2008.)	Scott Shenk (717) 772-2119
83—Physical and Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers  67 Pa. Code Chapter 83	January 2008	The regulation is being updated to clarify the requirements for diabetic drivers by in part making terminology consistent with the American Diabetic Association. This change will also incorporate the change required by HB1912, Act 756, passed July 15, 2004, that allows chiropractors to conduct exams for learner's permits. (Status as of 12/07 to be sent to Governor's Office January 2008.)	Scott Shenk (717) 783-5958
255—Messenger Services  67 Pa. Code Chapter 255	December 2008	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
171—School Buses and School Vehicles  67 Pa. Code Chapter 171	July 2008	Final draft of proposed changes to the regulations to be reviewed with industry stakeholders Summer 2008.	Scott Shenk (717) 783-5958

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
471—Airport Rating and Licensing; 473—Aviation Development Grants; 477—Local Real Estate Tax Reimbursement Grants; 479—Obstructions to Aircraft  67 Pa. Code Chapters 471, 473, 477 and 479	April 2008	The various chapters of the regulation need to be updated as described below.  The purpose of the amendments to Chapter 471 is to provide clarification of requirements and provide greater flexibility in the licensing of various categories and types of landing facilities. The amendments provide the flexibility to accommodate various levels of airport operations and advances in technology that were not envisioned or available at the time the regulation was originally adopted.  The purpose of the amendments to Chapter 473 is to allow for increased flexibility for the Department in providing a higher state share for granted projects and allow for a more efficient use of the Aviation Development grant funds available.  The purpose of the amendments to Chapters 477 and 479 is to simplify and better organize these Chapters in relation to the Chapters 471 and 473. There were no substantive changes to these chapters.	Brian Gearhart (717) 705-1250

[Pa.B. Doc. No. 08-198. Filed for public inspection February 1, 2008, 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 dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of 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.

This schedule is tentative. Please contact the Commission at (717) 783-5417 or check our web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

#### *Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-71	Pennsylvania Gaming Control Board Bureau of Investigation and Enforcement; and Slot Machine Testing and Control	1/11/08	2/21/08
7-411	Environmental Quality Board Clean Air Interstate Rule	1/22/08	3/6/08

#### *Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
15-442	Department of Revenue Repeal of Sales and Use Tax Exclusion for Tangible Personal Property Used in the Production of Commercial Motion Pictures	1/18/08	2/21/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-199. Filed for public inspection February 1, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control

UnitedHealth Group Incorporated has filed an application to acquire control of Unison Health Plan of Pennsylvania, Inc. and Unison Family Health Plan of Pennsylvania, Inc., both Pennsylvania domiciled health maintenance organizations. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1402—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-200. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Surplus Lines Agents and Interested Parties; Export List of Insurance Coverages

In September 2007, the Acting Insurance Commissioner (Commissioner) determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 37 Pa.B. 5103 (September 15, 2007). Accordingly, for those insurance coverages that are included on the export list, a diligent search among insurers admitted to do business in the Commonwealth is not required before placement of the coverages in the surplus lines market.

The Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Commissioner is soliciting comments regarding the current export list. Persons may request in writing that a coverage be added or removed from the list.

Persons wishing to comment on the Commissioner's current export list are invited to submit a written statement within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. After consideration of all comments received, the

Commissioner will publish a notice in the *Pennsylvania Bulletin* providing a 15-day opportunity to comment on any proposed changes before formal publication of the revised list.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-201. Filed for public inspection February 1, 2008, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

The meeting of the Lobbying Disclosure Regulation Committee (Committee) established under the act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) will be held on Tuesday, February 5, 2008, at 9 a.m. in Hearing Room 2, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 08-202. Filed for public inspection February 1, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 18, 2008. 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 a common carrier* for transportation of *persons* as described under each application.**

**A-2008-2013252. Woodrow Wilson Kirkwood, Jr.** (115 West Main Street, Box 254, Dayton, Armstrong County, PA 16222)—persons, in paratransit service, whose personal convictions prevent them from owning or



operating motor vehicles, from points in the Counties of Jefferson, Clarion, Armstrong and Indiana, to points in Pennsylvania and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-203. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Telecommunications

**A-311095F7001. Verizon North, Inc. and CTSI, LLC.** Joint petition of Verizon North, Inc. and CTSI, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and CTSI, LLC, by its counsel, filed on December 20, 2007, 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 amendment no. 1 and 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. 08-204. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Telecommunications

**A-2008-2014263. Verizon Pennsylvania, Inc. and CTSI, LLC.** Joint petition of Verizon Pennsylvania, Inc. and CTSI, LLC for approval of amendment no. 1 of the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CTSI, LLC, by its counsel, filed on December 20, 2007, 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 CTSI, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-205. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Telecommunications Services

**A-2008-2014585. TCG New Jersey, Inc.** Application of TCG New Jersey, Inc., for approval to offer, render, furnish or supply telecommunications services as a facilities-based UNE-P competitive local exchange carrier to the public in the service territory of The United Telephone Company of PA, t/a Embarq Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 19, 2008. 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:* TCG New Jersey, Inc.

*Through and By Counsel:* Michelle Painter, Esquire, Painter Law Firm, PLLC, 13017 Dunhill Drive, Fairfax, VA 22030

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-206. Filed for public inspection February 1, 2008, 9:00 a.m.]

### Water Service

**A-2008-2014446 and A-2008-2014452. Aqua Pennsylvania, Inc., and The Gouldsboro Water Company.** Joint application of Aqua Pennsylvania, Inc., and The Gouldsboro Water Company for approval of: 1) the acquisition by Aqua of the water system assets of Gouldsboro situated in a portion of Lehigh Township, Wayne County, PA; 2) the right of Aqua to begin to supply water service to the public in a portion of Lehigh Township, Wayne County; and 3) the abandonment by Gouldsboro of public water service in a portion of Lehigh Township, Wayne 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 February 19, 2008. 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.  
The Gouldsboro Water Company



This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously named Board counsel.

CHARLES E. MEACCI,  
*Chairperson*

[Pa.B. Doc. No. 08-211. Filed for public inspection February 1, 2008, 9:00 a.m.]

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