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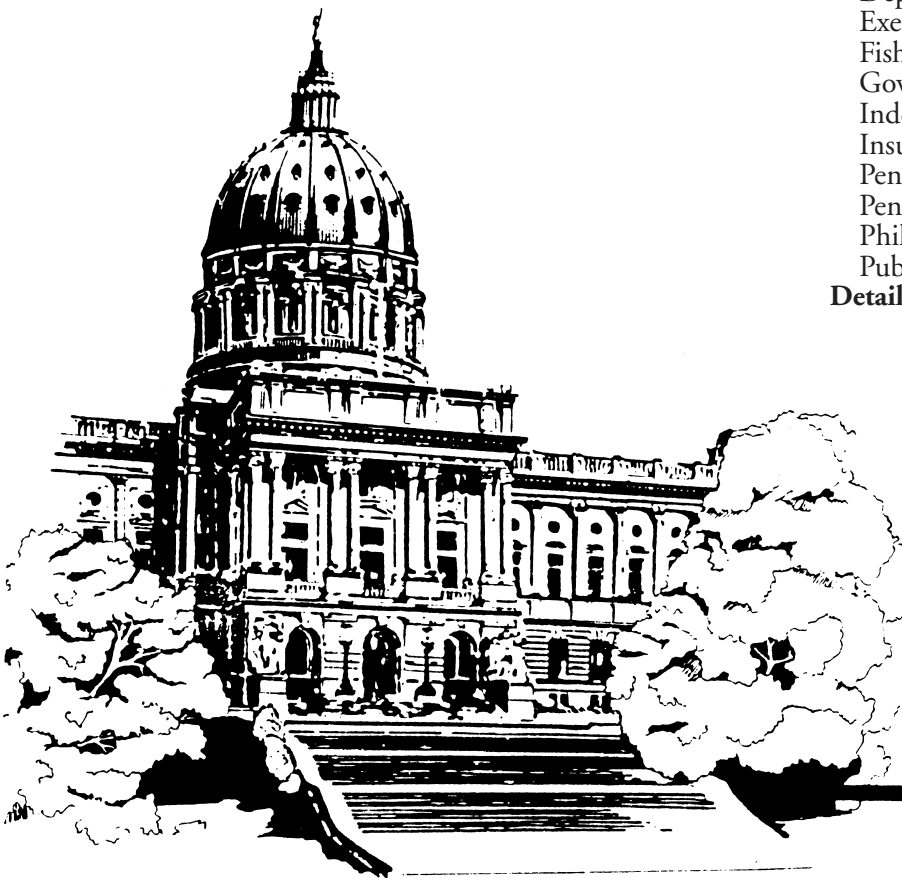
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PENNSYLVANIA BULLETIN

Volume 41
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Number 5
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Department of Environmental Protection
Department of Health
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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 434, January 2011

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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

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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 2011.

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THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule of Civil Procedure 1018.1 Notice to Defend. Form; No. 11-0084

Administrative Order No. 7-2011

And Now, this 12th day of January, 2011, it is hereby

Ordered and *Decreed* that, effective immediately, Carbon County Rule of Civil Procedure CARB.R.C.P. 1018.1 governing the agency to be designated on the Notice to Defend be and is hereby *Amended* as follows.

1. The Carbon County District Court Administrator is *Ordered* and *Directed* to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rule in the Prothonotary's Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1018.1. Notice to Defend. Form.

As required by Pa.R.C.P. 1018.1(c), the following shall be designated in the notice to defend as the person from whom legal referral can be obtained:

North Penn Legal Services
1203 North Street, Route 903
Jim Thorpe, PA 18229
Phone 1-877-515-7628
Fax (570) 325-3105

[Pa.B. Doc. No. 11-130. Filed for public inspection January 28, 2011, 9:00 a.m.]

FAYETTE COUNTY

Administrative Order; Booking Center; Criminal Division; No. 1 AD 2009

Administrative Order

And Now, this 7th day of January, 2011, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that Administrative Order 1 AD 2009 is hereby amended and adopted to read as follows.

The Clerk of Courts is directed as follows:

(1) One certified copy of the order and program shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the order and program and one copy of the written notification received from the Criminal Rules Committee and the Juvenile Court Procedural Rules Committee shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The adoption of the Administrative Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the UJS Portal.

By the Court

GERALD R. SOLOMON,
President Judge

Booking Center Processing Fee; No. 1 AD 2009 Amended Administrative Order

And Now, this 7th day of January 2011, it is Hereby *Ordered*, that the Court of Fayette County adopts a countywide Regional Booking Center (RBC) procedures plan as set forth herein.

1. The Regional Booking Center (RBC) is to be located at the Uniontown Police Department.

2. The purpose of the RBC is to efficiently process defendants charged with criminal actions. The process shall include, but not limited to, fingerprinting, photographing and determining prior records of defendants being processed.

3. In all cases in which the defendant has been charged with an offense graded as a misdemeanor or greater, the defendant shall be required to appear either at the Pennsylvania State Police Barracks, if arrested by the member of the Pennsylvania State Police, or, if arrested by an arresting authority other than the Pennsylvania State Police at the Fayette County Regional Booking Center, (RBC), located in the Uniontown Police Department or at such other locations designated, in writing, by the President Judge of Fayette County Court of Common Pleas, for fingerprinting and processing.

4. Pursuant to 18 Pa.C.S.A. § 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of that summary offense. The Regional Booking Center shall serve as the designated fingerprinting and processing site for all arresting authorities in Fayette County other than the Pennsylvania State Police. The State Police Barracks shall serve as the designated fingerprinting site for the Pennsylvania State Police.

5. In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of a misdemeanor, felony or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense. An order shall be issued from the Court of Common Pleas after such conviction directing the defendant to report to the RBC to be fingerprinted and photographed.

6. In cases which proceed by issuance of a summons, the Magisterial District Judge presiding at the scheduled Preliminary Hearing shall order the defendant to submit to the RBC within five (5) days following the date of issuance of such order.

7. A booking fee of \$150.00 shall be assessed and collected by the Fayette County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitative Disposition Program.

8. This fee will not apply to those defendants whose cases are dismissed by the Magisterial District Judge, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

9. Any juvenile with a case that has resulted in a disposition of a Consent Decree or Adjudication of Delinquency shall be fingerprinted and photographed; a fee of \$150.00 shall be assessed for processing. The Juvenile Probation Office shall oversee the collections of said fee.

10. Private Citizens shall be assessed a cost of \$20.00 for all non-criminal electronic printing and/or photos.

11. The RBC shall also serve as a processing center for all parties required to be registered and processed under the provisions of 42 Pa.C.S.A. § 9791, E.T. Seq., commonly known as "Megan's Law," pursuant to 42 Pa.C.S.A. § 9795.21(d), if determined by the Pennsylvania State Police to be an "approved registration site" pursuant to 42 Pa.C.S.A. § 9799.1.

NOTE: Administrative Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 11-131. Filed for public inspection January 28, 2011, 9:00 a.m.]

LACKAWANNA COUNTY

Repeal and Adoption of Rules of Civil Procedure; No. 94 CV 102

Order

And Now, this 14th day of January, 2011, it is hereby *Ordered and Decreed* that the following Lackawanna County Rule of Civil Procedure is amended as follows:

1. Lacka. Co. R.C.P. 212(a) and (c) are amended as reflected in the following Rule. The new language of Local Rule 212(a) and (c) appears in bold for ease of reference;

2. Pursuant to Pa. R.C.P. 239(c)(2)—(6), the following Local Rule shall be disseminated and published in the following manner:

(a) Seven (7) certified copies of the following Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) certified copies of the following Local Rule and a computer diskette containing the text of the attached Local Rule in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One (1) certified copy of the following Local Rule shall be filed with the Civil Procedural Rules Committee;

(d) The following Local Rule shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule(s); and

(e) A computer diskette containing the text of the attached Local Rule in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

3. The amendment of Lackawanna County R.C.P. No. 212(a) and (c) shall become effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa. R.C.P. 239(d).

By the Court

THOMAS J. MUNLEY,
President Judge

Rule 212. Pre-Trial Procedure and **Settlement** Conference.

It is the intent of this rule that, in all civil actions, a pre-trial proceeding may be instituted at various states for specific purposes.

(a) Prior to Filing of Certificate of Readiness

After a complaint alone has been filed or after a complaint and answer have been filed, all parties may **[jointly praecipe a case for] request** a preliminary pre-trial settlement conference if it is the **[joint]** consensus of the parties that the case may be settled as a result of such a conference, and it is the intention of the parties to avoid ordinary pre-trial procedures leading to the filing of a certificate of readiness. **The parties may request such a settlement conference by submitting a written request to the Court Administrator who shall assign it to the Settlement Master for a settlement conference. In addition, any judge may direct the Court Administrator to assign a particular case to the Settlement Master for a pre-trial settlement conference, or may issue an order directing the parties in a case to participate in a pre-trial settlement conference before the Settlement Master. The Settlement Master may require the parties to submit pre-trial settlement conference statements in advance of the pre-trial settlement conference.**

[At such a conference, the basis for the joint consensus that a settlement may be effected at this preliminary stage shall be stated in a joint presentment entitled: "PLAINTIFF/DEFENDANT PRELIMINARY PRE-TRIAL SETTLEMENT STATEMENT." See Appendix, Form 3.]

(b) After Filing Certificate of Readiness

Upon the filing of a Certificate of Readiness, the Court Administrator shall assign a case to an individual judge to conduct a status conference, schedule a pre-trial conference and establish a date for trial.

(c) If the court determines at the time of the status conference that a party has not fully complied with Lacka. Co. R.C.P. 214(b), the court may strike the original certificate of readiness and remove the case from the judge's individual calendar or may take such other action as it deems appropriate under the circumstances. At the

status conference, the court will [also] schedule the pre-trial conference and trial date. **In addition, the court may direct the parties to participate in a settlement conference before the Settlement Master. The Settlement Master may require the parties to submit pre-trial settlement conference statements in advance of the settlement conference.**

[Pa.B. Doc. No. 11-132. Filed for public inspection January 28, 2011, 9:00 a.m.]

SCHUYLKILL COUNTY

Amended Civil Rule of Procedure 1915.17; S-67 2011

Order of Court

And Now, this 10th day of January, 2011 at 3:00 p.m., Schuylkill County Civil Rule of Procedure No. 1915.17, Custody Conference Continuance is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

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

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

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.

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

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

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

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

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 1915.17. Custody Conference Continuance.

A request for a continuance of a Custody Conference or Hearing shall be on the Continuance Form established by the Court. The Continuance Form shall be filed in the Prothonotary's Office and immediately transmitted to the Custody Conciliation Office. Continuance forms are available from the Prothonotary or Court Administrator's Office.

The request shall include a statement of the reasons for the request, whether the request is opposed or unopposed, the number of times the case has been previously continued and a certification by counsel that his/her client has been informed about the request for continuance.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

The Custody Conciliation Officer shall have the authority to approve only one continuance request from each party. If the Custody Conciliation Officer denies the request for a continuance for any reason, the Officer shall state the reasons for the denial on the written request.

A party may appeal the denial of a request for continuance to the President Judge by submission of the denied continuance request to the President Judge. It is that party's responsibility to advise the Custody Conciliation Officer of the appeal and of the President Judge's decision.

[Pa.B. Doc. No. 11-133. Filed for public inspection January 28, 2011, 9:00 a.m.]

WAYNE COUNTY

Local Rule 76.1; No. 2-2011-CIVIL

Order

And Now, to wit, this 3rd day of January, 2011, Wayne County Local Rule 76.1 is *Hereby Adopted*. In accordance with Pa.R.J.A. 103(c) and Pa.R.C.P. 239(c), this Order and the following Rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Wayne County is *Ordered* and *Directed* to submit seven (7) certified copies of this Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Clerk of Courts of Wayne County.

By the Court

RAYMOND L. HAMILL,
President Judge

Local Rule 76.1.

A. This Court hereby designates the *LEGAL JOURNAL OF WAYNE COUNTY* as the legal publication for Wayne County. All notices and special service required to be published in a legal journal of the County as required by Rule or Statute shall be published in the *LEGAL JOURNAL OF WAYNE COUNTY*.

B. The rates to be charged for advertising in the *LEGAL JOURNAL OF WAYNE COUNTY* shall be established from time to time by the Executive Committee of the Wayne County Bar Association, as approved by the President Judge.

[Pa.B. Doc. No. 11-134. Filed for public inspection January 28, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated December 10, 2010, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective January 9, 2011, for Compliance Group 1.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Aaron, Bryant Kenneth
Switzerland

Alford, Kenneth R.
Washington, DC

Brown, Denise Drialo
Arlington, VA

Donohue, Neal Douglass
Cocoa, FL

Farmer, George Louis
Northfield, NJ

Fleming, Kyra M.
Ann Arbor, MI

Georgopoulos, Jerry P.
Dallas, TX

Hood, Andrew W.
Glen Gardner, NJ

Jones, Normay W.
Camden, NJ

Kane, Kevin T.
Fairfield, CT

Kelly, Barbara Behn Miller
Ashburn, VA

Manganaro, Gabrielle
Wilmington, DE

Mazza, Julie S.
Cinnaminson, NJ

Mendy, Edward Bissau
Nutley, NJ

Miles, Sherman
Campbell, OH

Nunez, Angel De Los Santos
Margate, FL

Oslund, David P.
Arnold, MD

Robinson, Elliott S. A., III
Decatur, GA

Schlyen, Lawrence B.
Montclair, NJ

Sless, Jacob Benjamin
Egg Harbor Township, NJ

Straffi, Daniel E., Jr.
Toms River, NJ

Van Kampen, Evert W. J.
Sparta, NJ

Wells, Michael
Arlington, VA

Woodward, Troy M.
Dunkirk, MD

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-135. Filed for public inspection January 28, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CHS. 39 AND 39a]

Education and Training for Applicants and Insurance Producers

The Insurance Department (Department) rescinds Chapter 39 and adopts Chapter 39a (relating to education and training for applicants and insurance producers) to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and sections 604-A, 608-A and 698-A of The Insurance Department Act of 1921 (act) (40 P.S. §§ 310.4, 310.8 and 310.98), regarding license prerequisites, license renewals and regulations.

Comments and Response

Notice of proposed rulemaking was published at 39 Pa.B. 7213 (December 26, 2009) with a 30-day comment period. During the 30-day comment period, comments were received from Senator Don White, Primerica Financial Services, the Insurance Federation of Pennsylvania, Inc. (IFP) and the Insurance Agents and Brokers of Pennsylvania (IA&B). During its regulatory review, the Independent Regulatory Review Commission (IRRC) submitted comments to the Department. The following is a response to those comments.

General comments

IRRC had a concern with the differences between the existing regulations and the proposed rulemaking when determining if the regulations were in the public interest and the need for the proposed rulemaking.

In response to IRRC's concern, the Department adopts this final-form rulemaking to clarify the requirements in the act of December 6, 2002 (P.L. 1183, No. 147), which added section 604-A and 608-A of the act, regarding prelicense and continuing education for insurance producers. The final-form rulemaking also codifies new training requirements imposed on insurance producers in recent legislation, such as the act of July 17, 2007 (P.L. 134, No. 40), known as the Long-Term Care Partnership Law, and recent updates to the National Flood Insurance Program.

More specifically, Chapter 39 is rescinded and replaced with Chapter 39a. Much of the language in Chapter 39a is very similar to language in rescinded Chapter 39. The preamble to the proposed rulemaking included a brief summary of each section in Chapter 39a. However, it did not explain the differences between the two chapters. For example, § 39a.1 (relating to definitions) defines terms that are in Chapter 39a and does not include terms that were in Chapter 39. Another example of changes can be found in the sections pertaining to sponsors. Time frames for complying with certain provisions have been changed, but there is not an explanation of why those changes were made. For IRRC to determine if the regulations are in the public interest, a more detailed explanation of the changes being proposed would be required. IRRC is

asking the Department to provide a more detailed explanation of each section and why some provisions differ from the existing regulation.

In response to IRRC's request, the regulations in Chapter 39 were based on an outdated statute; therefore, many of the provisions were obsolete and new requirements for training were not established. The Department found it much easier to rescind a chapter that is outdated and propose new regulations in a format that was easier to follow and more consistent with the National Association of Insurance Commissioners (NAIC) model as well as the updated statute.

IA&B stated the word "chapter" seems too inclusive. It could mean that applicants and insurance producers are exempt from prelicensing education and the examination because of a designation and are also exempt from the training requirements defined in § 39a.9 (relating to training requirements for insurance producers). IA&B would offer to rewrite as follows: "Subject to the exemptions provided under sections 604-A and 608-A of the Act . . ., this chapter applies. . ."

The Department considered this comment and provides the following. Section 39a.3 (relating to applicability) states that Chapter 39a applies to those "applicants and insurance producers not exempt under section 604A or 608A of the act. . ." Therefore, the Department believes changing the language from "chapter" to "section" is not necessary.

§ 39a.8. Instructors

In § 39a.8(d)(3) (relating to instructors), IA&B would like to note that requiring the instructor (defined as "an individual") to provide accurate records of successful completion to the course sponsor is burdensome on that individual. In reality, it is the course provider that handles these records. IA&B would like to verify that this provision recognizes that reality and that the provider can act for the instructor in this case.

In response to the IA&B's notation, the Department would like to clarify that instructors have to report course results to the course sponsor (that is, the approved provider) not the Department. The only reason the instructor would need to report this information to the Department or its vendor is if the instructor is the course sponsor.

§ 39a.9. Training requirements for insurance producers

In § 39a.9, IA&B feels that two items should be clarified for nonresident situations under subsection (a), "the satisfaction of these training requirements by a nonresident insurance producer in his home state shall be deemed to satisfy the training requirements in this Commonwealth." IA&B would suggest replacing this sentence with the following: "The satisfaction of the training requirements described in this regulation in any state shall be deemed to satisfy the training requirements in Pennsylvania." This will account for minor variations in the State programs and mostly will allow nonresident producers whose home state has not imposed a training requirement to take a course in another state.

In response to IA&B's suggestion, the Department considered this comment and added the prescribed reciprocity language to the final-form rulemaking.

Under subsection (b), in reading the paragraphs as they apply, the timeline for compliance seems identical for new

producers and for producers who already sell long-term care, yet they are addressed in two separate paragraphs. IA&B asked if this was intentional.

In response to IA&B's suggestion, the Department's intention is to distinguish between individuals licensed on April 1, 2011 and those licensed subsequent to that date. Edits were made to the draft regulation to better clarify the differentiation.

If a differentiation between new and current producers is intended, as it initially was, IA&B suggested replacing subsection (b)(2) with the following: "Notwithstanding paragraph (1) of this subsection, an individual who was already licensed as an insurance producer and selling, soliciting or negotiating long-term care insurance on the effective date of this rulemaking will be considered compliant if he or she completes the training course required by paragraph (4) of this subsection within the first full licensing cycle after the effective date of this regulation."

The Department considered this comment and amended the final-form language to reflect the 1-year from effective date language suggested by IA&B, which also was more consistent with the NAIC model language. Specifically, the Department added subsection (b)(4)(ii) for individuals licensed after the effective date of this final-form rulemaking. These changes also involved renumbering.

Regarding the IA&B comment on the license cycle, the individual's license cycle is the period until the expiration of the existing license. Any additional time granted the licensee for the conversion to birth month expirations would then be considered the current license cycle. Thus, the Department agreed with the concern of avoiding any confusion and amended the language to 1 year from effective date of the final-form rulemaking (April 1, 2012).

If a differentiation between new and current producers is intended, as it initially was, IA&B suggested subsection (b)(4) to delete references to the full licensing cycle.

IA&B questioned how to interpret the reference to a full licensing cycle in the current context of conversion to birth month license renewals. IA&B asked if it be any license renewal that is a full 2 years or something else. It stands to reason that the choice of words could trigger numerous inquiries. IA&B asked if it not be preferable to select a set date such as 12 months from the effective date of this final-form rulemaking.

The Department considered this comment from Senator White, IFP and IRRC as well as the aforementioned comment from IA&B and amended the final-form language to reflect the 1 year from effective date language, which also was more consistent with the NAIC model language. Also, the individual's license cycle is the period until the expiration of the existing license. Additional time granted the licensee for the conversion to birth month expirations would be then considered the current license cycle, thus, the Department agreed with the concern of avoiding any confusion and amended the language to 1 year from effective date of this final-form rulemaking.

In subsection (c), "verification" was changed to "proof." IA&B would like to verify that a compliance certificate, in paper or electronic form, would be sufficient proof that the training was completed.

In subsection (d), with regard to flood insurance, IA&B questioned how compliance can or will be tracked by the Department and the penalties for noncompliance.

In response to IA&B's questions, the Department considered the "proof" terminology as more consistent with the NAIC model and consumer protection for the public that the insurance producer can document proper training. This "proof" can be in the form of the producer's education transcript or the certificate of completion of the course issued by the course sponsor. A course approved for continuing education will appear on the producer's education transcript that can be printed online at no cost. There is not a penalty imposed by the Department for noncompliance. However, the National Flood Insurance Program will not accept applications for flood insurance from noncompliant producers.

Senator White, IFP and IRRC also commented on subsection (b)(4)(i)(A) regarding the producer training requirements. All three commentators stated the following: "Under Subsection (b)(4)(i)(A), individuals already licensed as insurance producers must complete eight hours of training in the first full two-year licensing cycle after the adoption of the rulemaking. A commentator has noted that this differs from the National Association of Insurance Commissioners (NAIC) model rule, on which this rulemaking is partially based. The model rule requires licensed producers to complete eight hours of training within one year of the effective date of the regulation. What is the reason for the difference between the proposed regulation and NAIC's model rule?" Similarly, under subsection (b)(4)(i)(B), these commentators wanted to know why the Department deviated from the NAIC model rule by requiring licensed producers, residents and nonresidents to complete 1 hour of training related to the Pennsylvania Medical Assistance Program.

The Department considered the comments from Senator White, IFP and IRRC comments and made changes to the appropriate sections by deleting the license cycle language, using the 1 year model language requirement to complete the training and allowing reciprocity for nonresidents on the training required, including the 1-hour training specific to Medicaid. The proof of completion can be documented by a transcript of the education courses completed by the producer and this is available at no cost online. In addition, the original draft did deviate from the NAIC model to be less restrictive to the existing insurance producers by allowing more time to complete the training. Thus, this would avoid a marketplace contraction of long-term care sales. Again, the Department deleted references to requiring nonresidents to complete Pennsylvania training by use of the reciprocity language which was consistent with the NAIC model and the Gramm-Leach-Bliley Act (15 U.S.C.A. §§ 6801—6827).

Primerica requested the Department maintain the current minimum 2-year experience as an insurance producer in the subject matter being taught and not increase this requirement to 3 years as proposed in § 39a.8(3).

In response to Primerica's comment, the requirement that a producer be licensed for 3 years before being approved as an instructor is consistent with the NAIC model and the states bordering this Commonwealth. This will also further enhance the educational value of the course for the students by having a somewhat better prepared instructor.

Senator White, IFP and IRRC stated that subsection (c)(1) requires insurers writing long-term care insurance to obtain "proof" that an insurance producer received required training. These commentators wanted to know what type of proof would be acceptable. These commentators suggested that a more specific standard be included in the final-form rulemaking.

In response to the comments from Senator White, IFP and IRRC, a transcript will be available or the individual may check online and print to verify compliance. Individuals taking these courses should verify that the course has been applied to their license records. This transcript will also serve as proof for the insurer that the individual producer complied with the training required by this chapter. The course completion certificate issued by the course sponsor will also suffice as proof of completion.

Subsection (c)(2) requires certain records to be maintained "in accordance with the Commonwealth's record retention guidelines for insurers as published in the *Pennsylvania Bulletin*." They stated that this requirement is vague and recommended that the requirements be included in the final-form rulemaking. In the alternative, they suggested that the Department identify the specific guidelines that need to be followed and when those guidelines will be published in the *Pennsylvania Bulletin*.

As stated in "Updated Guidelines for Record Retention," Notice No. 2009-07, published at 39 Pa.B. 4664 (August 1, 2009), the general requirement for retention of records is 7 years from execution of the record, unless otherwise specified in the guidelines. The 7-year period allows for conclusion of the financial examination process within timeliness standards adopted by the NAIC Financial Regulation Standards and Accreditation Committee. The guidelines supplement the 7-year general requirement by providing guidance in the establishment of appropriate retention periods for specific types of records for purposes of both financial and market conduct examinations. The Department does not believe that a deviation from these guidelines is necessary and the guidelines do not need to be a separate standard incorporated in the final-form rulemaking.

Senator White also stated that "during the negotiations with the Pennsylvania Insurance Department (PID) over legislation to establish oversight of the proposed merger between Highmark and Independence Blue Cross, legal counsel for PID was very vocal in expressing concern over enacting legislation which deviated from the NAIC model, citing a fear that Pennsylvania could lose NAIC accreditation. Given those previous concerns, I find it curious that PID is prepared to deviate from the NAIC model in these proposed regulations."

In response to Senator White's comment, while it appears that there have been deviations, the Department based the regulation on the NAIC model and the act. In addition, this section is substantially similar to the NAIC model. Historically, NAIC models do not follow the statutory construction that the Commonwealth follows. Therefore, the Department "Keystonized" the regulations to follow the format utilized by the Legislative Reference Bureau. For example, the Department changed the section numbering of the NAIC model to conform to the *Pennsylvania Code and Bulletin Style Manual*. The Department also changed the time required to complete the initial training for long-term care producers. The NAIC model required that this training be completed by December 31, 2008, which has passed. The Department allowed 1 year from the effective date of the final-form rulemaking to complete the training (April 1, 2012). These changes are not material.

IFP had a concern on "Long-Term Care Partnership Program Effective Date and Revised Guidance Announcement," Notice No. 2008-05, published at 38 Pa.B. 1907 (April 19, 2008). IFP understands that regulations seek, in part, to promulgate producer training standards previously outlined in Notice No. 2008-5, which supersedes an

earlier version published at 38 Pa.B. 564 (January 26, 2008). Similar to the proposed rulemaking, the notice established an initial 8-hour training requirement for producers selling long-term care partnership policies to be followed by a 4-hour training requirement every licensing cycle thereafter. The initial 8 hours of training was to be met by December 31, 2008. Upon completion of the regulatory review process, IFP requested that the Department clarify, with a notice on its web site, that producers who have already attained the initial 8 hours of training under Notice No. 2008-05, including the 1-hour course on Medicaid, will have met this requirement under the regulations.

In response to IFP's concern, the Department may, after April 1, 2011, prepare a notice that addresses approved courses regarding long-term care training prior to this final-form rulemaking that confirm those courses that will have met the requirements of this final-form rulemaking. However, individuals taking those courses should verify that the course has been applied to their license. A transcript will be available or the individual may check online which will serve as proof of compliance with the training requirement.

Affected Parties

The final-form rulemaking applies to applicants and licensed insurance producers and insurers writing long-term care insurance in this Commonwealth.

Fiscal Impact

State government

There will not be an increase in cost to the Department.

General public

Since the final-form rulemaking concerns the continuing education and prelicensing of insurance producers and applicants, it will not have adverse economic impact on the general public.

Political subdivisions

The final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

Compliance with this final-form rulemaking should not result in increased insurance industry recordkeeping costs.

Paperwork

The Department believes that the final-form rulemaking will not impose additional paperwork requirements on licensees. Insurers may see a minimal requirement in the capturing of information not previously required. As this is a Federal requirement, the costs associated with the recordkeeping will be minimal.

Effectiveness/Sunset Date

The final-form rulemaking will become effective April 1, 2011. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

Contact Person

Questions regarding this final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Bureau of Administration, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 705-3873, psalvatorestate.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 9, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 7213, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this preamble is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code, are amended by deleting §§ 39.1—39.12, 39.21 and 39.22 and adding §§ 39a.1—39a.12 to read as set forth in Annex A.

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

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

(d) The regulations adopted by this order shall take effect on April 1, 2011.

ROBERT L. PRATTER,
Acting Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 4, 2011).)

Fiscal Note: Fiscal Note 11-240 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART I. GENERAL PROVISIONS

Subpart C. AGENTS AND BROKERS

CHAPTER 39. (Reserved)

§§ 39.1—39.12. (Reserved).

§ 39.21. (Reserved).

§ 39.22. (Reserved).

CHAPTER 39a. EDUCATION AND TRAINING FOR APPLICANTS AND INSURANCE PRODUCERS

Sec.	
39a.1.	Definitions.
39a.2.	Purpose.
39a.3.	Applicability.
39a.4.	Administration of education program.
39a.5.	Sponsors.
39a.6.	Courses.
39a.7.	Credit hours.
39a.8.	Instructors.
39a.9.	Training requirements for insurance producers.
39a.10.	Penalties for failure to comply with continuing education requirements.
39a.11.	Fees.
39a.12.	Powers of the Commissioner.

§ 39a.1. Definitions.

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

Act—The Insurance Department Act of 1921 (40 P. S. §§ 1—326.7).

Applicant—An individual applying for an insurance producer license.

Approved course—An educational program presented by means of classroom, Internet-based or correspondence study, and certified by the Commissioner as meeting the education requirements of this chapter.

Commissioner—The Insurance Commissioner of the Commonwealth.

Credit hour—Fifty minutes of classroom instruction or the equivalent thereof as determined by the Commissioner.

Department—The Pennsylvania Insurance Department.

Home state—As defined in section 601-A of the act (40 P. S. § 310.1).

Instructor—An individual responsible for teaching an approved course.

Insurance producer—A person licensed to sell, solicit or negotiate insurance in accordance with the act.

License—A document issued by the Department authorizing the named recipient to conduct business as an insurance producer in this Commonwealth.

License period—The period of time from the issue date to the expiration date stated on the license.

Nonresident insurance producer—As defined in section 601-A of the act.

Partnership policies—Long-term care insurance policies that satisfy the requirements in the Federal Deficit Reduction Act of 2005 (42 U.S.C.A. § 1396p).

Person—

(i) An individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society, beneficial association and any other

legal entity engaged in the business of insurance, including insurance producers and adjusters.

(ii) The term also includes health care plans as defined in 40 Pa.C.S. Chapters 61, 63, 65 and 67 and in the Health Maintenance Organization Act (40 P. S. §§ 1551—1568). For purposes of this chapter, health care plans, fraternal benefit societies and beneficial societies shall be deemed to be engaged in the business of insurance.

Preexamination education—Education required under section 604-A of the act (40 P. S. § 310.4), regarding license prerequisites.

Program administrator—The person or entity responsible for the administration of the education contract.

Resident insurance producer—A licensed insurance producer whose home state is this Commonwealth.

Sponsor—A person offering or providing an approved course.

Student—An individual subject to the preexamination education requirements of section 604-A of the act or a licensed insurance producer subject to the continuing education requirements of section 608-A of the act (40 P. S. § 310.8), regarding license renewals.

Successfully complete—To complete an approved course for which a valid course completion certificate is issued.

§ 39a.2. Purpose.

The purpose of this chapter is to implement the provisions of sections 604-A and 608-A of the act (40 P. S. §§ 310.4 and 310.8), regarding license prerequisites and to license renewals, by establishing requirements and standards for education, including continuing and preexamination education, and training programs for applicants and insurance producers.

§ 39a.3. Applicability.

This chapter applies to applicants and insurance producers not exempt under sections 604-A or 608-A of the act (40 P. S. §§ 310.4 and 310.8), regarding license prerequisites and to license renewals.

§ 39a.4. Administration of education program.

(a) The Commissioner may contract with a competent individual or entity to serve as program administrator. The responsibilities of the program administrator include:

- (1) Reviewing sponsor qualifications.
- (2) Course content.
- (3) Credit hour assignment for continuing education courses.
- (4) Recording successful course completion by insurance producers.
- (5) Performing other services deemed appropriate by the Commissioner.

(b) The Commissioner will:

- (1) Approve sponsor registration, courses and assignment of credit hours to approved courses.
- (2) Approve only sponsors who are of sound business reputation and who agree to satisfy the requirements of this chapter pertaining to sponsors.
- (3) Approve only courses that impart substantive and procedural knowledge relating to the insurance field, satisfying the standards contained in § 39a.6 (relating to courses).

(4) Approve only instructors that satisfy the standards contained in § 39a.8 (relating to instructors).

(5) Show no bias or favoritism towards a sponsor, course or instructor.

§ 39a.5. Sponsors.

(a) A sponsor shall apply for registration on an application approved by the Commissioner.

(b) A sponsor shall have the responsibility to:

- (1) Ensure compliance with this chapter.
- (2) Provide the name, address, phone number and email, if available, of a contact person for each course submitted for approval.
- (3) Provide the name of each course instructor and identify the qualifications under § 39a.8 (relating to instructors) that the instructor satisfies.
- (4) Notify the Commissioner of a change in information on applications for course or instructor approval.

(5) Ensure that the course provides students with current and accurate information.

(6) Provide students with the following information in writing:

- (i) The course title.
- (ii) The date, time, location and applicable website when the course is offered.
- (iii) The name, address and telephone number of a contact person for each course.
- (iv) A general outline of the subject matter being covered.
- (v) Other information the sponsor believes may benefit the students.

(vi) A form for requesting continuing education credits, if applicable.

(7) Provide a textbook or a detailed outline of the subject matter being taught.

(8) Supervise and evaluate courses and instructors.

(9) Investigate complaints relating to courses or instructors.

(10) Maintain accurate records of courses offered, instructors, student attendance and student course completion for at least 4 years from the date of course completion.

(11) Within 30 calendar days of a student's successful completion of a course, provide the student with a course completion certificate on a form or in a format approved by the Commissioner.

(12) Notify the Commissioner or the program administrator in a prescribed format of students who have successfully completed a course within 10 business days of the date of course completion.

(c) A sponsor shall comply with the following advertising standards:

(1) A sponsor may not advertise a course that has not been approved by the Department, unless the advertisement prominently displays or announces pending review and approval by the Department.

(2) A sponsor shall prominently display or announce in an advertisement the number of credit hours assigned to the course and the fee for the course.

(3) A sponsor may not engage in false, misleading or deceptive advertising.

(d) A sponsor shall comply with the following standards regarding fees:

(1) If a course is cancelled for any reason, the sponsor shall refund the fees within 30 calendar days of cancellation or, at the request of the student, shall transfer the fee to another course offered by the sponsor.

(2) A sponsor shall provide each student with a written refund policy that addresses withdrawal from or failure to complete a course.

(e) A sponsor that is a business or organization employing students or having students as members may not require the students to attend the sponsor's course to receive continuing education credit.

(f) A sponsor shall apply for course approval on an application approved by the Commissioner. The application shall be filed at least 60 calendar days before the date the course is to begin. The sponsor shall be notified within 30 calendar days of the date of the receipt of an application regarding approval or disapproval. If the Commissioner or program administrator requests additional information to review the application, the sponsor will have up to 30 calendar days to comply with the request. If the request is not satisfied within the 30 calendar-day period, the application shall be considered voluntarily withdrawn.

§ 39a.6. Courses.

(a) The Commissioner will approve only courses that contribute directly to the professional insurance competence or ethics of students. Accordingly, the following types of courses will not be approved:

(1) A course in mechanical, office or business skills, including typing, speed reading, or the use of calculators or other machines or equipment.

(2) A course in sales promotion.

(3) A course in motivation, salesmanship, stress management, time management, psychology, communication or writing.

(4) A course relating solely to office management, client relations or improving the operation of the student's business.

(b) Courses or programs must meet the Commissioner's standards for an approved course. Examples of courses or programs which may meet the Commissioner's standards for an approved course are:

(1) Any part of the Life Underwriter Training Council (LUTC) course curriculum.

(2) Any part of the American College diploma curriculum for Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC) or Master in Financial Sciences (MSFS) or courses required for or to maintain CLU, ChFC or MSFS designations.

(3) Any part of the College of Financial Planning diploma curriculum for Certified Financial Planning (CFP) program.

(4) Any part of the Insurance Institute of America curriculum.

(5) Any part of the American Institute for Chartered Property Casualty Underwriters (CPCU) program.

(6) Any part of the National Association of Health Underwriters Registered Health Underwriter (RHU) program.

(7) Any part of the Health Insurance Association of America (HIAA) program.

(8) Any part of the Academy of Life Underwriting Education Council curriculum (LUEC) program.

(9) Any part of the Certified Insurance Counselor (CIC) program.

(10) Any part of the Blue Cross and Blue Shield Association's Certified Health Consultant curriculum.

(11) Any part of the Accredited Adviser in Insurance (AAI) designation program.

(12) Any part of the CISR curriculum.

§ 39a.7. Credit hours.

(a) The Commissioner will determine the number of credit hours to be assigned to each approved course. Credit hours will not include time spent on meals, breaks or other activities unrelated to the course.

(b) To receive credit, a student shall complete the requirements of an approved course, including attendance or participation (if other than a classroom format) and examination requirements. For courses that do not use a classroom format, a course will not be considered completed until the sponsor has received all necessary forms from a student. Students should further advise the sponsor to file with the Department a verification of course completion for the student to obtain credit.

(c) A student may not earn credit for attending a subsequent offering of the same course within the same licensing period.

(d) The instructor of an approved course shall earn twice the number of approved credit hours for that course. The instructor may not earn credit for instructing a subsequent offering of the same course within the same licensing period.

(e) A student shall maintain records of credits earned for at least the two most recently completed licensing periods in addition to the current licensing period.

(f) Preexamination education credits shall be valid for 1 year from the date the course is successfully completed.

§ 39a.8. Instructors.

(a) The instructor shall possess one or more of the following qualifications:

(1) A minimum of 3 years experience in the subject matter being taught.

(2) A degree in the subject matter being taught.

(3) A minimum of 3 years experience as an insurance producer in the subject matter being taught.

(b) An individual shall be prohibited from acting as an instructor if a suspension or revocation of that individual's license is in force.

(c) Individuals desiring to become instructors shall provide the sponsor with a signed statement verifying that the individual has not committed any act prohibited under section 611-A of the act (40 P. S. § 310.11), regarding prohibited acts, and specifying the individual's qualifications to be an instructor.

(d) Instructors shall have the responsibility to:

(1) Comply with this chapter.

(2) Provide students with current and accurate information.

(3) Provide accurate records of successful course completion to the course sponsor within 10 working days.

§ 39a.9. Training requirements for insurance producers.

(a) *General information.* The training requirements of this section are separate and independent from the continuing education requirements for insurance producers. The satisfaction of these training requirements by a nonresident insurance producer in his home state shall be deemed to satisfy the training requirements in this Commonwealth.

(b) *Long-term care insurance.*

(1) An individual may not sell, solicit or negotiate long-term care insurance unless the individual is licensed as an insurance producer for accident and health and has completed the training required under paragraph (4).

(2) An individual already licensed as an insurance producer and selling, soliciting or negotiating long-term care insurance on April 1, 2011, may not continue to sell, solicit or negotiate long-term care insurance unless the individual has completed the training required under paragraph (4).

(3) A course designed to provide the training required under paragraph (4) may be approved as a continuing education course under section 602-A(a)(2) of the act (40 P. S. § 310.2(a)(2)), regarding powers and duties of Department.

(4) The following apply to the training required by this paragraph:

(i) An insurance producer, licensed as of April 1, 2011:

(A) Who has not yet completed an 8-hour training course on long-term care insurance shall complete at least 8 hours of training by April 1, 2012.

(B) That sells, solicits or negotiates long-term care partnership policies shall complete, as part of the 8-hour requirement, a 1-hour course related to the Medical Assistance Program (Medicaid) prior to engaging in any marketing activity of partnership policies.

(ii) An individual, licensed after April 1, 2011, to sell long-term care insurance, shall complete the requirements in subparagraph (i)(A) and (B) prior to selling, soliciting or negotiating long-term care insurance.

(iii) The ongoing training requirement shall be at least 4 hours in every subsequent 24 month licensing cycle.

(5) The training required under paragraph (4) must consist of topics related to long-term care insurance, long-term care services and, if applicable, qualified State long-term care insurance partnership policies, including:

(i) State and Federal regulations and requirements and the relationship between qualified State long-term care insurance partnership policies and other public and private coverage of long-term care services, including Medicaid.

(ii) Available long-term services and providers.

(iii) Changes or improvements in long-term care services or providers.

(iv) Alternatives to the purchase of private long-term care insurance.

(v) The effect of inflation on benefits and the importance of inflation protection.

(vi) Consumer suitability standards and guidelines.

(6) Completion of the training required under paragraph (4) shall be sufficient to demonstrate evidence of an insurance producer's understanding of the topic specified in paragraph (5)(i).

(7) The training required under paragraph (4) may not include training that is product-specific to any insurer or company or include any sales or marketing information, materials or training, other than those required by State and Federal law.

(c) *Requirements for insurers.* Insurers writing long-term care insurance in this Commonwealth shall do all of the following:

(1) Obtain proof that an insurance producer has received the training required under this section before permitting the insurance producer to sell, solicit or negotiate the insurer's long-term care insurance products.

(2) Maintain records as required under paragraph (1) in accordance with the Commonwealth's record retention guidelines for insurers as published in the *Pennsylvania Bulletin*.

(3) Make the information required under paragraph (1) available to the Commissioner upon request.

(d) *Flood insurance.* Resident insurance producers who sell Federal flood insurance policies shall comply with the minimum training requirements of section 207 of the Bunning-Bereuter-Blunenauer Flood Insurance Reform Act of 2004 (42 U.S.C.A. § 4011) (Pub.L. No. 108-264) and basic flood education as outlined at 70 FR 52117 (September 1, 2005) or later requirements as published by the Federal Emergency Management Agency.

(e) *Compliance.* An insurance producer or insurer that fails to comply with this section shall be subject to penalties in accordance with sections 611-A(2) and 691-A of the act (40 P. S. §§ 310.11(2) and 310.91), regarding prohibited acts and enforcement by the Department.

§ 39a.10. Penalties for failure to comply with continuing education requirements.

(a) An insurance producer will be notified by the Department, 90 days prior to the expiration date stated on his license, of the number of credit hours needed to satisfy the continuing education requirements.

(b) Failure to comply with continuing education requirements by the expiration date of the license shall be deemed a voluntary termination of the insurance producer's license.

§ 39a.11. Fees.

(a) Fees will be established under subsection (b) or (c) for initial approval of a sponsor, approval of each course offered by a sponsor and for the sponsor's reporting of course completion. Following initial approval, each sponsor and the sponsor's course will be subject to recertification every 2 years for which fees shall be established. Fees will reflect the administrative costs for the education program.

(b) If the Department administers the education program, the fees described in subsection (a) will be established by regulation.

(c) If the Department contracts with a competent individual or entity to serve as program administrator in accordance with § 39a.4 (relating to administration of education program) for the administration of the continuing education program, the fees described in subsection

(a) will be established by contract pursuant to the standards and procedures established for procurement of contractual services by Commonwealth agencies and will be published as a notice in the *Pennsylvania Bulletin*.

§ 39a.12. Powers of the Commissioner.

(a) The Commissioner may disqualify or deny, suspend or revoke the approval of a sponsor, instructor, course or program of courses if the sponsor, instructor, course or program of courses is not in compliance with this chapter.

(b) If the Commissioner determines that a student has knowingly falsified an education report, has misrepresented any fact, information or material submitted to the Commissioner under the education requirements, or has knowingly submitted a false education report, the Commissioner may suspend or revoke the individual's license and impose appropriate civil penalties under section 691-A of the act (40 P.S. § 310.91), regarding enforcement by the Department.

(c) The Commissioner may audit, monitor and review courses with or without notice to the sponsor.

[Pa.B. Doc. No. 11-136. Filed for public inspection January 28, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 84b]

Actuarial Opinion and Memorandum

The Insurance Department (Department) amends Chapter 84b (relating to actuarial opinion and memorandum) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412) and section 301 of The Insurance Department Act of 1921 (40 P.S. § 71).

Purpose

The purpose of this final-form rulemaking is to update Chapter 84b to include amendments made by the National Association of Insurance Commissioners to Model Regulation 822, "Actuarial Opinion and Memorandum Regulation." The model regulation requires life insurance companies and fraternal benefit societies to submit actuarial opinions based on an asset adequacy analysis, commonly known as "Section 8 opinions." The amendments to Chapter 84b were proposed in conjunction with proposed amendments to Chapter 84c (relating to valuation of life insurance policies), published at 40 Pa.B. 5069, (September 4, 2010), which would remove restrictions on the mortality adjustment factors (X factors) in deficiency reserve calculations. Specifically, the amendments to Chapter 84b modify requirements for the content of a regulatory asset adequacy issues summary of the actuarial memorandum to require the inclusion of a statement regarding the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods.

Comments and Response

Notice of proposed rulemaking was published at 40 Pa.B. 5066 (September 4, 2010) with a 30-day comment period. One comment in support of the amendments was received from the Insurance Federation of Pennsylvania, Inc. On November 3, 2010, the Independent Regulatory Review Commission (IRRC) indicated that it did not have comments objections or recommendations regarding this rulemaking.

Affected Parties

This final-form rulemaking applies to life insurance companies and fraternal benefit societies doing business in this Commonwealth.

Fiscal Impact

State government

There will be no increase in cost to the Department as a result of this final-form rulemaking. As part of its solvency monitoring responsibilities, the Department currently reviews statements of actuarial opinion and supporting memoranda. Thus, this final-form rulemaking will not require additional staff time or resources to perform the analysis.

General public

Since this final-form rulemaking concerns the solvency requirements applied to insurers, the public will benefit from a financially sound insurance industry that has the ability to fulfill its contractual obligations under life insurance policies.

Political subdivisions

This final-form rulemaking will not impose additional costs on political subdivisions. However, because this final-form rulemaking promotes stability in this Commonwealth's insurance industry, political subdivisions' tax revenues would benefit as a result of fewer insurer insolvencies. Fewer insolvencies would result in less unemployment and would also increase incentives for insurers to market new insurance products in this Commonwealth.

Private sector

This final-form rulemaking will not impose additional costs on insurers.

Paperwork

The adoption of this final-form rulemaking will not impose additional paperwork on the Department.

Effectiveness / Sunset Date

This final-form rulemaking will become effective March 30, 2011. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

Contact Person

Questions regarding this final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 9, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5066, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form regulations was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 84b, are amended by amending § 84b.9 to read as set forth at 40 Pa.B. 5066.

(b) The Department shall submit this order and 40 Pa.B. 5066 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and 40 Pa.B. 5066 and deposit them with the Legislative Reference Bureau as required by law.

(d) The regulation adopted by this order takes effect March 30, 2011.

ROBERT L. PRATTER,
Acting Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

Fiscal Note: Fiscal Note 11-244 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-137. Filed for public inspection January 28, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 84c]

Valuation of Life Insurance Policies

The Insurance Department (Department) amends Chapter 84c (relating to valuation of life insurance policies) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 301(c) of The Insurance Department Act of 1921 (40 P. S. § 71(c)).

Purpose

The purpose of this final-form rulemaking is to amend § 84c.5 (relating to general requirements for basic reserves and premium deficiency reserves) to include amendments made to Model Regulation 830 by the National Association of Insurance Commissioners (NAIC) to remove restrictions on mortality adjustment factors. These amendments were proposed in conjunction with

amendments to Chapters 84b and 84d (relating to actuarial opinion and memorandum; and recognition of the 2001 CSO Mortality Table for use in determining minimum reserve liabilities and nonforfeiture benefits and the 2001 CSO Preferred Class Structure Mortality Table for use in determining minimum reserve liabilities).

Comments and Response

Notice of proposed rulemaking was published at 40 Pa.B. 5069 (September 4, 2010) with a 30-day comment period. One comment in support of the amendments was received from the Insurance Federation of Pennsylvania, Inc. On November 3, 2010, the Independent Regulatory Review Commission (IRRC) indicated that it did not have comments, objections or recommendations.

Affected Parties

This final-form rulemaking applies to insurers issuing life insurance coverage in this Commonwealth.

Fiscal Impact

State government

There will not be an increase in cost to the Department as a result of this final-form rulemaking. The Department currently reviews valuation filings submitted by domestic life insurance companies and fraternal benefit societies for compliance with the minimum standards of valuation.

General public

It is possible that the cost of insurance will be reduced for consumers who purchase life insurance coverage due to these amendments to the requirements for the calculation of reserves.

Political subdivisions

There will not be fiscal impact on political subdivisions as insurers will continue to maintain adequate reserves.

Private sector

This final-form rulemaking requires the appointed actuary to annually opine for all policies subject to this final-form rulemaking as to whether the mortality rates resulting from the application of the X factors meet the requirements in Chapter 84c for deficiency reserves. This opinion must be supported by an actuarial report.

Paperwork

The adoption of this final-form rulemaking will not impose additional paperwork on the Department.

Effectiveness / Sunset Date

This rulemaking will become effective March 30, 2011. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

Contact Person

Questions regarding the final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 705-3873, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 9, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5069 to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

Findings

The Insurance Commissioner finds that:

(1) Public notice of intention to adopt this final-form regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Insurance Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 84c, are amended by amending § 84c.5 to read as set forth at 40 Pa.B. 5069.

(b) The Department shall submit this order and 40 Pa.B. 5069 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and 40 Pa.B. 5069 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking takes effect on March 30, 2011.

ROBERT L. PRATTER,
Acting Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

Fiscal Note: Fiscal Note 11-247 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-138. Filed for public inspection January 28, 2011, 9:00 a.m.]

**INSURANCE DEPARTMENT
[31 PA. CODE CH. 84d]**

Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and the 2001 CSO Preferred Class Structure Mortality Table for Use in Determining Minimum Reserve Liabilities

The Insurance Department (Department) amends Chapter 84d (relating to recognition of the 2001 CSO Mortality Table for use in determining minimum reserve

liabilities and nonforfeiture benefits and the 2001 CSO Preferred Class Structure Mortality Table for use in determining minimum reserve liabilities). This final-form rulemaking is made under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), section 301(c)(1) of The Insurance Department Act of 1921 (40 P. S. § 71(c)(1)), section 410A(e)(8)(F) of The Insurance Company Law of 1921 (40 P. S. § 510.1(e)(8)(F)) and the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15). See also § 84c.5(a) and (b) (relating to general requirements for basic reserves and premium deficiency reserves).

Purpose

Section 301(c)(1) of The Insurance Department Act of 1921 authorizes the Insurance Commissioner (Commissioner) to promulgate regulations specifying new mortality tables adopted after 1980 by the National Association of Insurance Commissioners (NAIC) for use in determining minimum valuation standards. The purpose of this final-form rulemaking is to update Chapter 84d to include amendments made by the NAIC to Model Regulation 815, "Model Regulation Permitting the Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities." The model regulation recognizes, permits and prescribes the use of mortality tables that reflect differences in mortality between preferred and standards lives in determining minimum reserve liabilities.

Comments and Response

Notice of proposed rulemaking was published at 40 Pa.B. 5067 (September 4, 2010) with a 30-day comment period. One comment in support of the amendments was received from the Insurance Federation of Pennsylvania, Inc. On November 3, 2010, the Independent Regulatory Review Commission (IRRC) indicated that it did not have comments, objections or recommendations regarding on this rulemaking.

Affected Parties

This final-form rulemaking applies to insurers issuing life insurance coverage in this Commonwealth.

Fiscal Impact

State government

There will not be an increase in cost to the Department due to the use of the new mortality table since the extent of the analysis performed by the Department is not affected by the mortality table used in the calculation of reserves.

General public

It is possible that the cost of insurance will be reduced for consumers who purchase life insurance coverage due to improved mortality recognized by the 2001 CSO Preferred Class Structure Mortality Table.

Political subdivisions

There will not be fiscal impact on political subdivisions as insurers will continue to maintain adequate reserves.

Private sector

The use of the 2001 CSO Preferred Class Structure Mortality Table generally will reduce the reserve liabilities of an insurance company. In addition, the use of the table is optional.

Paperwork

The adoption of this final-form rulemaking will not impose additional paperwork on the Department. An

insurance company that elects to use the 2001 CSO Preferred Class Structure Mortality Table as the minimum valuation standard will be required to submit at election and annually thereafter a certification to the Commissioner that the conditions for use of the table are satisfied.

Effectiveness/Sunset Date

The rulemaking will become effective March 30, 2011. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

Contact Person

Questions regarding the final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 705-3873, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 9, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5067 to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 84d, are amended by amending § 84d.3a to read as set forth at 40 Pa.B. 5067.

(b) The Department shall submit this order and 40 Pa.B. 5067 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and 40 Pa.B. 5067 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking takes effect March 30, 2011.

ROBERT L. PRATTER,
Acting Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

Fiscal Note: Fiscal Note 11-246 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-139. Filed for public inspection January 28, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 118a]

Property and Casualty Actuarial Opinion

The Insurance Department (Department) adopts Chapter 118a (relating to property and casualty actuarial opinion).

Statutory Authority

The final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department; sections 320 and 655 of The Insurance Company Law of 1921 (40 P. S. §§ 443 and 815), regarding the authority of the Insurance Commissioner (Commissioner) to require insurance companies, associations and exchanges to file statements concerning their affairs and financial condition; and sections 205 and 206 of The Pennsylvania Fair Plan Act (40 P. S. §§ 1600.205 and 1600.206) and section 731 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.731), regarding, respectively, the specific regulatory and rulemaking authority of the Department regarding financial reporting by the Pennsylvania Fair Plan and the Pennsylvania Professional Liability Joint Underwriting Association.

Purpose

The purpose of this final-form rulemaking is to establish by regulation the requirements for statements of actuarial opinion and related documents filed by property and casualty insurers with the Department. Establishing these requirements by regulation for property and casualty insurers is consistent with the approach used to establish similar requirements for actuarial review of the reserves of life and health insurers under Chapter 84b (relating to actuarial opinion and memorandum). Section 320(a)(1) of The Insurance Company Law of 1921 requires insurers to file annual financial statements with the Department and additional statements concerning their affairs and financial condition as the Commissioner may, in the Commissioner's discretion, require. Section 320(a)(2) of The Insurance Company Law of 1921 further requires insurers to adhere to the instructions and accounting practices and procedures prescribed by the National Association of Insurance Commissioners (NAIC) unless otherwise provided by law, regulation or order of the Commissioner. Under this authority, the Commissioner requires property and casualty insurers to include statements of actuarial opinion with annual financial statements filed on or before the first day of March and domestic property and casualty insurers to file an actu-

arial opinion summary on or before the 15th day of March each year. These filings shall be prepared as prescribed by the NAIC's annual statement instructions and include the actuary's opinion with respect to the proper establishment and adequacy of the insurer's reserves. If requested by the Department, domestic insurers shall also submit the supporting actuarial report and workpapers on or before the first day of May each year. The Department reviews this information in conducting financial analyses and onsite financial examinations of domestic insurers.

Specifically, Chapter 118a clarifies requirements for the filing of the actuarial opinion summary, which became effective for financial statements reporting an insurer's condition as year-end 2005. The actuarial opinion summary provides the Department with information needed to quickly identify insurers with potential reserving problems and then focus heightened solvency monitoring efforts on those insurers. Therefore, Chapter 118a will strengthen the Department's financial regulation tools to the extent it clarifies and supplements the Department's statutory authority and related NAIC instructions for actuarial opinions and related documents filed by property and casualty insurers doing business in this Commonwealth.

Comments and Response

Notice of proposed rulemaking was published at 40 Pa.B. 4966 (August 28, 2010) with a 30-day comment period. Comments supporting the rulemaking and recommending prompt promulgation were received from The Insurance Federation of Pennsylvania, Inc. The Independent Regulatory Review Commission (IRRC) reviewed the proposed rulemaking and did not have objections, comments or recommendations.

Affected Parties

Chapter 118a applies to insurers licensed to write property and casualty insurance in this Commonwealth, as provided under the scope and definitions of the authorizing statutes.

Fiscal Impact

State government

The final-form rulemaking clarifies and strengthens existing requirements. Department costs in monitoring the financial condition of insurers will not increase as a result of this final-form rulemaking.

General public

The public will benefit to the extent the final-form rulemaking strengthens financial solvency requirements for property and casualty insurers, thereby promoting the ability of those insurers to meet obligations under insurance policies and the Department's ability to minimize the number and impact of insurer insolvencies.

Political subdivisions

The final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

The strengthened filing requirements in this final-form rulemaking are consistent with NAIC standards that became effective for annual financial statements as of year-end 2005. The information needed for the actuarial opinion summary due March 15 should be known to the insurer's appointed actuary when preparing the statement of actuarial opinion due March 1. Therefore, the final-form rulemaking should not impose significant addi-

tional costs on insurers in obtaining annual actuarial reviews and required supporting documentation.

Paperwork

The final-form rulemaking will not impose significant additional paperwork on the Department. Since the information required in the actuarial opinion summary should be included in the work done by actuaries in preparing actuarial reports and workpapers for statements of actuarial opinion already required to be filed with insurers' annual financial statements, additional paperwork requirements for affected insurers will be minimal.

Effectiveness/Sunset Date

The rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

Contact Person

Questions regarding the final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 705-3873, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 9, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 4966 to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt these final-form regulations was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code, are amended by adding §§ 118a.1—118a.7 to read as set forth at 40 Pa.B. 4966.

(b) The Department shall submit this order and 40 Pa.B. 4966 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and 40 Pa.B. 4966 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking takes effect immediately upon publication in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

Fiscal Note: Fiscal Note 11-245 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 11-140. Filed for public inspection January 28, 2011, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 524, 528, 529, 605a,
613a AND 615a]

Table Game Devices

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1302A(1) and (2), 1317.2, 1319 and 1319.1, proposes to rescind Chapter 524, 528 and 529 (relating to electronic gaming tables; gaming related gaming service providers; and general licensing requirements) and adopt Chapters 605a, 613a and 615a (relating to electronic gaming tables; gaming related gaming service providers; and conditional table game device licenses) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

Under 4 Pa.C.S. § 1303A (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapter 524 at 40 Pa.B. 2544 (May 15, 2010), Chapter 528 at 40 Pa.B. 1740 (April 3, 2010) and Chapter 529 at 40 Pa.B. 844 (February 13, 2010).

With this proposed rulemaking, the Board is proposing to replace the temporary regulations in Chapter 524 with the permanent regulations in Chapter 605a, the temporary regulations in Chapter 528 with the permanent regulations in Chapter 613a and the temporary regulations in Chapter 529 with the permanent regulations in Chapter 615a.

Explanation of Chapter 605a

Section 605a.1 (relating to definitions) provides definitions of “electronic gaming table,” “electronic wagering system,” “fully automated electronic gaming table,” “game account” and “progressive table game system.” These definitions mirror the definitions in 4 Pa.C.S. Part II (relating to gaming) or reflect commonly used definitions used in the gaming industry.

Section 605a.2 (relating to electronic wagering systems) sets forth the requirements that must be met by electronic wagering systems. An electronic wagering system allows players to place wagers electronically on some form of display and will add winnings or deduct losses automatically. This section specifies the minimum requirements for these systems and requires that they be approved by the Bureau of Gaming Laboratory Operations (Bureau).

Section 605a.3 (relating to procedures for buying in to and cashing out of a table game using an electronic wagering system) provides the procedures whereby a player may “buy in to” a table game, which is how the player may purchase credits that can be used to play the game, and the procedures for “cashing out” of the game, which is how the player will receive any funds remaining in his gaming account when he is ready to leave the game.

Section 605a.4 (relating to electronic gaming tables) contains the requirements that electronic gaming tables must meet. An electronic gaming table uses an electronic wagering system, but still requires a dealer or boxperson to conduct the game. These requirements include techni-

cal requirements the tables must meet, the meters the table must have, and the requirement that the tables be approved by the Bureau.

Section 605a.5 (relating to fully automated electronic gaming tables) contains the requirements for fully automated electronic gaming tables. The difference between an electronic gaming table and a fully automated electronic gaming table is that a fully automated electronic gaming table operates without a dealer, boxperson or any other certificate holder employee. This section is structured in the same manner as § 605a.4 and contains the technical requirements these tables must meet, the meters these tables must have and the requirement that these tables be approved by the Bureau.

Section 605a.6 (relating to integrated live Roulette wheels used on fully automated electronic gaming tables) contains the specific statistical requirements that the Roulette wheels used on fully automated electronic gaming tables must meet regarding the randomness of the resulting spins and the actions that are to occur if the roulette wheel does not satisfy the statistical test.

Section 605a.7 (relating to progressive table game systems) sets forth meter requirements for progressive table game systems, requires approval of progressive jackpots being offered and testing by the Bureau and limits the circumstances under which a progressive jackpot can be turned back to a lesser amount. These provisions are similar to Chapter 461a (relating to slot machine testing and control) governing progressive jackpots offered on slot machines.

Explanation of Chapter 613a

Chapter 613a sets forth the certification process for gaming related gaming service providers. These individuals or entities provide new games or wagers, game variations or similar innovations for which they have received or applied for a patent. Since they do not meet the definition of a manufacturer or supplier, the Board is creating a category of gaming service providers for these individuals and entities.

Included in Chapter 613a are provisions regarding the following: which entities or individuals are considered to be gaming related gaming service providers; the application and renewal process; the qualification process for key individuals who own or are employed by the gaming related gaming service provider; gaming related gaming service provider responsibilities; the gaming related gaming service provider list; permission to conduct business prior to certification; requirements regarding using a gaming related gaming service provider; and certificate holders’ duty to investigate.

Explanation of Chapter 615a

Chapter 615a establishes the requirements regarding the issuance of a conditional table game device license to entities that have applied for a table game device manufacturer, manufacturer designee or supplier license.

As part of the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), entities that want to manufacture or supply table game devices are required to obtain a table game device manufacturer, manufacturer designee or supplier license. For entities that are not currently licensed by the Board, this will require the entities to file a manufacturer, manufacturer designee or supplier license application.

Typically, these applications can take a year or more to process due to the extensive background investigations that are required.

The Board will therefore issue a conditional license to a table game device manufacturer, manufacturer designee or supplier applicant that meets the requirements in § 615a.1 (relating to table game devices, conditional licenses). More specifically, these applicants will have to do the following: submit a complete licensing application; be licensed in good standing in a jurisdiction that has licensing standards which provide similar safeguards to those in this Commonwealth; have an expression of interest in acquiring the equipment they manufacture or supply from a slot machine licensee or a manufacturer, manufacturer designee or supplier licensee; have successfully completed a preliminary screening, including a criminal background check; and have paid the applicable application and licensing fees. To date, the Board has determined that Ontario, New Jersey, Nevada, Mississippi and Louisiana have licensing standards that are equivalent to the Commonwealths.

Table game device manufacturer, manufacturer designee or supplier applicants that meet these requirements will be able to begin to provide table game devices while the review of their license application continues. If, however, as part of the continuing investigation, the Office of Enforcement Counsel issues a Notice of Recommendation of Denial, the Bureau of Licensing may rescind the conditional license. If this occurs, the Bureau of Licensing will notify the applicant and all slot machine licensees and manufacturer, manufacturer designee and supplier licensees that the applicant is no longer authorized to provide table game devices in this Commonwealth. This notice will be sent by registered mail and will contain a date after which the applicant will no longer be permitted to provide table game devices.

Affected Parties

With respect to Chapter 605a, slot machine licensees that elect to become certificate holders and decide to install electronic or fully automated gaming tables will be required to comply with this chapter. Additionally, manufacturers of electronic or fully automated gaming tables will be required to submit their tables to the Bureau for testing and will have to meet the design requirements in this chapter.

The Board will experience increased regulatory demands to review the tables submitted by manufacturers and review the procedures and inspect the tables installed at licensed facilities.

Regarding Chapter 613a, individuals and entities that want to become gaming related gaming services providers will have to complete a certification application and pay the applicable fees. To date, the Board has received four applications for certification from gaming related gaming service providers. Applications the Board receives will be reviewed by existing Bureau of Licensing staff.

Regarding Chapter 615a, slot machine licensees will benefit from this proposed rulemaking because they will have more sources from whom they may obtain table game devices in a shorter period of time. Additionally, applicants for table game device manufacturer, manufacturer designee or supplier licenses will benefit from being able to offer their products in this Commonwealth within a shorter period of time.

The Board has experienced increased regulatory demands resulting from the implementation of table games, including the review of electronic and fully automated

tables and the review of additional applications from gaming related gaming service providers, table game device manufacturers, manufacturer designees and suppliers.

Fiscal Impact

Commonwealth. The Bureau experienced increased costs regarding the review of electronic and fully automated electronic gaming tables that manufacturers have elected to offer for sale in this Commonwealth, but these costs will be recovered directly from these manufacturers. The Board also anticipates that additional demands will be placed on existing staff regarding the inspection of these tables when they are installed in a licensed facility. However, because most certificate holders are not planning on using many of these tables at this time, the Board does not expect it will need to hire additional personnel to meet these demands.

Additionally, the Board experienced increased costs related to the review of the applications for gaming related gaming service provider certification and for conditional table game device licenses for manufacturers, manufacturer designees and suppliers. However, the increased costs did not exceed the additional supplemental funding of approximately \$2.1 million provided to the Board under Act 1.

Political subdivisions. This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by Act 1.

Private sector. This proposed rulemaking will result in additional costs for certificate holders that elect to use electronic or fully automated electronic gaming tables because these tables are more expensive. However, these costs would be offset by reduced labor costs and increased speed of play.

Manufacturers of electronic or fully automated gaming tables will have to reimburse the Bureau for the costs incurred by the Bureau to complete its technical review of these gaming tables. It is anticipated that the manufacturers will recover the costs as part of the prices they charge for these tables.

Applicants for a table game device manufacturer, manufacturer designee or supplier license and gaming related gaming service provider certification will have to complete the applicable existing Board license or certification application forms and pay all of the associated application, investigation, licensing or certification fees. There will not be additional forms required or fees imposed in connection with the conditional licenses for manufacturers, manufacturer designees and suppliers.

General public. This proposed rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This proposed rulemaking will require manufacturers to submit manuals and other technical information regarding the particular electronic or fully automated gaming table that they submit to the Bureau for approval.

With respect to manufacturer, manufacturer designee, supplier and gaming related gaming service provider applicants, they will be required to file the normal applications and related materials for a license or certification.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention; Public Comment on Table Game Equipment, Regulation # 125-138.

Contact Person

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 19, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC). Under section 5(f) of the Regulatory Review Act, the Board will submit the proposed rulemaking and the required material to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee no later than the second Monday after the date by which both committee designations have been published in the *Pennsylvania Bulletin*. A copy of this material is available to the public upon request and is available on the Board's web site at www.pgcb.state.pa.us.

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-138. No fiscal impact; (8) recommends adoption.

Annex A

Title 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 524. (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 524 which appears in 58 Pa. Code pages 524-1—524-8, serial pages (349973)—(349978), (350939) and (350940).)

Sec.
524.1—524.7. (Reserved).

CHAPTER 605a. ELECTRONIC GAMING TABLES

- Sec.
- 605a.1. Definitions.
- 605a.2. Electronic wagering systems.
- 605a.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.
- 605a.4. Electronic gaming tables.
- 605a.5. Fully automated electronic gaming tables.
- 605a.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.
- 605a.7. Progressive table game systems.

§ 605a.1. Definitions.

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

Electronic gaming table—

(i) A gaming table approved by the Board that is a mechanical, electrical or computerized contrivance, terminal, machine or other device which, upon insertion or placement of cash or cash equivalents therein or thereon, or upon a wager or payment of any consideration whatsoever, is available for play or operation by one or more players as a table game.

(ii) The term includes any gaming table where a wager or payment is made using an electronic or computerized wagering or payment system.

(iii) The term does not include a slot machine.

*Electronic wagering system—*A computer or server and any related hardware, software or other device that permits wagering to be conducted at a gaming table.

*Fully automated electronic gaming table—*An electronic gaming table determined by the Board to be playable or operable as a table game without the assistance or participation of a person acting on behalf of a certificate holder.

*Game account—*The funds that are available to a player for use at an electronic gaming table.

*Progressive table game system—*The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at fully automated electronic gaming tables, electronic gaming tables, or live table games offering a jackpot that increases corresponding to an additional wager on the table.

§ 605a.2. Electronic wagering systems.

(a) A certificate holder may conduct electronic wagering at a gaming table in accordance with this chapter. Electronic wagering at a gaming table shall be conducted through the use of an electronic wagering system. If an electronic wagering system is in use at a gaming table, wagers placed at that gaming table shall be made using the electronic wagering system.

(b) An electronic wagering system shall be a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department.

(c) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested and approved by the Bureau of Gaming Laboratory Operations prior to use at any licensed facility in this Commonwealth.

(d) An electronic wagering system must:

(1) Credit funds to the game account of a player when a player buys in to a game at a particular gaming table and debit any remaining funds from the game account when a player cashes out of the game.

(2) Permit a player to wager from a game account, collect losing wagers from the game account and pay winning wagers by crediting the amount of the winnings and corresponding wager to the game account.

(3) In the game of Poker:

(i) Debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game accounts of the winning players in the appropriate amounts.

(ii) Extract the rake from players or pots according to the rake procedures established for the game and debit the game accounts of players in the appropriate amounts.

(iii) Make each player's balance or table stakes visible to all players in the game.

(4) Depict the transactions described in paragraphs (1)—(3) through one or more electronic fund displays that are visible to each player and the dealer or boxperson.

(5) Disclose to each player at all times the current balance in the player's game account.

(6) Accurately report and audit the table game's win or loss or Poker revenue.

(7) Generate reports setting forth, by gaming day, for each gaming table using the electronic wagering system:

(i) The total amount deposited into the game account of each player.

(ii) The total amount deposited into game accounts by all players.

(iii) The total amount credited to the game account of each player in payment of winnings.

(iv) The total amount credited to the game accounts of all players in payment of winnings.

(v) The total amount collected from each player as losing wagers.

(vi) The total amount collected from all players as losing wagers.

(vii) For Poker, if applicable, the total amount deducted from the game account of each player for collection of Poker rake time charges.

(viii) For Poker, if applicable, the total amount collected from the accounts of all players for collection of Poker rake time charges.

(ix) For Poker, if applicable, the total amount collected from Poker pots for collection of Poker rake.

(x) The total amount withdrawn from game accounts by each player.

(xi) The total amount withdrawn from game accounts by all players.

(xii) The table game win or loss or Poker revenue.

(e) After installation, electronic wagering systems shall be inspected and approved by the Bureau of Gaming Laboratory Operations prior to use at any licensed facility in this Commonwealth.

§ 605a.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.

(a) A player shall buy in to a table game using an electronic wagering system as follows:

(1) If the gaming table is equipped with a bill validator, a player shall buy in to the game by either:

(i) Inserting currency or, if the table game is a fully automated electronic gaming table, a gaming voucher, into the bill validator. The electronic wagering system must credit an equivalent amount of funds into the game account of the player, which funds must be displayed on the electronic fund display.

(ii) Presenting currency or value chips to the dealer or boxperson if the table game is not a fully automated electronic gaming table.

(2) If the gaming table is not equipped with a bill validator, a player shall buy in to the game by presenting currency or value chips to the dealer or boxperson.

(3) When a player presents currency or value chips to a dealer or boxperson, the dealer or boxperson shall credit an equivalent amount of funds to the game account of the player, which shall be registered on the electronic fund display and acknowledged by the player.

(b) A player shall cash out of a table game using an electronic wagering system as follows:

(1) If the gaming table is a fully automated electronic gaming table, by receiving a gaming voucher equal in value to the balance in the game account of the player.

(2) If the gaming table is not a fully automated electronic gaming table, by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player.

(3) If the gaming table is not a fully automated electronic gaming table, after cashing out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

§ 605a.4. Electronic gaming tables.

(a) An electronic gaming table must comply with the requirements in § 605a.2 (relating to electronic wagering systems).

(b) An electronic gaming table system must contain a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department. All aspects of an electronic gaming table system, including the computer or server and related hardware, software or related devices shall be tested and approved by the Bureau of Gaming Laboratory Operations, for compliance with the requirements of this section, prior to use at any licensed facility in this Commonwealth.

(c) An electronic gaming table must have the capacity to allow the Bureau of Gaming Laboratory Operations to verify all relevant control software for authenticity.

(d) A certificate holder using an electronic gaming table system shall include in its internal controls, at a minimum:

(1) Procedures to ensure the physical security of the computer or server and related hardware, software and other devices.

(2) Procedures to ensure the integrity and security of sensitive data and software.

(3) Procedures to ensure that access to sensitive data and software is limited to appropriate personnel only.

(4) Procedures to ensure the logging of the events and the availability of records to permit an effective audit of the conduct of the system and the reporting of revenue.

(e) An electronic gaming table must have the ability to authenticate the transmission of data between the various components of the electronic gaming table system.

(f) An electronic gaming table system must display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic gaming table is open, whenever there is a malfunction in the operation

of the electronic gaming table system, or any component thereof, including whenever a printer or currency jam occurs.

(g) An electronic gaming table that is not a fully automated electronic gaming table must be equipped with the following meters, where applicable:

(1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots*. A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the electronic gaming table.

(5) *Bill in*. A meter that accumulates the total value of currency accepted. The electronic gaming table must also have a specific meter for each denomination.

(6) *Electronic gaming table paid progressive payout*. For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the electronic gaming table.

(7) *Attendant paid progressive payout*. For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the electronic gaming table.

(8) *Additional meters*. Other meters required by technical standards adopted by the Board.

§ 605a.5. Fully automated electronic gaming tables.

(a) A fully automated electronic gaming table must comply with the comprehensive protocol specifications required under section 1324 of the act (relating to protocol information) that are necessary to enable the fully automated electronic gaming table to communicate with the Department's central control computer system, for the purpose of transmitting auditing program information, real time information retrieval and fully automated table electronic game activation and disabling.

(b) A fully automated electronic gaming table must have installed software or hardware that distinguishes the fully automated electronic gaming table from a slot machine as defined by the act.

(c) A fully automated electronic gaming table must have the capability to accept currency or gaming vouchers, and to issue a gaming voucher to a player for any winnings.

(d) A fully automated electronic gaming table must be equipped with the following meters, where applicable:

(1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the fully automated

electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots*. A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the fully automated electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the fully automated electronic gaming table.

(5) *Bill in*. A meter that accumulates the total value of currency accepted. The fully automated electronic gaming table must also have a specific meter for each denomination.

(6) *Voucher in—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(7) *Voucher in—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(8) *Voucher out—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers issued by the fully automated electronic gaming table.

(9) *Voucher out—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(10) *Fully automated electronic gaming table paid progressive payout*. For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the fully automated electronic gaming table.

(11) *Attendant paid progressive payout*. For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the fully automated electronic gaming table.

(12) *Additional meters*. Other meters required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

§ 605a.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.

(a) A fully automated electronic gaming table with an integrated live Roulette wheel must randomize the method by which the outcome is determined. This includes, but is not limited to, the speed at which the ball is ejected onto the wheel and the speed at which the wheel rotates.

(b) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of determining if the wheel meets a 95% confidence limit using a standard chisquared test for goodness of fit. The calculation must be made based on the following criteria:

(1) Ten thousand outcomes have been generated.

(2) A new calculation must be made for each 10,000 subsequent outcomes.

(3) The calculation must consider only the most recent 10,000 outcomes.

(c) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of displaying a visual notification, clearable by an attendant, if at any time the live Roulette wheel has failed the chi-squared test for goodness of fit under subsection (b).

(d) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of disabling play in the event that the wheel has failed to meet the 95% confidence limit for goodness of fit test required under subsection (b) for two consecutive testing periods. Attendant interaction shall be required before enabling the table for play.

(e) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of providing a report that shows the results of the last chi-squared test as well as the previous 9 chi-squared tests. The report must contain the following:

- (1) The time and date the test was performed.
- (2) The table ID or any comparable identifier.
- (3) The number of games used to perform the test.
- (4) The outcome of the test.

§ 605a.7. Progressive table game systems.

(a) Each progressive fully automated electronic gaming table, electronic gaming table or live table game must have:

(1) A progressive meter visible from the front of the gaming table, which may increase in value based upon wagers, that advises the players of the amount which can be won if the player receives the corresponding outcome.

(2) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by a fully automated electronic gaming table or electronic gaming table.

(3) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by an attendant as a result of progressive awards that are not capable of being paid by a fully automated electronic gaming table or electronic gaming table.

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by a fully automated electronic gaming table, electronic gaming table, or attendant.

(5) A key and keyed switch to reset the progressive meter or meters or other reset mechanism.

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(b) A table game that offers a progressive jackpot may not be placed on the gaming floor until the certificate holder, or if applicable, the progressive system operator, has submitted to the Bureau of Gaming Laboratory Operations and the Bureau of Gaming Laboratory Operations has approved, the following:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the table games.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(c) A table game that offers either a new progressive jackpot or a modification of an existing progressive jackpot may not be made available for play by the public until the table game has been tested and certified by the Bureau of Gaming Laboratory Operations.

(d) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron.

(2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal controls approved under § 465a.2 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, upon Bureau of Gaming Laboratory Operations approval, been transferred to another progressive table game.

(4) The change is necessitated by a table game or meter malfunction, in which case, a written explanation shall be sent to the Bureau of Gaming Laboratory Operations.

CHAPTER 528. (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 528 which appears in 58 Pa. Code pages 528-1—528-9, serial pages (349027)—(349032).)

Sec.
528.1—528.9. (Reserved).

CHAPTER 613a. GAMING RELATED GAMING SERVICE PROVIDERS

Sec.
613a.1. General requirements.
613a.2. Gaming related gaming service provider certification applications.
613a.3. Qualification of individuals and entities.
613a.4. Certification term and renewal.
613a.5. Certified gaming related gaming service provider responsibilities.
613a.6. Gaming related gaming service provider list.
613a.7. Requirements for use of a gaming related gaming service provider.
613a.8. Permission to conduct business prior to certification.
613a.9. Certificate holders' duty to investigate.

§ 613a.1. General requirements.

(a) A person seeking to conduct business with a certificate holder shall apply to the Board for certification as a gaming related gaming service provider if the person is not required to be licensed as a manufacturer, supplier or manufacturer designee and either:

(1) Provides a gaming related service that includes a new game or new wager, game variation, side bet or similar innovation relating to a table game that has been approved by the Board.

(2) Is the owner of a patent or has a patent pending for the new game or new wager, game variation, side bet or similar innovation.

§ 613a.2. Gaming related gaming service provider certification applications.

(a) A gaming related gaming service provider seeking certification shall complete and the certificate holder for

whom the gaming related gaming service provider may be providing gaming related services shall submit:

(1) An original and one copy of a Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(3) Applications and release authorizations for each individual required to be qualified under § 613a.3 (relating to qualification of individuals and entities).

(4) A written statement from a certificate holder, stating that the certificate holder may do business with the gaming related gaming service provider for the purpose of utilizing the gaming related gaming service provider's gaming related service.

(b) In addition to the materials required under subsection (a), an applicant for a gaming related gaming service provider certification shall:

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

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

(c) A gaming related gaming service provider certification will not be issued until all fees and costs, including any Gaming Laboratory Operation costs incurred in the review of the proposed new game or new wager, game variation, side bet or similar innovation, have been paid.

§ 613a.3. Qualification of individuals and entities.

(a) The following individuals shall be required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. For the purposes of this paragraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

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

(3) Each salesperson of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification who solicits or will be soliciting business from, or has regular contact with, any representatives of a certificate holder.

(b) Each entity that directly owns 20% or more of the voting securities of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall be required to file a Gaming Service Provider Certification Form—Private Holding Company with the Board and be found qualified by the Board.

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

(1) An intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(3) An employee of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

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

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

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if:

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the Authorized Gaming Related Gaming Service Provider List.

(e) The Bureau of Licensing will issue a permanent credential to an individual who has been found qualified under this section if the gaming related gaming service provider has been certified.

§ 613a.4. Certification term and renewal.

(a) Gaming related gaming service provider certifications, and renewals issued under this chapter will be valid for 4 years from the date of Board approval.

(b) A certified gaming related gaming service provider shall submit to the Board a completed renewal application and renewal fee at least 60 days prior to the expiration of a certification.

(c) A certification for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification that the Board has approved or denied the certification.

§ 613a.5. Certified gaming related gaming service provider responsibilities.

A holder of a gaming related gaming service provider certification shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a gaming related gaming service provider certification ineligible, unqualified or unsuitable to hold a certification under the standards and requirements of the act and of this part.

§ 613a.6. Gaming related gaming service provider list.

The Board will maintain a list of gaming related gaming service providers that are certified and have had their gaming related service approved by the Bureau of Gaming Laboratory Operations.

§ 613a.7. Requirements for use of a gaming related gaming service provider.

Prior to use of a gaming related service by a certificate holder the following must occur:

(1) The gaming related gaming service provider providing the gaming related service shall submit its gaming related service to the Bureau of Gaming Laboratory Operations.

(2) The gaming related gaming service provider shall pay all Gaming Laboratory Operation costs incurred in the review of the proposed new game or new wager, game variation, side bet or similar innovation.

(3) The certificate holder shall make a written request to the Board's Executive Director and receive written approval for use of the new gaming related service in accordance with § 601a.4 (relating to request to offer a new table game or new feature for an existing table game). (*Editor's Note:* Section 601a.4 will be adopted prior to or upon final adoption of this proposed rulemaking.)

(4) The gaming related gaming service provider shall pay the certification fee and must either receive written authorization from the Bureau of Licensing to conduct business prior to certification or be certified.

§ 613a.8. Permission to conduct business prior to certification.

(a) Notwithstanding § 613a.1 (relating to general requirements), the Bureau of Licensing may authorize an applicant for gaming related gaming service provider certification to conduct business with a certificate holder prior to the certification of the gaming related gaming service provider applicant if the following criteria are met:

(1) A completed Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the certificate holder in accordance with § 613a.2 (relating to gaming related gaming service provider certification applications).

(2) The certificate holder certifies that it has performed due diligence on the gaming related gaming service provider.

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

(4) The gaming related gaming service provider and the certificate holder have satisfied the requirements in § 613a.7 (relating to requirements for use of a gaming related gaming service provider).

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for gaming related gaming service provider certification, the Bureau of Licensing may rescind the permission granted to the applicant for gaming related gaming service provider certification to conduct business with a certificate holder under subsection (a). If the permission is rescinded, the applicant for gaming related gaming service provider certification shall cease conducting business with the certificate holder by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for gaming related gaming service provider certification and the certificate holder by registered mail that permission for the applicant for gaming related gaming service provider certification to conduct business with the certificate holder under subsection (a) has been rescinded and that the certificate holder shall cease conducting business with the applicant for gaming related gaming service provider certification by the date specified in the notice.

§ 613a.9. Certificate holders' duty to investigate.

(a) A certificate holder shall investigate the background and qualifications of the applicants for gaming related gaming service provider certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A certificate holder shall have an affirmative duty to avoid agreements or relationships with persons applying for gaming related gaming service provider certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A certificate holder shall have a duty to inform the Board of an action by an applicant for or holder of a gaming related gaming service provider certification which the certificate holder believes would constitute a violation of the act or this part.

CHAPTER 529. (Reserved)

(*Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 529 which appears in 58 Pa. Code pages 529-1—529-2, serial pages (350011) and (350012).)

Sec.
529.1 and 529.2. (Reserved).

CHAPTER 615a. CONDITIONAL TABLE GAME DEVICE LICENSES

Sec.
615a.1. Table game devices, conditional licenses.

§ 615a.1. Table game devices, conditional licenses.

(a) The Board may grant an applicant for a table game device manufacturer, manufacturer designee or supplier license a conditional license to conduct table game business in this Commonwealth, prior to licensure.

(b) To be eligible to obtain a conditional table game device license, the applicant for a table game device manufacturer, manufacturer designee or supplier license shall:

(1) Submit a completed manufacturer, manufacturer designee or supplier license application.

(2) Be certified as a gaming service provider in this Commonwealth or be licensed in good standing to manufacturer or provide table game devices in another jurisdiction in the United States or Canada that the Board has

determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required by the act.

(3) Submit a written statement from a slot machine licensee, manufacturer licensee, manufacturer designee licensee or supplier licensee that the slot machine licensee, manufacturer licensee, manufacturer designee licensee or supplier licensee intends to do business with the applicant for the purpose of purchasing, selling or marketing table game devices.

(4) Pass a preliminary review of the application and criminal history investigation.

(5) Submit full payment for the table game device manufacturer, manufacturer designee or supplier license prior to the issuance of the conditional license.

(c) An applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license shall provide monthly transaction reports to the Bureau of Licensing by the 20th calendar day of the following month during the period of conditional licensure. The monthly transaction reports must include:

(1) The date table game devices were provided to a licensee.

(2) A description of the table game devices provided.

(3) The amount paid by the licensee for the table game devices.

(4) A copy of the invoice for the table game devices.

(d) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license, the Bureau of Licensing may rescind the conditional license issued to the applicant. If the conditional license is rescinded, the applicant shall cease conducting business by the date specified in the notice of the rescission sent to the applicant by the Bureau of Licensing under subsection (e).

(e) When the Bureau of Licensing rescinds a conditional license, the Bureau of Licensing will notify the holder of the conditional license and all slot machine licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees by registered mail that:

(1) Permission for the applicant to conduct business under subsection (a) has been rescinded.

(2) Slot machine licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees shall cease conducting business with the applicant by the date specified in the notice.

(f) Pending a hearing on the Notice of Recommendation for Denial, the applicant may not seek or conduct any new business in this Commonwealth and may only complete transactions that were commenced prior to the date specified in the notice of rescission.

[Pa.B. Doc. No. 11-141. Filed for public inspection January 28, 2011, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective January 14, 2011.

The organization chart at 40 Pa.B. 615 (January 29, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

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

[Pa.B. Doc. No. 11-142. Filed for public inspection January 28, 2011, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

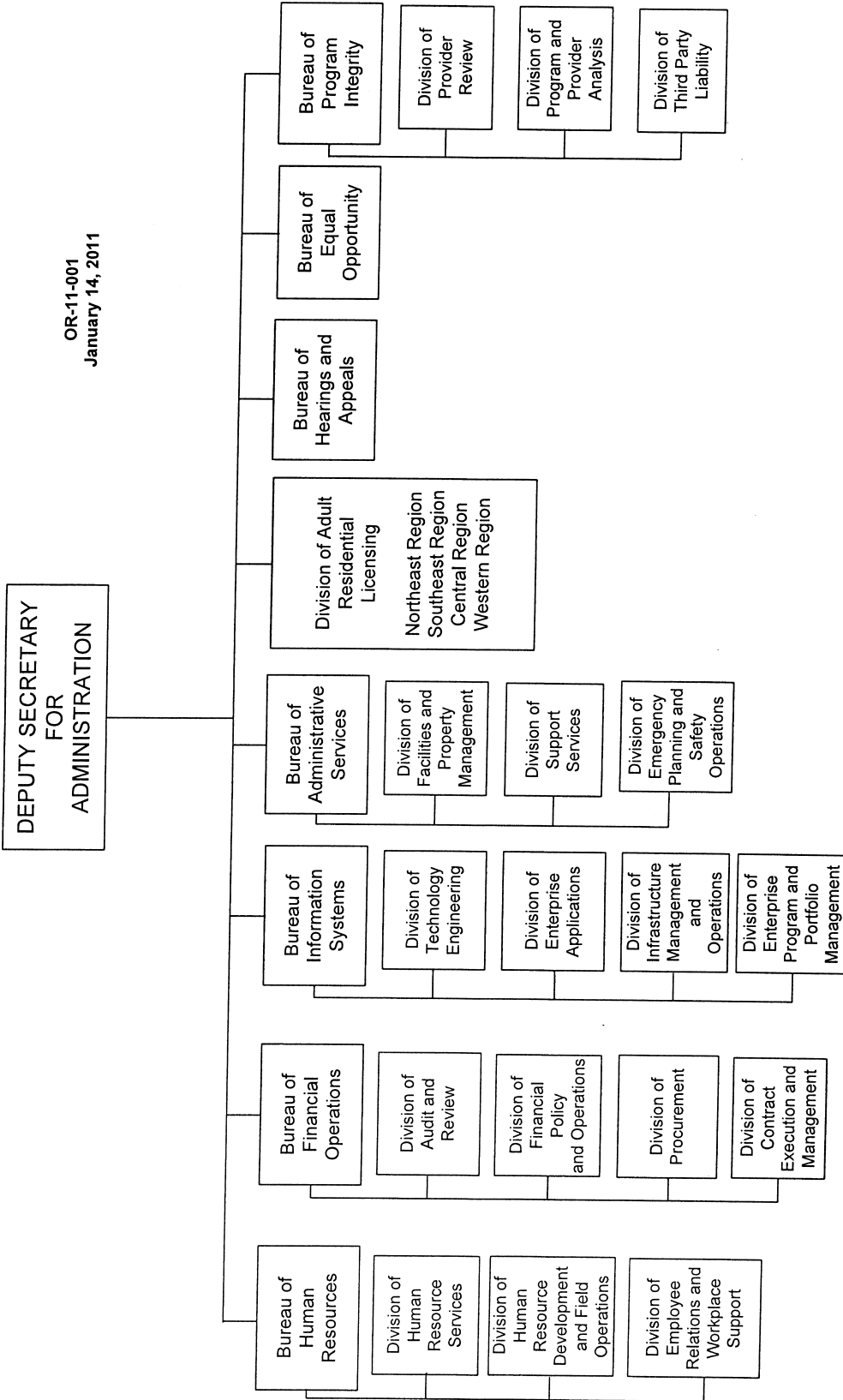
The Executive Board approved a reorganization of the Department of Public Welfare effective January 14, 2011.

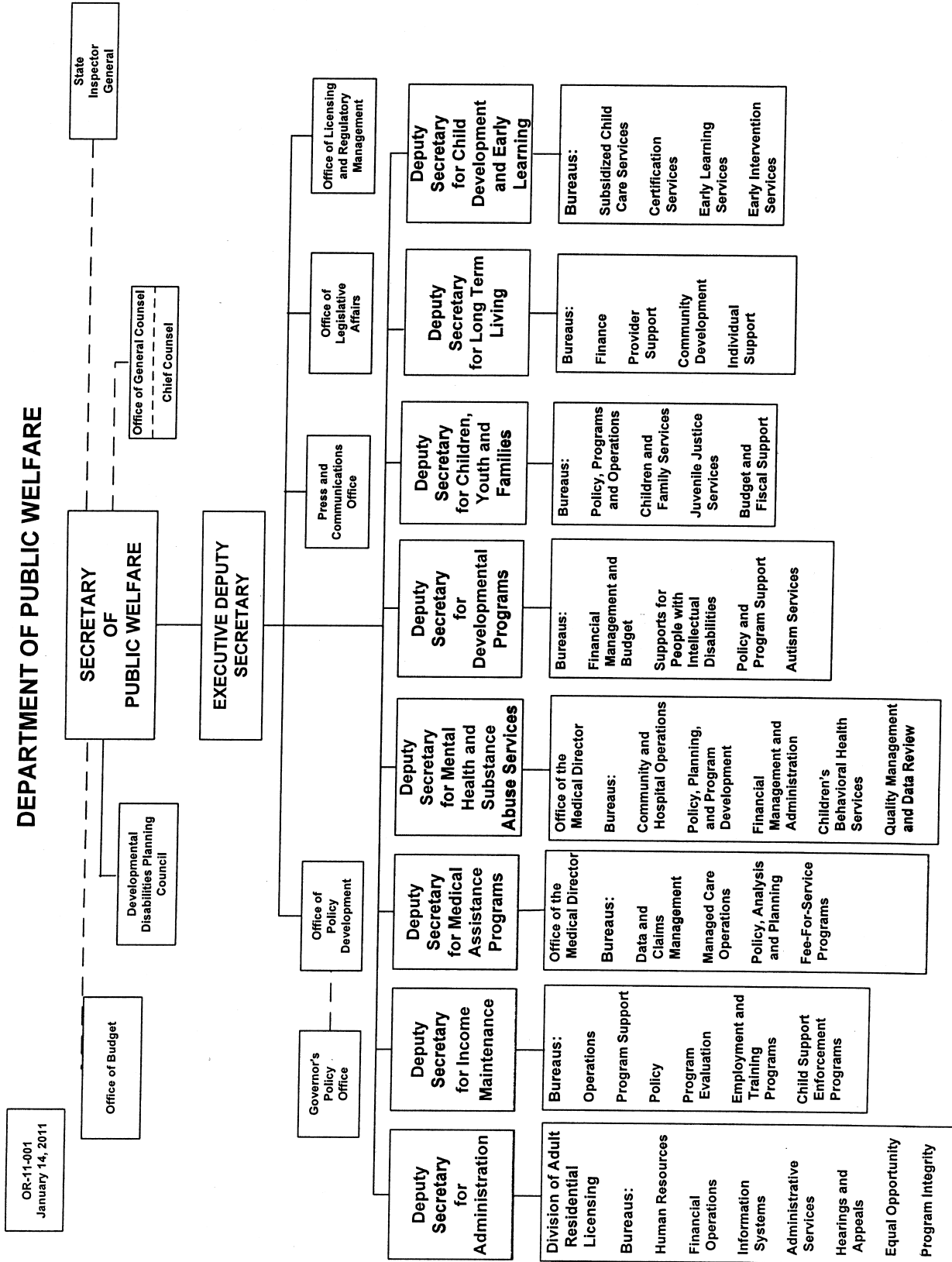
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[Pa.B. Doc. No. 11-143. Filed for public inspection January 28, 2011, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR ADMINISTRATION





OR-11-001
January 14, 2011

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposal

CPC 10.128: Conservation Maintenance of the Barnard Statues & Mexican War Monument. This project involves the following: yearly cyclical maintenance preservation of the Barnard Statuary and Mexican War Monument; and conservation/maintenance work includes repair of micro-cracks, mortar joints, cementitious composite patch material, sealant joints and fabrication and installation of elective replacement dutchman for the Barnard Statuary, preventive cleaning, rinsing and treatment with antimicrobial agents of the statuary and

monument. The work also includes detailed review, condition assessment and reporting of conditions in electronic, digital and hard copy formats. A \$100 deposit is required for issuance of project documents. Issue date of the proposal will be on February 16, 2011. A mandatory preproposal conference and site walk through will be held on February 23, 2011, in Room 630, Main Capitol Building at 10 a.m. Proposals are due on March 16, 2011, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle, (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 11-144. Filed for public inspection January 28, 2011, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 11, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-7-2011	Warburg Pincus Private Equity X, LP and Warburg Pincus X Partners, LP New York, NY	Approved and Effective
	Application for approval to acquire up to 19.7% of the common stock of National Penn Bancshares, Inc., Boyertown, Pennsylvania, the parent bank holding company of National Penn Bank, Boyertown, Pennsylvania, and Christiana Bank & Trust Company, Greenville, Delaware.	

Branch Applications

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-3-2011	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1300 West Main Street Ephrata Lancaster County <i>From:</i> 1001 Sharp Avenue Ephrata Lancaster County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 11-145. Filed for public inspection January 28, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding 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 (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations 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 United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the 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. A comment submittal 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 public hearings 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060569 (Sewage)	CBH20, LP P. O. Box 168 Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek (01E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0248398 (CAFO)	Mason Dixon Farms, Inc. 1800 Mason Dixon Road Gettysburg, PA 17325-7127	Adams County / Freedom Township	Marsh Creek / CWF / 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0104213 (Sewage)	Pleasantview Mennonite Hall 3472 County Line Road Cochran, PA 16314	Mercer County French Creek Township	Unnamed tributary of Foulk Run 16-D	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

PA0244074, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from a facility known as Stony Creek Farms WWTF, located near Township Line Road and North Wales Road.

The receiving stream, Stony Creek, is in the State Water Plan watershed 3F and is classified for: TSF, MF, aquatic life, water supply, and recreation. The nearest downstream public water supply intake is for the City of Norristown located on Schuylkill River at Norristown, PA.

The proposed effluent limits for Outfall 001 are based on a design flow of 45,000-gpd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10			20
Total Suspended Solids	10			20
Ammonia Nitrogen as N (05-01 to 10-31)	1.5			3.0
(11-01 to 04-30)	3.0			6.0
Nitrate + Nitrite an N	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorus, Total as P	0.5			1.0
Fecal Coliform	50 #/100 ml as a geometric mean, nor greater than 1,000#/100 ml			
pH	Between 6.0 and 9.0 standard units at all times			
Dissolved Oxygen	Minimum of 6.0 mg/l at all times			

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

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Necessary Property Rights
5. Small Stream Discharge
6. Change in Ownership
7. Proper Sludge Disposal
8. TMDL/WLA Analysis
9. Operator Training
10. I-Max Limits
11. No Discharge Report
12. 2/Month Monitoring
13. UV Disinfection
14. Laboratory Certification

PA0244554, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Activity: Application for an NPDES permit to discharge treated sewage from a facility known as Preserve at Worcester WWTP, located near North Wales Road and Skippack Pike (Route 73).

The receiving stream, Stony Creek, is in the State Water Plan watershed 3F and is classified for: TSF, MF, aquatic life, water supply, and recreation. The nearest downstream public water supply intake is for the City of Norristown located on Schuylkill River at Norristown, PA.

The proposed effluent limits for Outfall 001 are based on a design flow of 10,200-gpd.

Parameters	Average		Maximum	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Daily (mg/l)	Maximum (mg/l)
CBOD ₅	10			20
Total Suspended Solids	10			20
Ammonia Nitrogen as N (05-01 to 10-31)	1.5			3.0
(11-01 to 04-30)	3.0			6.0
Nitrate + Nitrite as N	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorus, Total as P	0.5			1.0
Fecal Coliform	200 #/100 ml as a geometric mean, nor greater than 1,000#/100 ml			
pH	Between 6.0 and 9.0 standard units at all times			
Dissolved Oxygen	Minimum of 6.0 mg/l at all times			

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

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Necessary Property Rights
5. Small Stream Discharge
6. Change in Ownership
7. Proper Sludge Disposal
8. TMDL/WLA Analysis
9. Operator Training
10. I-Max Limits
11. No Discharge Report
12. 2/Month Monitoring
13. UV Disinfection
14. Laboratory Certification

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

PA0081451, Sewage, SIC Code 8211, **Red Lion Area School District**, 696 Delta Road, Red Lion, PA 17356-9185. Facility Name: Clearview Elementary School. This existing facility is located in Chanceford Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), West Branch Toms Run, is located in State Water Plan watershed 7-I and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.5
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	7.0	XXX	14.0
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	21.0	XXX	42.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0261581, Industrial Waste, SIC Code 4941, **Red Lion Municipal Authority**, P O Box 190, Red Lion, PA 17356. Facility Name: Red Lion Cabin Creek Water System. This proposed facility is located in Windsor Township, **York County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Industrial Waste.

The receiving stream(s), Cabin Creek, is located in State Water Plan watershed 7-I and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.3	XXX	0.75
Total Suspended Solids	XXX	XXX	XXX	30.0	45.0 Wkly Avg	60.0
Total Dissolved Solids	XXX	XXX	XXX	500.0	1000.0	1250.0
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	XXX
Total Aluminum	XXX	XXX	XXX	1.44	2.01	3.60
Total Copper	XXX	XXX	XXX	0.26	0.49	0.65
Total Iron	XXX	XXX	XXX	2.0	3.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	1.5	2.5
Total Zinc	XXX	XXX	XXX	0.23	0.34	0.57

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0532.

This notice is being republished to revise an error in the effluent limitations and monitoring requirements that was published on 11/27/2010.

PA0008591, Industrial Waste, SIC Code 2631, **NGC Industries, LLC**, PO Box 210, Milton, PA 17847-0210. Facility Name: NGC Industries, LLC—Milton Plant. This existing facility is located in White Deer Township, **Union County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.128 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD ₅	106	160	XXX	100	150	200
Total Suspended Solids	106	160	XXX	100	150	200
Oil and Grease	16	XXX	XXX	15	XXX	30

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>		<i>Monitoring Requirements</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report		Report		24-Hr Composite
Kjeldahl—N	Report			Report		24-Hr Composite
Nitrate-Nitrite as N	Report			Report		24-Hr Composite
Total Nitrogen	Report	Report		Report		Calculation
Total Phosphorus	Report	Report		Report		24-Hr Composite
Net Total Nitrogen (Interim)	Report	Report				Calculation
Net Total Nitrogen (Final)	Report	2,213				Calculation
Net Total Phosphorus (Interim)	Report	Report				Calculation
Net Total Phosphorus (Final)	Report	106				Calculation

* 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's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #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, 2011. 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, 2012. 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, 2011.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0253723, Amendment No. 1, SIC Code 1389, **Shallenberger Construction, Inc.**, 195 Enterprise Lane, Connellsville, PA 15425. Facility Name: Ronco Industrial Wastewater Treatment Facility. This existing facility is located in Masontown Borough, **Fayette County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for the discharge of treated oil and gas well-drilling and production wastewaters.

The receiving stream, the Monongahela River, is located in State Water Plan watershed 19-G and is classified for warm water fishes, aquatic life, water supply, and recreation. The first existing downstream potable water supply is the Carmichaels Municipal Water Authority located four miles below the discharge point.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
BOD ₅	221	680	XXX	53.0	163	XXX
Oil and Grease	63	130	XXX	15	30	XXX
Total Suspended Solids	47.2	124	XXX	11.3	29.6	XXX
Total Aluminum	17	33	XXX	4.0	8.0	XXX
Total Antimony	0.1302	0.463	XXX	0.0312	0.111	XXX
Total Arsenic	0.0830	0.4143	XXX	0.0199	0.0993	XXX
Total Barium	42	83	XXX	10	20	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Cadmium	0.0426	0.0718	XXX	0.0102	0.0172	XXX
Total Chromium	0.2178	0.697	XXX	0.0522	0.167	XXX
Total Cobalt	0.2933	0.759	XXX	0.0703	0.182	XXX
Total Copper	0.901	2.09	XXX	0.216	0.500	XXX
Dissolved Iron	XXX	29	XXX	XXX	7.0	XXX
Total Iron	15	29	XXX	3.5	7.0	XXX
Total Lead	0.668	1.46	XXX	0.160	0.350	XXX
Total Manganese	8.3	17	XXX	2.0	4.0	XXX
Total Mercury	0.001026	0.002675	XXX	0.000246	0.000641	XXX
Total Nickel	1.29	3.31	XXX	0.309	0.794	XXX
Total Selenium	0.2913	0.734	XXX	0.0698	0.176	XXX
Total Silver	0.0509	0.1327	XXX	0.0122	0.0318	XXX
Total Strontium	42	83	XXX	10	20	XXX
Total Tin	0.1531	0.3985	XXX	0.0367	0.0955	XXX
Total Titanium	0.02554	0.0663	XXX	0.00612	0.0159	XXX
Total Vanadium	0.2161	0.2620	XXX	0.0518	0.0628	XXX
Total Zinc	1.05	2.07	XXX	0.252	0.497	XXX
Benzene	0.004	0.008	XXX	0.001	0.002	XXX
Ethylbenzene	Report	Report	XXX	Report	Report	XXX
Toluene	Report	Report	XXX	Report	Report	XXX
Total Xylenes	Report	Report	XXX	Report	Report	XXX
Total BTEX	0.4	0.8	XXX	0.1	0.2	XXX
Acetone	33.3	126	XXX	7.97	30.2	XXX
Acetophenone	0.2345	0.476	XXX	0.0562	0.114	XXX
2-Butanone	7.72	20.1	XXX	1.85	4.81	XXX
o-Cresol	2.34	8.01	XXX	0.561	1.92	XXX
p-Cresol	0.855	2.91	XXX	0.205	0.698	XXX
Phenol	4.51	15.2	XXX	1.08	3.65	XXX
Pyridine	0.759	1.54	XXX	0.182	0.370	XXX
2,4,6-Trichlorophenol	0.442	0.647	XXX	0.106	0.155	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	1632	2546	XXX
Total Dissolved Solids	2090	3130	XXX	500	750	XXX
Sulfate	Report	1040	XXX	Report	250	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX
Acidity, Total (as CaCO3)	Report	Report	XXX	Less than Alkalinity		XXX
Alkalinity, Total (as CaCO3)	Report	Report	XXX	Report	Report	XXX
Gross Alpha (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

In addition, the permit contains the following major special conditions:

* Prohibition of discharges that would be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life; requirements for priority pollutant sampling and analysis, sludge disposal, oil-bearing wastewaters, storm water discharges, chemical additives reporting, and recording/reporting of residual waste receipts.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0254363, Sewage, **Sleasman Nathan L**, 1280 Buckstown Road, Stoystown, PA 15563 and **Duppstadt E. Grace**, 1300 Buckstown Road, Stoystown, PA 15563. Facility Name: Sleasman Duppstadt Small Flow STP. This proposed facility is located in Stonycreek Township, **Somerset County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Indian Creek Lake, which is located in State Water Plan watershed 18-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.0008	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		

The EPA Waiver is in effect.

PA0096369, Sewage, **Patrick J. DiCesare**, 116 East Pittsburgh Street, Greensburg, PA 15601. Facility Name: Valley Hi MHP STP. This existing facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Buffalo Run, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.020	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.4	XXX	4.8
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.6	XXX	13.2

The EPA Waiver is in effect.

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

PA0263818, Sewage, SIC Code 4952, **Just For Jesus**, 14530 Route 28, Brockway, PA 15824. Facility Name: Just For Jesus. This proposed facility is located in Snyder Township, **Jefferson County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream, an Unnamed Tributary to Mill Creek, is located in State Water Plan watershed 17-C and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00305 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	4	XXX	8
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	12	XXX	24

In addition, the permit contains the following major special conditions:

* Septic Tank Cleaning Requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

WQM Permit No. 0110406, Sewerage, **Robert E. Plank**, 1525 Fairfield Road, Gettysburg, PA 17325.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence located at 477 Herr's Ridge Road, Gettysburg, PA 17325.

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

WQM Permit No. WQG02151011, Sewerage, **London Grove Township Municipal Authority**, 372 Rose Hill Road, Suite 300, West Grove, PA 19390.

This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system and force main to serve proposed 9 unit residential subdivision.

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

WQM Permit No. 1010402, Sewage, **T. Henry Nolan**, 128 Dalmagro Road, Butler, PA 16002.

This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for treated sewage to a Small Flow Treatment Facility which is replacing a malfunctioning onlot system.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

WQM Permit No. 1110201, Industrial Waste, **The Conemaugh River Restoration Company**, 301 Main Street, Kittanning, PA 16201-9642. This proposed facility is located in Adams Township, **Cambria County**.

Description of Proposed Action/Activity: Application is for construction and operation of mine water treatment plant. Application also includes a request for Section 401 Water Quality Certification.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0907019—Phase 2	PA Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17157-5529	Bucks	Bensalem, Bristol and Middletown Townships	Unnamed Tributaries to Neshaminy, Mill Creek and Black Ditch Creeks and Delaware Watershed (WWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1507029A-1	F. Brian Forcine 2443 Yellow Springs Road Malvern, PA 19355	Chester	Charlestown Township	Pickering Creek (HQ-TSF)
PAI01 151101	Matthew Yates PO Box 180 New London, PA 19360	Chester	New London Township	Hodgson Run (HQ-TSF-MF)
PAI01 151102	William Shea PO Box 401 Montchanin, DE 19710	Chester	Upper Uwchlan Township	Marsh Creek (HQ-TSF-MF)

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

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052607002-2	Atlantic Wind, LLC 201 King of Prussia Road Suite 500 Radnor, PA 19087	Fayette	Georges, Springhill & Wharton Townships	Big Sandy Creek & Laurel Run (HQ-CWF); Quebec Run (EV & HQ-CWF); and Mountain Creek & Rubles Run (CWF)

Greene County Conservation District, 19 South Washington Street, Waynesburg, PA 15370 (724-852-5278)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053010002	PA Land Holdings Co., LLC 158 Portal Road PO Box 1020 Waynesburg, PA 15370	Greene	Center Township	Southfork Ten Mile Creek (HQ-WWF)

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

Butler Conservation District, 122 McCune Drive, Butler PA 16001-6501

<i>NPDES Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0610 10 003	Brett Nuepert 210 Neupert Road Cabot PA 16023	Butler	Jefferson Township	Sarver Run HQ-TSF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

CAFO Notices of Intent Received

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

PAG124824, CAFO SIC 0213, 0241, 0211, **Rodney E. Lane, Lane Farm**, 750 Woodard Road, Harrison Valley, PA 16927-9434.

This proposed facility is located in Harrison Township, **Potter County**.

Description of Size and Scope of Proposed Operation/Activity: Finishing swine/dairy/beef, 963.5 AEUs.

The receiving stream, North Branch Cowanesque River is in Cowanesque River Watershed (04A) and classified for: Cold Water Fishery (CWF).

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Dave Rosenberry 3709 North Colebrook Rd Manheim, PA 17545	Lancaster	183.6	697.84	Steer/Layers	NA	R
Broc Troxell 250 Showers Rd New Columbia, PA 17856	Union	76.30	675.04	Swine	NA	Application

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application</i>
Hillcrest Saylor Dairy Farms, LLC 3684 Kingwood Road Rockwood, PA 15557	Somerset	1552.2	1345.97	dairy	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment 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. 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 related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0910537, Public Water Supply

Applicant	Aqua Pennsylvania, Inc.
Township	Bristol
County	Bucks
Responsible Official	Mr. Marc Lucca 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	Mr. Mark Tompeck 27 Bleeker Street Millburn, NJ 07041-1008
Application Received Date	November 3, 2010
Description of Action	Modifications to the Edgely Well Field treatment facility, which will include a new packed tower aeration system, new treatment building with low and high lift pumps, hypochlorite generation system and lime storage building.

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

Application No.2510505, Public Water Supply

Applicant	Erie City Water Authority
Township or Borough	Millcreek Township, Erie County
Responsible Official	Craig H. Palmer, Engineering Services Manager
Consulting Engineer	Edward J. St John Camp Dresser & McKee (CDM) 1100 Superior Avenue, Suite 620 Cleveland OH 44114
Application Received Date	09/22/2010
Description of Action	Republish to correct error . . . originally published incorrect Township location of Wasielewski WTP (formerly known as Sommerheim WTP). Project is the conversion of conventional rapid sand filtration plant to Ultrafiltration Membrane w/associated improvements.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 6311501MA, Minor Amendment.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive PO Box 888 Hershey, PA 17033
[Township or Borough]	Jefferson Hills Borough and Union Township
Responsible Official	Pennsylvania American Water Company 800 West Hersheypark Drive PO Box 888 Hershey, PA 17033
Type of Facility	Water system
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road PO Box 200 Indianola, PA 15051
Application Received Date	January 7, 2011
Description of Action	Installation of 42-inch transmission main, a 42-inch Venturi meter and 48-inch transmission main at the Aldrich Water Treatment Plant to the Shire Oaks storage tanks.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the 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. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or 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 contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, 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 as follows. 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 listed before the notice. 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:

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Tennessee Gas Pipeline Compressor Station 321, 124 Tennessee Gas Road, Clifford Township, **Susquehanna County**. Heath A. Brown, Environmental Standards, Inc., P. O. Box 810, 1140 Valley Forge Road, Valley Forge, PA 19482 has submitted a Notice of Intent to Remediate (on behalf of his client, El Paso Corporation, 1001 Louisiana Street, Suite 1399A, Houston, TX 77002), concerning the remediation of soil and groundwater found to have been impacted by leaded and/or unleaded gasoline from a leaking on-site fuel storage/delivery system, consisting of an underground storage tank and piping and an aboveground dispenser. The applicant proposes to meet the Residential Statewide Health Standard for soil and groundwater. The intended future use of the property is non-residential/industrial. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Charles Zito Property (Former James Davis Residence), 1510 Washington Street, Wilson Borough, **Northampton County**. Steven Tanen, AMEC Earth & Environmental, 502 W. Germantown Pike, Suite 850, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate (on behalf of his client, Charles Zito, 1508 Washington Street, Easton, PA 18042-4735), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a spill from a heating oil tank in the basement of the residence. The applicant proposes to remediate the site to meet both the Residential Statewide Health Standard for soil and groundwater and the Site-Specific Standard for soil. The current and future use of the property is residential. A summary of the Notice of Intent to Remediate was published in *The Express-Times* on January 10, 2011.

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

Allen M Brickell Residence-A-1 Oil Spill, Anthony Township, **Lycoming County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Allen M. Brickell, 331 Bruce Road, Cogan Station has submitted a Notice of Intent to Remediate soil contaminated with No. 2 diesel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *The Daily Item* on December 16, 2010. The site will remain a residential property.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

R. E. Uptegraff Manufacturing Company, Scottdale Borough, **Westmoreland County**. Cummings Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 on behalf of R. E. Uptegraff Manufacturing Company, 105 Bridge Street, Scottdale, PA 15683 has submitted a Notice of Intent to Remediate. The property is currently used as a transformer manufacturing facility. Historic operations may have released VOCs, SVOCs PCBs and heavy metals to the soil and groundwater. Institutional and engineering controls will be used to attain a site specific standard via pathway elimination. The future use of the property will be nonresidential.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 100022. Chrin Brothers Sanitary Landfill—Chrin Brothers Sanitary Landfill, Inc., 635 Industrial Drive, Easton, PA 18042. Receipt of an application for a major permit modification to expand the permit boundary from 108.0 acres to 112.3 acres of this municipal waste landfill, does not include a change in the permitted disposal capacity, disposal acreage, or waste acceptance rates located in Williams Township, **Northampton County**. On September 18, 2010, prior to the Local Municipal Involvement Process (“LMIP”) meeting, the Department published notice in the *Pennsylvania Bulletin* of receipt of the application and the Department’s administrative completeness determination [40 Pa.B. 5351, Saturday, September 18, 2010]. The LMIP was conducted on January 11, 2011. Now, following that meeting, the Department considers the application to have been formally received and deems it administratively complete.

Persons interested in reviewing the application may contact William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Application for Registration Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

General Permit Application No. WMGR025SE002. Warner Company, 600 Tyburn Road, Morrisville, PA 19067. This registration application is to operate under General Permit Number WMGR0025 for Residual and Municipal Waste Composting. The proposed beneficial uses of the finished compost products are for marketing or distribution as a soil conditioner, soil amendment, fertilizer, mulch or for erosion control. The name of the facility is Warner Northside Composting Operation and it is proposed at the existing “Van Sciver Northside Quarry”, located at 600 Tyburn Road, in Falls Township, **Bucks County**. The application for registration was considered administratively complete by the Southeast Regional Office on January 7, 2011.

AIR QUALITY

**PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS NEW SOURCES AND
MODIFICATIONS**

The 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 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 received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall 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 listed before the application. TDD users may 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 (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-309-079: Lafarge North America (5160 Main Street, Whitehall, PA 18052) for a PAL (Plantwide Applicability Limit) permit for their facility in Whitehall Township, **Lehigh County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

03-00093: Keystone Coal Mining Corp. (Consol Energy Drive, Ganonsburg, PA 15317) for changes to the plant that will modify several conveyors and add a truck dump, several new conveyors and two stockpiles that will allow the plant to process and store a metallurgical grade coal at their facility in Plumcreek Township, **Armstrong County**.

11-00356C: Peoples Natural Gas Co., LLC (1201 Pitt Street, Pittsburgh, PA 15221) for installation of two Waukesau compressor engines with catalysts for emissions control at Rager—Mt. Laurel Ridge Station in Jackson Township, **Cambria County**

26-00590: Carlisle Construction Materials (PO Box 700, Carlisle, PA 17013) for installation of Insulfoam Expanded polystyrene block mold products manufacturing processed at existing Hunter Panels facility in Georges Township, **Fayette County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

09-0102D: Clean Earth of Southeast Pennsylvania, Inc. (7 Steel Road East, Morrisville, PA 19067) for replacement of a cyclone with a 36-tube multi-cone at a soil remediation facility in Falls Township, **Bucks County**. This facility is a non-Title V facility. The proposed action will not increase any emissions from the

soil remediation facility. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

06-05085D: New Morgan Landfill Co., Inc. (420 Quarry Road, P. O. Box 128, Morgantown, PA 19543-0128) for modification of the existing sulfur dioxide emission limits at the existing municipal solid waste landfill controlled by a gas collection system and three (3) enclosed flares in New Morgan Borough, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 06-05085D is for the modification to the existing sulfur dioxide emission limits on the enclosed flares controlling landfill gas emissions. The facility wide sulfur dioxide emission limit will be increased from 29.7 tpy to 95.0 tpy SO_x, a net increase of 65.3 tpy. Additionally, an hourly SO_x limit will be placed on each flare and a new 100-ton annual PM_{2.5} limit will be added. All other emission limits will remain the same. Landfill gas shall be sampled, at a minimum, quarterly for total sulfur compounds. The landfill is a major Title V facility subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Waste Landfills and 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Tom Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality

Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issues to sources identified in 25 Pa. Code Section 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

18-315-001F: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) for plan a approval to modify a paper towel and tissue manufacturing operation to increase the operation's particulate matter emissions limitations at their facility in Castanea Township, **Clinton County**. The respective facility is a major facility for which a Title V operating permit has not been issued.

The Department's review of the information submitted by First Quality Tissue, LLC indicates that the modification will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to approve the application and issue plan approval for the modification of the paper towel and tissue manufacturing operation. Additionally, if the Department determines that the paper towel and tissue manufacturing operation is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V operating permit pursuant to 25 Pa. Code Sections 127.505.

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

1. The emission of total filterable particulate matter from each of the sources listed below shall not exceed the respective limitation while manufacturing paper towel:

Paper Machine #1

Wet-End	0.0022 grains per dry standard cubic foot and 1.23 pounds per hour
Dryers	0.0060 grains per dry standard cubic foot and 3.79 pounds per hour
Dry-End	0.0024 grains per dry standard cubic foot and 0.83 pounds per hour

Paper Machine #2

Wet-End	0.0022 grains per dry standard cubic foot and 1.23 pounds per hour
Dryers	0.0060 grains per dry standard cubic foot and 3.79 pounds per hour
Dry-End	0.0024 grains per dry standard cubic foot and 0.83 pounds per hour

2. The emission of total filterable PM-10 (particulate matter with an aerodynamic diameter of 10 microns or less) from each of the sources listed below shall not exceed the respective limitation while manufacturing paper towel:

Paper Machine #1

Wet-End	0.0021 grains per dry standard cubic foot and 1.17 pounds per hour
Dryers	0.0057 grains per dry standard cubic foot and 3.60 pounds per hour
Dry-End	0.0023 grains per dry standard cubic foot and 0.79 pounds per hour

Paper Machine #2

Wet-End	0.0021 grains per dry standard cubic foot and 1.17 pounds per hour
Dryers	0.0057 grains per dry standard cubic foot and 3.60 pounds per hour
Dry-End	0.0023 grains per dry standard cubic foot and 0.79 pounds per hour

3. The emission of condensable particulate matter from each of the sources listed below shall not exceed the respective limitation while manufacturing paper towel:

Paper Machine #1

Wet-End	0.0039 grains per dry standard cubic foot and 2.57 pounds per hour
Dryers	0.0055 grains per dry standard cubic foot and 3.21 pounds per hour
Dry-End	0.0116 grains per dry standard cubic foot and 4.67 pounds per hour

Paper Machine #2

Wet-End	0.0039 grains per dry standard cubic foot and 2.57 pounds per hour
Dryers	0.0055 grains per dry standard cubic foot and 3.21 pounds per hour
Dry-End	0.0116 grains per dry standard cubic foot and 4.67 pounds per hour

4. The emission of total filterable particulate matter from each of the sources listed below shall not exceed the respective limitation while manufacturing tissue paper:

Paper Machine #1

Wet-End	0.0026 grains per dry standard cubic foot and 2.33 pounds per hour
Dryers	0.0072 grains per dry standard cubic foot and 4.16 pounds per hour
Dry-End	0.0024 grains per dry standard cubic foot and 0.83 pounds per hour

Paper Machine #2

Wet-End	0.0026 grains per dry standard cubic foot and 2.33 pounds per hour
Dryers	0.0072 grains per dry standard cubic foot and 4.16 pounds per hour
Dry-End	0.0024 grains per dry standard cubic foot and 0.83 pounds per hour

5. The emission of total filterable PM-10 (particulate matter with an aerodynamic diameter of 10 microns or less) from each of the sources listed below shall not exceed the respective limitation while manufacturing tissue paper:

Paper Machine #1

Wet-End	0.0025 grains per dry standard cubic foot and 2.22 pounds per hour
Dryers	0.0069 grains per dry standard cubic foot and 3.96 pounds per hour
Dry-End	0.0024 grains per dry standard cubic foot and 0.79 pounds per hour

Paper Machine #2

Wet-End	0.0025 grains per dry standard cubic foot and 2.22 pounds per hour
Dryers	0.0069 grains per dry standard cubic foot and 3.96 pounds per hour
Dry-End	0.0024 grains per dry standard cubic foot and 0.79 pounds per hour

6. The emission of condensable particulate matter from each of the sources listed below shall not exceed the respective limitation while manufacturing tissue paper:

Paper Machine #1

Wet-End	0.0049 grains per dry standard cubic foot and 3.99 pounds per hour
Dryers	0.0145 grains per dry standard cubic foot and 9.10 pounds per hour
Dry-End	0.0042 grains per dry standard cubic foot and 1.18 pounds per hour

Paper Machine #2

Wet-End	0.0049 grains per dry standard cubic foot and 3.99 pounds per hour
Dryers	0.0145 grains per dry standard cubic foot and 9.10 pounds per hour
Dry-End	0.0042 grains per dry standard cubic foot and 1.18 pounds per hour

7. The total emission of particulate matter from each of the sources listed below shall not exceed the respective limitation:

Paper Machine #1

Wet-End	26.90 tons in any 12 consecutive month period
Dryers	56.50 tons in any 12 consecutive month period
Dry-End	23.90 tons in any 12 consecutive month period

Paper Machine #2

Wet-End	26.90 tons in any 12 consecutive month period
Dryers	56.50 tons in any 12 consecutive month period
Dry-End	23.90 tons in any 12 consecutive month period

8. All conditions contained in Plan Approval 18-315-001, Plan Approval 18-315-001C and Plan Approval 18-315-001E remain in effect unless superseded or amended by a condition contained herein, or unless superseded or amended by a condition contained in another plan approval issued by the Department of Environmental Protection. If there is a conflict between a condition contained herein and a condition contained in Plan Approval 18-315-001, Plan Approval 18-315-001C or Plan Approval 18-315-001E, the permittee shall comply with the condition contained herein rather than the conflicting condition contained in Plan Approval 18-315-001, Plan Approval 18-315-001C or Plan Approval 18-315-001E.

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. 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, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

08-00010C: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) for construction of process equipment (Source IDs P103, P104, &P105) to manufacture luminescent phosphor ingredients and associated control devices for their facility, in North Towanda Township, **Bradford County**. This is a state only facility.

The Department's review of the information contained in the application submitted by GTP indicates that the particulate matter emissions from three mix tanks, three feed tanks, a roll crusher, loading/unloading stations, and sifter controlled by the proposed fabric collector; the ammonia emissions from three feed tanks controlled by the proposed Ceilcote scrubber; and the hydrochloric acid emissions from three charge tanks, three mix tanks, three reaction tanks, three reserve tanks, and nine feed tanks controlled by the proposed Bionomic scrubber will comply with applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the proposed sources will not exceed 0.01 tons of particulate matter per year, 0.02 tons of hydrochloric acid per year, and 0.004 tons of ammonia per year. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements including the best available technology requirements of 25 Pa. Code Section 127.1 and 127.12.

Work practice requirements to install and operate the sources and control devices in accordance with manufacturer's recommendations and good air pollution control practices.

Monitoring and Recordkeeping conditions to verify compliance with the applicable requirements and good air pollution control practices.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. 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, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Braun, Chief—Telephone: 215-685-9476

AMS 10194: Sunoco Inc.—Frankford Plant (Margaret & Bermuda St. Philadelphia, PA 191137) to install a replacement column of existing Storage Column CL-601 in the City of Philadelphia, **Philadelphia County**. The proposed replacement column will be identical in design, size, volume and configuration of the existing column. The ancillary equipment is remaining unchanged. All ports and dimensions will be unchanged. The unit will have a 0.1 tpy VOC emission limit. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00045: Sealed Air Corp. (450 Riverfront Drive, Reading, PA 19602) for renewal of a Title V Operating Permit in Modena Borough, **Chester County**. There have been no source changes at the facility since the operating permit was last issued. Sources include a Steam Boiler, Recycled Paper Mill, Emergency Generator, Emergency Fire Pump, and a Parts Washer. The primary pollutant of concern is nitrogen oxides (NOx). The permit includes monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

23-00030: Swarthmore College (500 College Ave., Swarthmore, PA 19081) for renewal of the Title V Operating Permit in Swarthmore Borough, **Delaware County**. The initial permit was issued on 04-30-2001 and was renewed on 06-06-2006. The facility is a university campus that operates boilers and emergency generators. As a result of potential emissions of nitrogen oxides (NOx), the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

The renewal incorporates the provisions from Plan Approval Nos. 23-0030 and 23-0030A and contains all applicable requirements including monitoring, record-keeping and reporting. The changes in the renewed Title V Operating Renewal are considered minor and will not result in an increase of emissions

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

18-00006: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26302-2450) for renewal of the Title V Operating Permit for their Leidy Compressor station in Leidy Township, **Clinton County**. The facility's sources include one 3.3 million btu per hour natural-gas fired heater; three natural-gas fired salt bath heaters each with a maximum heat input rating of 6.5 MMBtu/hr; two natural-gas fired water heaters less than 1.0 MMBtu/hr, two natural-gas fired space heaters less than 1.0 MMBtu/hr, three natural-gas fired boilers each with a maximum heat input rating of 40 MMBtu/hr, eight 2000 bhp natural-gas fired engines; three 1000 bhp natural-gas fired engines, two 3400 bhp natural-gas fired engines, one 2650 bhp natural-gas fired generator; one 40 bhp air compressor and one 40 bhp water pump; eleven liquid storage tanks; 13 fuel gas vents; 13 crankcase vents; one cool water tank vent; 15 engine compressor transition vents; two emergency gas blowdowns; two parts cleaners; two 182.5 bhp diesel-fired engines; and miscellaneous sources determined to be of minor significance. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NOx), volatile organic compounds (VOCs), and hazardous air pollutants above their respec-

tive major emission thresholds. The potential emissions for particulate matter (PM/PM10) and sulfur oxides (SO_x) are below their respective major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00005: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26302-2450) for renewal of the Title V Operating Permit for their Sabinsville Compressor station in Clymer Township, **Tioga County**. The facility's sources include one 25.2 million btu per hour heater; six natural-gas fired combustion units with a combined maximum heat input rating of 1.04 MMBtu/hr; five 1300 bhp natural-gas fired engines; two 2000 bhp natural-gas fired engines, one 576 bhp diesel-fired emergency engine; ten storage tanks; emergency gas blowdown; engine transition vents; one parts cleaner; and miscellaneous sources determined to be of minor significance. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NO_x), and volatile organic compounds (VOCs) above their respective major emission thresholds. The potential emissions for particulate matter (PM/PM10), sulfur oxides (SO_x), and volatile hazardous air pollutants (VHAPs) are below their respective major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

27-00015: Tennessee Gas Pipeline Co.—Station 307 (State Highway 66, Marienville, PA 16239) for re-issuance of the Title V Operating Permit for their facility in the Howe Township, **Forest County**. The facility transports natural gas through a system of compressors and pipelines. The facility's significant sources are one boiler, four 2000 HP compressors, one 3500 HP compressor, one 4000 HP compressor, one 370HP emergency electric generator, one 408 HP emergency electric power generator, miscellaneous natural gas usage, degreasers units, parts cleaners and fugitive emissions from natural gas leaks and vents. This facility is major for Title V because the potential to emit Nitrogen Oxides ("NO_x") is more than 100 tons per year. This facility is not subject to the Compliance Assurance Monitoring rule contained in 40 C.F.R. Part 64.

62-00012: GenOn REMA, LLC—Warren Generating Station (121 Champion Way, STE 200, Canonsburg, PA 15317-5817) for re-issuance of a Title V Operating Permit to operate their electricity generating facility in Conewango Township, **Warren County**. The facility uses a Combustion Turbine to generate electricity during peak demand periods. The proposed permit also includes the requirements from the Federal and State Clean Air Interstate Rule (CAIR).

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00052: Allan A. Myers, L.P.—d/b/a Independence Construction Materials Asphalt Plant (Rte. 82 South,

Coatesville, PA 19320) for a non-Title V, State Only, Synthetic Minor Operating Permit in East Fallowfield, Township, **Chester County**. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 6-30-2006. The permit is for the operation of their 4-ton batch asphalt consisting of a hot oil heater, cyclone, baghouse, and stack. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00049: International Business Systems, Inc. (431 Yerkes Road, King of Prussia, PA 19406) for the renewal permit to operate six (6) lithographic printing presses at their manufacturing plant in Upper Merion Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. The facility is a natural minor for Volatile Organic Compounds (VOC); potential to emit VOC is less than 25 tons per year. Source ID 115 (Press 5—6 Color Didde VIP) and two (2) Safety Kleen Parts Washers (Source ID 107) have been removed from the plant and no longer appear in Section A (Site Inventory) and Section D (Source Level Requirements) of the permit. A 250-kW Caterpillar Diesel Emergency Generator was installed in October 2007 (RFD No. 151) and now appears in Section A (Site Inventory) and Section D (Source Level Requirements) as Source ID 117 (250-kW Diesel Emergency Generator). The requirements of CFR Part 60 Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines have been added to Source ID 117 because the source was installed after 2005. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-00029: Gulf Oil Limited Partnership—Fullerton Terminal (275 Washington Street, Suite 300, Newton, MA 02458-1646) for operation of a bulk fuel distribution terminal facility in Whitehall Township, **Lehigh County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

40-00033: Gulf Oil Limited Partnership, DuPont Terminal (275 Washington Street, Suite 300, Newton, MA 02458-1646) for operation of a petroleum bulk station and terminal facility in Pittston Township, **Luzerne County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

40-00028: DuPont Terminal Corp.—DuPont Terminal (PO Box 2621, Harrisburg, PA 17105-2621) for operation of a bulk fuel distribution terminal facility in Pittston Township, **Luzerne County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

48-00066: Polymer Products Company, Inc. (100 Station Avenue, Stockertown, PA 18083) to manufacture a custom compound purchased resins facility in Stockertown Borough, **Northampton County**. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

54-00064: USS Achey—North Manheim Plant (355 East 2nd Mountain Road, Schuylkill Haven, PA 17972) for operation of a recyclable materials facility in North Manheim Township, **Schuylkill County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

17-00022: Walker Lumber Co., Inc. (P. O. Box 60, Woodland, PA 16881-0060) for renewal of a State-only (Natural Minor) operating permit for operation of their Bigler Plant facility in Bradford Township, **Clearfield County**. The facility incorporates one 3 MMBtu/hr wood-fired boiler (Source ID 031) equipped with a cyclone collector (Control Device ID C031), six combustion units with a combined maximum heat input rating of 0.77 MMBtu/hr (Source ID 032), four lumber drying kilns (Source ID P101), various sawmill equipment (Source ID P102), and an end seal and label application operation (Source ID P103) under NMOP 17-00022. The facility has the potential to emit sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM₁₀), volatile organic compounds (VOCs), and hazardous air pollutants (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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

11-00062: Quaker Sales Corporation (P. O. Box 880, Johnstown, PA 15907) on January 07, 2011, for renewal of an Air Quality State Only Operating permit for its facility located in Susquehanna Township, **Cambria County**.

65-00927: Hoover Stone Quarry, LLC—Saltsburg Plant (3497 Route 981, Saltsburg, PA 15681) Natural Minor Operating Permit is for the surface mining operation of shale and sandstone. The operation of the facility's air contamination source consisting primary and secondary crusher, 2-single deck screens, 1-triple deck screen, feed hopper, 5 transfer belts, 5 stockpiles, and unloading/loading of trucks. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, moni-

toring requirements, and recordkeeping requirements for the facility located in Loyalhanna Township, **Westmoreland County**.

56-00204: Columbia Gas Transmission (1700 MacCorkle Avenue S.E., Charleston, WV 25314) on January 10, 2011, for renewal of an Air Quality State Only Operating permit for their Salisbury compressor Station located in Greenville Township, **Somerset County**.

63-00414: Avella Area School District (1000 Avella Road, Avella, PA 15312) on January 10, 2011, for renewal of an Air Quality State Only Operating permit for its Elementary and Secondary Schools located in Cross Creek Township, **Washington County**.

56-00294: New Enterprise Stone & Lime (P. O. Box 77, New Enterprise, PA 16664) on January 13, 2011, for renewal of an Air Quality State Only Operating permit for Somerset located in Jefferson Township, **Somerset County**.

63-00901: Allegheny Millwork (104 Commerce Blvd. Lawrence, PA 15055) on January 13, 2011, for renewal of an Air Quality State Only Operating permit for air pollution control sources located at the facility in Cecil Township, **Washington County**.

03-00209: Buffalo Limestone (805 Garretts Run Road, Ford City, PA 16226) on January 14, 2011, for renewal of an Air Quality State Only Operating permit for their stone crushing facility located in Kittanning Township, **Armstrong County**.

65-00914: Perform Specialty (176 Cherry Street, Blairsville, PA 15717-4358) on January 14, 2011, for renewal of an Air Quality State Only Operating permit for a carbide manufacturing plant located at located in Derry Township, **Westmoreland County**.

04-00679: Tri-State River Products, Inc. (PO Box 218, Beaver, PA 15009) on January 14, 2011, for renewal of its State Only Operating Permit for an aggregate production facility know as the William L. Price #16 Dredge, located on the Ohio River in the Municipality of Beaver, **Beaver County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

25-00124: Mayer Brothers Construction Co. (1225 West 18th Street, Erie, PA 16502) for a Synthetic Minor Permit to operate a hot mix asphalt plant in City of Erie, **Erie County**. The significant sources are, 1) Hot mix batch plant; 2) Fugitives from transfer points; and 3) Asphalt Tanks (2). The facility has taken a restriction on production not exceeding 250,000 tons per year to qualify as a Synthetic Minor facility.

25-00931: PA Department of Corrections—SCI at Albion (10745 Route 18, Albion, PA 16475) to re-issue the Synthetic Minor Operating Permit for their facility's primary emissions from the five (5) boilers used to provide comfort heat and hot water to the facility in Albion Borough, **Erie County**.

37-00300: North American Forgemasters, (710 Moravia Street, New Castle, PA 16101) to issue a renewal State Only Operating Permit for the facility in New Castle, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility are 6 forge furnaces, 2 slow cooling furnaces, and an immersion degreaser. The renewal permit contains emission restric-

tions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00321: Northeast Industrial Manufacturing, Inc. (640 Keystone Road, Greenville, PA 16125) to issue a renewal State Only Operating Permit for the facility in Hempfield Township, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility are 2 spray paint booths. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

61-00032: Hickman Lumber Co. (P. O. Box 130, Emlenton, PA 16373-9305) for a Natural Minor Operating Permit to operate a hardwood sawmill and kiln operation in Scrubgrass Township, **Venango County**.

62-00153: Whirley Industries, Inc., 6 Harmar Street Facility (618 4th Avenue, Warren, PA 16365-4923) for a Natural Minor Operating Permit to operate a printing and silk screening operation at 6 Harmar Street, Warren City, **Warren County**.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Brawn, Chief—Telephone: 215-685-9476

S10-014: Ryder Truck Rental, Inc. (9751 Blue Grass Road, Philadelphia, PA 19114) for operation of a truck renting and leasing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a paint booth, a stage II vapor recovery system for a 8,000 gallon UST for gasoline, and a 300,000 BTU/hr warm air furnace firing natural gas.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; 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—1406.20a). 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—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

The following permit applications to conduct mining activities have been received by the Department. A copy of an application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference or a public hearing, as applicable, on a mining permit application may be submitted by a person or an officer or head of Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application 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.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads.

Persons wishing to comment on NPDES permit applications should submit statements to the Department at the address of the district mining office indicated before each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. A comment must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request

and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

11101701 and NPDES No. PA0235911, The Cone-maugh River Restoration Company, (301 Market Street, Kittanning, PA 16201-9642), to operate the St. Michael Treatment Plant in Adams Township, **Cambria County** a new mine water treatment plant. A related NPDES discharge permit is included for Discharge Point 001. Surface Acres Proposed 10.6. Receiving Stream: Unnamed tributary to South Fork Little Conemaugh River, classified for the following use: CWF. Application received: February 8, 2010.

30841316 and NPDES No. PA0213535, Consol Pennsylvania Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Morris and Richhill Townships, **Greene County** to install an overhead power line from the Bailey Central Mine Complex to the 7 North 1 Shaft and portal facility. Surface Acres Proposed 60.9. No additional discharges. Application received: September 21, 2010.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

32060101 and NPDES No. PA0249891, D J & W Mining, Inc., P. O. Box 425, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface mine in Washington Township, **Indiana County**, affecting 80.3 acres. Receiving stream(s): unnamed tributaries to/and South Branch Plum Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 6, 2011.

32990107 and NPDES No. PA0235121, Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface and auger mine in Rayne and Washington Townships and Ernest Borough, **Indiana County**, affecting 90.5 acres. Receiving stream(s): McKee Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 6, 2011.

56100108 and NPDES No. PA0263125, Marquise Mining Corporation, P. O. Box 338, Blairsville, PA 15717 commencement, operation and restoration of a bituminous surface and auger mine in Quemahoning and Shade Townships and Hooversville Borough, **Somerset County**, affecting 151.2 acres. Receiving stream(s): unnamed tributaries to Stonycreek River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 27, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65060102 and NPDES Permit No. PA0250864, Coal Loaders, Inc. (210 E. Main St., P. O. Box 556, Ligonier,

PA 15658). Renewal application for reclamation only of a bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 85.5 acres. Receiving streams: unnamed tributaries to Hannas Run and Hyprocite Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 5, 2011.

26050112 and NPDES Permit No. PA0250805. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Renewal application for reclamation only of a bituminous surface mine, located in Springhill Township, **Fayette County**, affecting 39.5 acres. Receiving streams: unnamed tributaries to Hope Hollow, classified for the following use: WWF. The potable water supplies with intakes within 10 miles downstream from the point of discharge: Point Marion Borough Water Service, East Dunkard Water Association, and Dunkard Valley Water Authority. Renewal application received: January 5, 2011.

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

37900110 and NPDES Permit No. PA0207993. The Ambrosia Coal & Construction Co. (P. O. Box 422, Edinburg, PA 16116) Renewal of an existing bituminous strip and auger operation in North Beaver Township, **Lawrence County** affecting 133.0 acres. Receiving streams: Unnamed tributary to Edwards Run and Edwards Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: January 10, 2011.

43793003 and NPDES Permit No. PA0099783. Rusnak Coal Company (P. O. Box 44, Grove City, PA 16127) Renewal of an existing bituminous strip and auger operation in Wolf Creek Township, **Mercer County** affecting 125.0 acres. Receiving streams: Unnamed tributary to Black Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: January 10, 2011.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17030116. Hepburnia Coal Co. (P. O. I, Grampian, PA 16838). Permit renewal for the continued operation of an existing bituminous surface coal mine located in Jordan Township, **Clearfield County** affecting 142.2 acres. Receiving streams: Wilson Run (cold water fishery) and North Witmer Run (cold water fishery). There are no potable water supply intakes within 10 miles downstream. Application received: December 27, 2010.

17050104 and NPDES No. PA0256200. Hepburnia Coal Co. (P. O. Box I, Grampian, PA 16838). Permit renewal for the continued operation of an existing bituminous surface mine located in Chest Township, **Clearfield County** affecting 295.9 acres. Receiving streams: several unnamed tributaries to North Camp Run and North Camp Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 10, 2011.

17080111 and NPDES No. PA0256901. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Revision

to an existing bituminous surface located in Lawrence Township, **Clearfield County** affecting 175.0 acres. The revision request is to add 1.0 acre to the surface mine permit boundary to include a haul road onto T-443 and does not include any additional mining. Receiving streams: unnamed tributaries to the West Branch of the Susquehanna River and the West Branch of the Susquehanna River classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2011.

17110101. A.W. Long Coal Co. (1203 Presqueisle St., Philipsburg, PA 16866). Commencement, operation and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 302.8 acres. Receiving streams: unnamed tributaries to Emigh Run and Emigh Run (cold water fisheries) and unnamed tributaries to Hawk Run and Hawk Run (cold water fisheries). There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2011.

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

40663031R5. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18702), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Foster Township, **Luzerne County** affecting 536.0 acres, receiving stream: none. Application received: December 23, 2010.

54040201R. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine, coal refuse disposal and preparation plant operation in Butler, West Mahanoy and Union Townships, **Schuylkill County** affecting 1108.97 acres, receiving stream: none. Application received: December 30, 2010.

49-305-001GP12. D. Molesevich & Sons Construction Co., Inc., (333 South Pine Street, Mt. Carmel, PA 17851), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 49851602 in Mt. Carmel Township, **Northumberland County**. Application received: December 30, 2010.

54950201R3. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing and surface mine operation in Butler Township, **Schuylkill County** affecting 15.0 acres, receiving stream: none. Application received: January 3, 2011.

54693031R5 and NPDES Permit No. PA0124168. Joe Kuperavage Coal Company, 916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 307.5 acres, receiving stream: unnamed tributary to Silver Creek. Application received: January 6, 2011.

Noncoal Applications Received

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

Parameter	Table 2 30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

16950306. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254) Renewal of NPDES Permit No. PA0227005 in Perry & Toby Townships, **Clarion County**. Receiving streams: Unnamed tributary to Black Fox Run and Black Fox Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 7, 2011.

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

4873SM10A2C9 and NPDES Permit No. PA0595284. Codorus Stone & Supply Co., Inc., (135 Mundis Race Road, York, PA 17402), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Manchester Township, **York County**, receiving stream: Codorus Creek, classified for the following uses: warm water fishes and migratory fishes. Application received: January 5, 2011.

45900301C6 and NPDES Permit No. PA0595241. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ross Township, **Monroe County**, receiving stream: Buckwha Creek, classified for the following use: cold water fishes. Application received: January 6, 2011.

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. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the 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, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an 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. Each individual 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 working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may 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 FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401

E46-1062. Upper Moreland Township, 117 Park Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**, ACOE Philadelphia District.

To stabilize and maintain approximately 1,445 feet of War Memorial Creek (Tributary to Pennypack Creek), in Veteran's Memorial Park by utilizing various bio-engineering techniques.

The site is located at the intersection of Easton Road (SR 0611) and York Road (SR 0263) (Hatboro, PA USGS Quadrangle N: 3.8 inches; W: 16.0 inches).

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

E21-421: John Doe, Trindle Spring Run Interceptor, Silver Spring Township, **Cumberland County**, ACOE Baltimore District

To: demolish five (5) pumping stations in the floodplain of Trindle Spring Run (CWF, MF); construct and maintain approximately 6,735 feet of 12-inch diameter, and 1,627 feet of 8-inch diameter PVC sanitary sewer interceptor and 44 manholes in the floodway and floodplain of Trindle Spring Run (CWF, MF); construct and maintain a concrete encased 8-inch diameter PVC sanitary sewer crossing in and across Trindle Spring Run (CWF, MF) and a 115-foot long wetland crossing impacting 0.01 acres of an exceptional value (EV) palustrine emergent (PEM) wetland; construct and maintain a concrete encased 12-inch diameter PVC sanitary sewer crossing in and across Trindle Spring Run (CWF, MF); construct and maintain a

concrete encased 12-inch diameter PVC sanitary sewer crossing in and across Trindle Spring Run (CWF, MF); construct and maintain a concrete encased 8-inch diameter PVC sanitary sewer crossing in and across Trindle Spring Run (CWF, MF). The project starts near the intersection of Mulberry Drive (T-586) and Brook Meadow Drive and ends near the intersection of Woods Drive (T-585) and Tavern House Highway (Mechanicsburg, PA Quadrangle, N: 17.96 inches, W: 4.07 inches, Latitude: 40° 13' 26", Longitude: -77° 1' 45" to N: 19.82 inches, W: 2.29 inches, Latitude: 40° 14' 3", Longitude: -77° 0' 59") in Silver Spring Township, Cumberland County. The purpose of the project is to eliminate five pump stations and reduce operating costs.

E22-545, Derry Township, Jim Negley, 600 Clearwater Road, Hershey, PA 17033, ACOE Baltimore District

To remove (1) two existing rock gabion check dams in an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 27" N, Longitude 76° 41' 04" W); (2) an existing pedestrian crossing over an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 27" N, Longitude 76° 41' 04" W); (3) a 31.0-foot long 60.0-inch diameter CMP in an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 29" N, Longitude 76° 41' 07" W); (4) a 57.0-foot long 12.0-inch diameter SLPP with a concrete endwall in an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 30" N, Longitude 76° 41' 07" W); to restore and maintain 170.0-feet of an unnamed tributary to Swatara Creek (WWF) through bank grading and the installation of three cross rock vanes (Latitude 40° 15' 29" N, Longitude 76° 41' 07" W); to relocate and maintain (1) a 16.0-inch diameter CIP water line, impacting 4.0-feet of an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 30" N, Longitude 76° 41' 07" W); (2) a 4.0-inch diameter PE gas line impacting 4.0-feet of an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 30" N, Longitude 76° 41' 07" W); to construct and maintain (1) a 1.0-foot depressed 45.0-foot long 72.0-inch diameter RCP with endwalls in an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 30" N, Longitude 76° 41' 07" W); (2) a 22.0-foot long 18.0-inch storm sewer pipe in the floodway of an unnamed tributary to Swatara Creek (WWF) (Latitude 40° 15' 30" N, Longitude 76° 41' 07" W); (3) two 69.0-foot long 48.0-inch diameter RCP supplemental overflow pipes in the floodway of Swatara Creek (WWF) (Latitude 40° 15' 30" N, Longitude 76° 41' 07" W); (4) a 45.0-foot long by 8.0-foot wide wooden pedestrian foot bridge with an underclearance of 3.6-feet; the project also proposes to remove an existing sanitary sewer line and to construct and maintain a 16.0-inch sanitary sewer line in an unnamed tributary to Swatara Creek (WWF) impacting 4.0-feet of stream (Latitude 40° 16' 11" N, Longitude 76° 41' 32" W) All for the purpose of reducing flooding on Wood Road. The project is located approximately 100 feet West of the intersection of Wood Road and Bullfrog Valley Road in Derry Township, **Dauphin County**.

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

E32-493. Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110.

To construct a steel bridge with a wood deck in Banks Township, **Indiana County**, Baltimore ACOE District. (Burnside, PA Quadrangle: N: 21.9 inches; W: 10.0 inches and Latitude: 40° 42' 15"; Longitude: 78° 49' 21"). The applicant proposes to construct and maintain a steel

I beam bridge with a treated wood deck, a width of 14', a span of 48', and an underclearance of approximately 5'; over Bear Run, (CWF MF) for the purpose of providing access to portions of State Game Lands 174.

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

E42-350, McKean County Commissioners, 500 West Main Street, Smethport, PA 16749. Galico Crossing Road Bridge Replacement in Keating Township, McKean County, ACOE Pittsburgh District (Smethport, PA Quadrangle N: 41°, 46' 51.4"; W: 78°, 24' 55.8").

To remove an existing single-span one-lane bridge on Galico Crossing Road over Potato Creek and construct and maintain a new 85' single-span roughly 25.5' wide double lane concrete box bridge at same location.

E61-293, Cornplanter Township, 138 Petroleum Center Road, Oil City, PA 16301. T-560 Waitz Road Across Cherrytree Run, in Cornplanter Township, Venango County, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 41°, 28' 52"; W: 79°, 41' 46").

To remove the existing bridge and to construct and maintain a 19.3-foot long prestressed concrete spread box beam bridge having a clear, normal span of 64 feet and an underclearance of 10 feet across Cherrytree Run at the confluence with Oil Creek on a new alignment shifted approximately 15 feet downstream resulting in the placement of fill within the mapped 100-year flood plain and floodway of Oil Creek beginning approximately 100 feet south of S.R. 8 and extending downstream along the right bank approximately 550 feet on T-560, Waitz Road.

Northeast Region: Oil and Gas Management Program Manager, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5729-004: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Forks Township, Sullivan County, ACOE Baltimore District.

To construct and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat impacting 621 square feet of a palustrine emergent (PEM) wetland adjacent to Big Bottom Run (EV,MF); (Overton Quadrangle 41° 31' 53.06"N 76° 32' 23.19"W).

(2) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across Big Bottom Run (EV, MF) and associated wetlands. Impacted Wetland Area: 255 square feet, Impacted Stream Area: 97 square feet; (Overton Quadrangle 41° 31' 54.98"N 76° 32' 22.13"W).

(3) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat impacting 671 square feet of a palustrine emergent (PEM) wetland adjacent to SR4013; (Overton Quadrangle 41° 32' 20.69"N 76° 32' 20.07"W).

(4) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Big Bottom Run (EV, MF). Impacted Area: 50 square feet; (Overton Quadrangle 41° 32' 35.52"N 76° 32' 25.46"W).

(5) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat impacting 38 square feet of a palustrine emergent (PEM); (Overton Quadrangle 41° 32' 39.96"N 76° 32' 19.01"W).

(6) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat impacting 253 square feet of a palustrine emergent (PEM); (Overton Quadrangle 41° 32' 40.48"N 76° 32' 18.09"W).

(7) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 194 square feet; (Overton Quadrangle 41° 33' 1.64"N 76° 31' 50.33"W).

(8) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 68 square feet; (Overton Quadrangle 41° 33' 2.42"N 76° 31' 39.74"W).

(9) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across Streby Run (EV, MF). Impacted Area: 102 square feet; (Overton Quadrangle 41° 33' 9.03"N 76° 31' 33.09"W).

(10) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 139 square feet; (Overton Quadrangle 41° 33' 14.7"N 76° 31' 40.26"W).

The project will result in 39 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 0.015 acres of watercourse impacts and 0.04 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E5729-005: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct and maintain:

(1) two 16.0 inch diameter temporary water lines along an access road across Fall Run (EV, MF). Associated Impacts previously permitted under GP1157291002; (Grover Quadrangle 41° 32' 18.86"N 76° 45' 10.59"W).

(2) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat impacting 238 square feet of a palustrine emergent (PEM) wetland; (Grover Quadrangle 41° 32' 23.24"N 76° 45' 16.98"W).

(3) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Weed Creek (EV, MF). Impacted Area: 50 square feet; (Grover Quadrangle 41° 32' 19.48"N 76° 45' 29.62"W).

The project will result in 3 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 50 square feet of watercourse impacts and 238 square feet of wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.

EA1709-002. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Woodward Township, **Clearfield County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,000 linear feet of dangerous highwall. The project will include the backfilling of 0.33 acres of AMD-impacted wetlands, 0.26 acres of AMD-impacted waterbodies and 0.26 acres of non-AMD-impacted waterbodies that have developed within the

open surface mine pit. (Glen Richey Quadrangle N: 2.5 inches, W: 6.5 inches).

EA1009-016. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 3,800 linear feet of dangerous highwall. The project will include the backfilling of 0.18 acres of PEM wetland that has developed within the open surface mine pits. Applicant proposes to construct 0.18 acres of replacement area on site. (West Sunbury Quadrangle N: 12 inches, W: 10 inches).

WATER QUALITY CERTIFICATIONS REQUESTS

Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401

The following requests have been made to the Department of Environmental Protection for certification pursuant to § 401(a) of the 1972 amendments to the Federal Water Pollution Control Act, 33 U.S.C. § 1341(a), that there is reasonable assurance that the construction herein described will not violate applicable Federal and state water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions and objections, which are submitted in writing 30 days from the date of this notice. Comments should be submitted to the Department of Environmental Protection at the address indicated above each of the following requests for certification. 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 and suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m on each working day.

Southeast Regional Office: Regional Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, telephone (484) 250-5970.

Certification Request Initiated By: Sunoco, Inc. Philadelphia Refinery, 3144 Passyunk Avenue, Philadelphia, PA 19145

Project Description/Location: This project involves the discharge of supernatant from the Fort Mifflin dredge disposal area resulting from the maintenance dredging at 4 water intake locations. Approximately 2,083 cubic yards of sediment will be removed and placed in the disposal area located at the confluence of the Schuylkill and Delaware Rivers. Sediments will settle out and the supernatant will be returned to the Delaware Estuary.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.

D54-096. Upper Owl Creek Dam, Borough of Tamaqua, 320 East Broad Street, Tamaqua PA 18252. To modify, operate, and maintain the Upper Owl Creek Dam

across Owl Creek (HQ-CWF, Wild Trout), impacting 0.11 acres of wetlands (PFO) (Palustrine Forested) and 70 feet of stream and providing for a minimum of 0.22 acres of wetland mitigation, for the purpose of rehabilitating the dam and increasing spillway capacity to meet the current Department Regulations. (Tamaqua, PA Quadrangle N: 8.4 inches; W: 6.6 inches) in Tamaqua Borough, **Schuylkill 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 has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<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 regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions 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 in the respective permit. The 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 that action to the Environmental Hearing Board (Board) 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 Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 contact 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062138 (Industrial Waste)	Airgas Specialty Products Inc. 900 Delaware Avenue Palmerton, PA 18071	Carbon County Palmerton Borough	Aquashicola Creek (2-B)	Y
PA0064025 (Sewage)	KBM Regional Authority N Of Grant Street Meadow, PA 18237	Schuylkill County Kline Township	Catawissa Creek Cold water fishes (5-E)	N

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0044466 (Sewage)	Lake Bryn Mawr Camp Inc. 593 Bryn Mawr Road Honesdale, PA 18431	Wayne County Oregon Township	Unnamed Tributary to Big Brook Creek Watershed 01D High Quality- Cold Water Fishes	Y
PA0060135 (Sewage)	Shickshinny Sanitary Sewer Authority PO Box 62 Shickshinny, PA 18655-0062	Luzerne County Shickshinny Borough	Susquehanna River (5-B) Warm water Fishes	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084247 (Sew)	Nexans, Inc. Berk-Tek Inc. 132 White Oak Road New Holland, PA 17557-8303	Lancaster County Earl Township	UNT to Conestoga River / 7-J	Y
PA0247669 (Sew)	John E. Groninger, Inc. Arch Rock Development PO Box 36 Mexico, PA 17056	Juniata County Fermanagh Township	Horning Run / 12-A	Y
PA0085367 (Sew)	Sills Family Campground PO Box 566 Adamstown, PA 19501	Lancaster County Brecknock Township	UNT to Little Muddy Creek / 7-J	Y
PA0070378 (Sew)	Blue Mountain Academy 2363 Mountain Road Hamburg, PA 19526-8745	Berks County / Tilden Township	UNT to Mill Creek / 3-B	Y
PA0082333 (Sew)	Conestoga Hills Community 1230 Stony Lane Conestoga, PA 17516-9660	Lancaster County / Conestoga Township	UNT to Stehman Run / 7-B	Y
PA0038920 (Sew)	Burnham Borough Authority 200 First Avenue Burnham, PA 17009-1640	Mifflin County / Burnham Borough	Kishoquillas Creek / 12-A	Y
PA0080438 (Sew)	Northern Lancaster County Authority (Beam Road Sewage Treatment Plant) Denver, PA 17517-8946	Lancaster County / Brecknock Township	Muddy Creek / 7-J	Y
PA0081949 (Sew)	West Earl Sewer Authority 157 West Meltzer Road Brownstown, PA 17508-0725	Lancaster County / West Earl Township	Conestoga River / 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096881 Sewage	G & G Mobile Home Sales 23 Oakridge Heights Drive Oakdale, PA 15071	Allegheny County North Fayette Township	Drainage Swale to UNT of North Branch Robinson Run	Y
PA0254339 Sewage	Dunkard Valley Commons PO Box 218 Dunkard Township, PA 15327	Greene County Dunkard Township	Dunkard Creek	Y
PA0092550 Sewage	Brady's Bend Township Water & Sewer Authority 697 State Route 68 East Brady, PA 16028	Armstrong County Brady's Bend Township	Sugar Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0000345 (Industrial Waste)	PA American Water Clarion 425 Waterworks Road Clarion, PA 16214	Clarion County Clarion Township	Clarion River 17-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222925 (Sewage)	Kenneth E. White 2275 West Washington Street Bradford, PA 16701	McKean County Corydon Township	Unnamed Tributary to Willow Creek 16-B	Y
PA0239683 (Sewage)	Philip Nastasi 160 Pleasant Valley Road Portersville, PA 16051	Butler County Muddycreek Township	Unnamed Tributary of Muddy Creek 20-C	Y
PA0210510 (Sewage)	Jody L and Ronald D. Wright d/b/a Jim-N-I-Park 11678 Main Street East Springfield, PA 16411	Erie County Springfield Township	Unnamed Tributary to Turkey Creek 15	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. PAG050011 Transfer No. 1, Industrial Waste, **BP Amoco Station 1269**, 1680 Bethlehem Pike, Flourtown, PA 19031.

This proposed facility is located in Springfield Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the transfer of a General Permit from BP North America to Delta Consultants.

NPDES Permit No. PAG040153, Sewage, **Deborah G & Geoffrey F Herring**, 2819 Aramingo Avenue, Philadelphia, PA 19134.

This proposed facility is located in New Britain Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility located at Barry Road to Unnamed Tributary to West Branch Neshaminy Creek in Watershed 2-F. PA0058424 is transferred into General Permit NPDES PAG040153.

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

NPDES Permit No. PA0110469-A1, Sewage, **Patton Borough**, PO Box 175, 800 Fourth Avenue, Patton, PA 16668-9998

This existing facility is located in Patton Borough, **Cambria County**

Description of Proposed Action/Activity: Permit amendment issuance.

NPDES Permit No. PA0023931, Sewage, **Cambridge Area Joint Authority**, 161 Carringer Street, Cambridge Springs, PA 16403-1005.

This existing facility is located in Cambridge Springs Borough, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a renewal NPDES permit for an existing discharge of treated sewage. This is a new, first time Major permit.

NPDES Permit No. PA0263745, Sewage, **T. Henry Nolan**, 128 Dalmagro Road, Butler, PA 16002.

This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for treated sewage to a Small Flow Treatment Facility which is replacing a malfunctioning onlot system.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

WQM Permit No. 5410401, Sewerage, **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901.

This proposed facility is located in Deer Lake Borough and West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a collection and conveyance system expansion and upgrade project, including gravity sanitary sewers, a pump station and force main.

WQM Permit No. 5410403 Sewerage, **Schuylkill County Municipal Authority**, 221 S. Centre St., Pottsville, Pa 17901.

This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for upgrading the Deer Lake WWTP from 0.229 MGD to a 1.0 MGD plant.

WQM Permit No. 5410405 Sewerage, **Schuylkill County Municipal Authority**, 221 South Centre St., Pottsville, Pa 17901.

This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the State Route 61 North Corridor Sanitary Sewer Collection System Project.

WQM Permit No. 5810402, Sewerage, **HIS Camps, Inc.**, R. R. 1, Box 1601, Hallstead, PA 18822.

This proposed facility is located in Liberty Township, **Susquehanna County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for construction of a 0.00975 MGD Sewage Treatment Facility with a treated effluent discharge into a tributary of Snake Creek.

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

WQM Permit No. 6710409, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319.

This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Authorization for construction/operation of the Mulligan Sewer Interceptor.

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

WQM Permit No. 0210203, Industrial Waste, **United States Steel Corporation**, 400 State Street, Clairton, PA 15025

This proposed facility is located in the City of Clairton, **Allegheny County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a wastewater treatment plant.

WQM Permit No. 6310404, Sewerage, **California Borough**, 225 Third Street, California, PA 15419

This proposed facility is located in California Borough, **Washington County**

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

WQM Permit No. 8982S-A2, Sewerage, **Pleasant Hills Authority**, 610 Old Clairton Road, Pittsburgh, PA 15236

This existing facility is located in South Park Township, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment issuance.

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

WQM Permit No. 1097409, Sewerage, **Amendment No. 1, Peter Rabbit Campground Inc.**, 153 Lilac Lane, Slippery Rock, Pa 16057

This existing facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a permit amendment to the facility's Water Quality Management Permit to install a flow equalization tank with a grinder pump, to eliminate flow surges and improve STP performance.

WQM Permit No. 1010402, Sewage, **T. Henry Nolan**, 128 Dalmagro Road, Butler, PA 16002.

This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for treated sewage to a Small Flow Treatment Facility which is replacing a malfunctioning onlot system.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone (814) 332-6860

WQM Permit No. 6286201, Industrial Waste, **Waste Treatment Corporation**, P. O. Box 1561, Warren, PA 16365.

This proposed facility is located in City of Warren, **Warren County**.

Description of Proposed Action/Activity: Issuance of an Industrial Waste treatment system replacement and miscellaneous treatment system modifications.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1504052-R	BK Campbell, Inc. 402 Bayard Road, Ste 100 Kennett Square, PA 19348	Chester	New London Township	Big Elk Creek (HQ-TSF-MF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 511008	Arsenal Condominium Association PO Box 267676 Elkins Park, PA 19027 And Haines and Kibblehouse 2052 Lucon Road Skippack, PA 19464	Philadelphia	City of Philadelphia	Delaware River (WWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021309002	Justin D'Angelo 122 Fairhill Road Hatfield, PA 19440	Carbon	Franklin Twp.	Bull Run (EV)

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 in 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
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	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-02

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Warwick Township Bucks	PAG0200 0909088	Warwick Meadow IV, LLC 1840 County Line Rd, Unit 213 Huntingdon Valley, PA 19006	Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG0200 461008	Ambler Borough 31 East Butler Avenue Ambler, PA 19002	Unnamed Tributary Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511035	CHHS Hospital Company, LLC 8835 Germantown Avenue Philadelphia, PA 19118	Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Penn Twp. Schuylkill Co.	PAG02005410012	Tamaqua Congregation of Jehovah's Witnesses ATTN: William Delaurentis RR 1 Box 77E Andreas, PA 18211	Mahoning Creek CWF, MF	Schuylkill Co. Conservation District 570-622-3742
Parker Township Butler County	PAG-02 101010004	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Bear Creek (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-2267
Marion Township Butler County	PAG02 0010 10 020	Margaret Dunn Stream Restoration Inc 434 Spring Street Ext Mars PA 16046	UNT Blacks Creek CWF	Butler Conservation District 724-284-5270
Adams Township Butler County	PAG02 0010 06 002R	Jeff L. Meyerl Myoma Development Group LP 100 Heaven Lane Mars PA 16046	UNT Breakneck Creek WWF	Butler Conservation District 724-284-5270
Adams Township Butler County	PAG02 0010 05 016R	Dave Palmer S&A Custom Homes Inc 2121 Old Gatesburg Rd. Ste 200 State College PA 16803	UNT Breakneck Creek WWF	Butler Conservation District 724-284-5270
Jefferson County, Union Township	PAG02-0933-11- 001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed tributary to Little Mill Creek to Mill Creek/CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type-PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Adams County New Oxford Borough	PAR123548	Plainville Farms, LLC Hain Pure Protein Corp. 304 South Water Street PO Box 38 New Oxford, PA 17350-003	UNT to South Branch Conewago Creek / WWF	DEP—SCRO—WQ 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707
Adams County Upper Leacock Township	PAR233547	Dart Container Corporation of PA PO Box 546 Leola, PA 17540	UNT to Mill Creek / WWF	DEP—SCRO—WQ 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707
York County Hellam Township	PAR113527	Flinchbaugh Engineering, Inc. 4387 Run Way York, PA 17406-9702	UNT of Kreutz Creek / WWF	DEP—SCRO—WQ 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707
Blair County Blair Township	PAR603583	Walter's Auto Wrecking 403 Walters Lane Hollidaysburg, PA 16648	Halter Creek / WWF	DEP—SCRO—WQ 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707
Cumberland County Upper Mifflin Township	PAR603504	Johnny's Auto Salvage 350 Brandy Run Road Newville, PA 17241	Brandy Run / CWF	DEP—SCRO—WQ 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707

*Facility Location:
Municipality &
County*

Columbia Township
Bradford County

Permit No.
PAR124814

*Applicant Name &
Address*

Judson's Inc.
PO Box 67
6872 Austinville Road
Columbia Cross Roads,
PA 16914-0067

*Receiving
Water / Use*

North Branch Sugar
Creek (TSF- 4-C)

*Contact Office &
Phone No.*

DEP Northcentral
Regional Office
Water Management
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

General Permit Type—PAG-8

*Facility Location:
Municipality &
County*

Canton Borough
Bradford County

Permit No.
PAG 08 4822

*Applicant Name &
Address*

Canton Borough
Authority
PO Box 237
Canton, PA 17724

*Site Name &
Location*

Canton Sewage
Treatment Plant
Canton Borough
Bradford County

*Contact Office &
Phone No.*

NCRO
570-327-0526

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

Berks County /
Albany Township

Permit No.
PAG123631

*Applicant Name &
Address*

Hillside Acres
335 Dotterer Road
Lenhartsville, PA 19534

*Receiving
Water / Use*

Stony Run / CWF / 3-B

*Contact Office &
Phone No.*

DEP—SCRO—Watershed
Management, 2nd Floor
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Program Manager, 2 East Main Street, Norristown, PA 19401

Operations Permit 0910542 issued to: **Trumbauersville Borough**, 1 Evergreen Drive, P. O. Box 100., Trumbauersville, PA 18970

(PWSID# 1090091) Trumbauersville Borough, **Bucks County** on December 7, 2010, for operation of Facilities approved under construction permit # 0909503 for Arsenic Treatment at Well No. 3, located at Trumbauersville Borough, Bucks County.

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

Operations Permit issued to: **Ephrata Area Joint Authority**, 7360045, Ephrata Borough, **Lancaster County** on 1/12/2011 for the operation of facilities approved under Construction Permit No. 3611503 MA.

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant

Aqua Pennsylvania, Inc.—
Susquehanna Division

[Township or Borough]

Athens Borough

County

Bradford

Responsible Official Mr. Andrew Silvanic
 Aqua Pennsylvania, Inc.
 206 South Keystone Avenue
 P. O. Box 160
 Sayre, PA 18840

Type of Facility Public Water Supply

Consulting Engineer Amanda Stank
 CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 174112

Permit Issued Date January 10, 2011

Description of Action 4-log inactivation of viruses at
 Entry Point 1119 (Well Nos. 19
 and 20).

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Montoursville Borough**
 [Township or Borough] Montoursville Borough
 County **Lycoming**

Responsible Official Mr. Robert Brobson
 Montoursville Borough
 617 North Loyalsock Avenue
 Montoursville, PA 17754

Type of Facility Public Water Supply

Consulting Engineer David Walters, P.E.
 Larson Design Group
 1000 Commerce Park Drive
 Williamsport, PA 17701

Permit Issued Date January 11, 2011

Description of Action Construction of 300 feet of
 48-inch detention piping to
 provide 4-log inactivation of
 viruses, upgrade of Well No. 4
 disinfection system and
 abandonment of Well No. 5
 chlorination house.

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

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, 2nd Floor, Pittsburgh, PA 15222-4204, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on January 10, 2011 for the operation of facilities approved under Construction Permit # 0207506.

Operations Permit issued to: **Findlay Township Municipal Authority**, 1271 Route 30, PO Box 409, Clinton, PA 15026, (PWSID #5020078) Findlay Township, **Allegheny County** on January 10, 2011 for the operation of facilities approved under Construction Permit # 0209516.

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

Operations Permit issued to **Raymond Drive Water Company**, PWSID #6200079, West Mead Township, **Crawford County** on January 6, 2011, for operation of the water treatment facilities at the public water supply system. This permit is issued in response to an operation inspection conducted by Department personnel on January 3, 2011, and in accordance with construction permit 2009501, issued March 1, 2010.

Transfer & Consolidation of Valid Operations Permit issued to **Jones Township Municipal Authority**, PWSID #6240020, Jones Township, Elk County on January 13, 2011, permit number 2408501-T1. Action is for a change of ownership from the PUC ordered sale of Wilcox Water Company, Inc. to Jones Township Municipal Authority, and the abandonment of water service by Wilcox Water Company.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Pennsboro Township	2150 Newville Road, Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of West Pennsboro Township, Cumberland County. The proposed Sheetz development consists of a new 4,997 square foot convenience store. Total sewage flows will be 2,000 gpd and will be served by a private grinder pump with a small diameter force main connecting to an existing West Pennsboro Township Authority's 6 inch force main located on the western side of Centerville Road. Treatment will occur at the Newville Borough Wastewater Treatment Plant. The proposed development is located at the northwest corner of the intersection of State Road 233 (Centerville Road) and State Road 11 (Ritner Highway). The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Howe Township	22 Cherry Road, Liverpool, PA 17045	Perry

Plan Description: The approved plan provides for the sewage disposal needs of Howe Township with the construction of public sanitary sewer facilities to serve the Juniata Parkway Study Area and the S.R. 34 Planned Growth Area with treatment at the Newport Borough Municipal Authority's sewage treatment plant, adoption of a mandatory connection ordinance and the adoption and implementation of an on-lot disposal system (OLDS) management ordinance to address all remaining OLDS in the municipality. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township	1301 Centerville Road, Newville, PA 17241	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of Penn Township, Cumberland County. The proposed Dale Hair Subdivision consists of one new residential building lot proposing an individual on-lot sewage disposal system and a residual lot. The plan was disapproved because the proposed groundwater easement intended to mitigate the adverse effects of sewage disposal from Lot 6 is not downgradient from the locations of the proposed sewage disposal systems. Therefore, the proposed subdivision does not adequately provide for the mitigation of the impacts from the proposed systems on the groundwater. The study inaccurately characterized the site specific background under the proposed lots. This proposed development is located on the north side of Hair Road, approximately .7 mile west of its intersection with State Road 233.

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—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the 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, will 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 reuse 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 under 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: Eric Supey, *Environmental Cleanup Program Manager*, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Former Wilkes-Barre Water Street MGP Site, City of Wilkes-Barre, **Luzerne County**. John Roberts, Stantec Consulting Services, Inc., 400 Dais Drive, Suite 400, Plymouth Meeting, PA 19462 has submitted a Remedy Selection/Remedy Design Report (Cleanup Plan) (on behalf of his client, UGI Penn Natural Gas, Inc., P. O. Box 12677, Reading, PA 19612-2677), concerning the remediation of site soils and groundwater found to have been impacted by manufactured gas plant constituents due to historical operations from a former manufactured gas plant. The report was submitted in partial fulfillment for demonstrating attainment of the Site-Specific Standard for soil and groundwater and the Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Remedy Selection/Remedy Design Report (Cleanup Plan) was published in *The Times Leader* on December 21, 2010.

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

PREIT / Logan Valley Mall, Logan Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of PA Real Estate Investment Trust, 200 South Broad Street, Philadelphia, PA 19102, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX, PAHs and lead. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Armstrong World Industries / Roto Island Parcel / Soil, City of Lancaster and Manheim Township, **Lancaster County**. ARM Group, P. O. Box 797, Hershey, PA 17033, on behalf of Armstrong World Industries, Inc., PO Box 3001, Lancaster, PA 17604-3001 and EDC Finance Corporation, 100 South Queen Street, Lancaster, PA 17608-1558, submitted a Final Report concerning site soils contaminated with VOCs, SVOCs and metals. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health standard.

Defense National Stockpile Center Marietta Depot, East Donegal Township, **Lancaster County**. PARS Environmental, Inc., 6A South Gold Drive, Robbinsville, NJ 08691 on behalf of US Army Corps of Engineers, 600 Dr. Martin Luther King Place, Louisville, KY 40202; and the Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 3229, Fort Belvoir, VA 22060-6223, submitted a Final Report concerning the remediation of site soils, groundwater, and surface water contaminated with metals. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health standard.

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

Allen M Brickell Residence-A-1 Oil Spill, Anthony Township, **Lycoming County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Allen M. Brickell, 331 Bruce Road, Cogan Station has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document the site to meet the Statewide Health Standard.

Swank Site, Ralpho Township, **Northumberland County**. Alternative Environmental Solutions, 480 New

Holland Ave., Suite 8203, Lancaster, PA 17602 on behalf of Shamokin-Coal Township Joint Sewer Authority, 114 Bridge St., Shamokin, PA 17872 has submitted a Final Report concerning remediation of site groundwater contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Former Camp Reynolds Small Arms Range and Infiltration Course, Pymatuning & Delaware Townships, **Mercer County**. Plexus Scientific Corporation, 9104 Guilford Road, Suite 1010, Columbia, MD 21046 on behalf of the U. S. Army Corps of Engineers, Baltimore District, 10 South Howard Street, Baltimore, MD 21201 has submitted a Final Report concerning remediation of site soil contaminated with Lead and Antimony. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its 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 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 reuse 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 the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under 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: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Timber Falls Apartments—Building P, 1200 Timberfalls Drive, Blakely Borough, **Lackawanna County**. Benjamin G. Myers, GTA Environmental Services, Inc., 3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009 submitted a Final Report (on behalf of his client, McKinley, Inc., 320 North Main Street, Ann Arbor, MI 48104), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking 1,000-gallon underground storage tank. The report documented attainment of the Statewide Health Standard for soil and was approved on January 7, 2011.

Merlo Residence, 40 Fairview Avenue, Mount Pocono Borough, **Monroe County**. David A. Everitt III, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of his client, Gary Merlo, 203 South 8th Street, Bangor, PA 18013), concerning the remediation of soils found to have been contaminated by No. 2 fuel oil contaminants as a result of an accidental release from two (2) aboveground storage tanks. The report documented attainment of the Statewide Health Standard for soil and was approved on January 7, 2011.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Firestone Store 38F3, Municipality of Monroeville, **Allegheny County**. Bradburne Briller Johnson, LLC, 5 Market Square, Suite 202, Amesbury, MA 01913 on behalf of BFS Retail Commercial Operations, LLC, 333 East Lake Street, Bloomingdale, IL 60108 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline constituents. The Final Report attained a residential Statewide Health Standard for soils.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Exxon Mobil Irwin Terminal (Former), North Huntingdon Township, **Westmoreland County**. Groundwater and Environmental Services, Inc. 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of ExxonMobil Environmental Services Company, 1545 Route 22 East, Room CCM09E, Annandale, NJ 08801 has submitted a Remedial Investigation Report / Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with leaded gasoline constituents. The report was approved on January 6, 2011.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Mays Phillips Lane Site, Robinson Township, **Allegheny County**. Cullen Flanders, ARCADIS US., Inc, 310 Seven Fields Blvd, Suite 210, Seven Fields, Pennsylvania, 16046 on behalf of Robert A. Mays, Mays Properties, Inc., 5992 Steubenville Pike, McKees Rocks, PA 15136 has submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with semi-volatile organics, PAH's, phthalate esters, volatile organic chemicals and metals. The RIR was approved on January 12, 2011.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR121NC001. Keystone Clearwater Solutions, LLC, 1129 West Governor Road, Hershey, PA 17033 for a facility located west of Peale Road and Gorton Road, Moshannon, PA 18859, in Rush Township, **Clearfield County**. Registration to operate under General Permit No. WMGR121 for treatment and reuse of gas well frac water and production water. The registration was approved by Northcentral Regional Office on January 7, 2011.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—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. 300176. Arcelormittal Plate, LLC, 139 Modena Road, Coatesville PA 19320-0911. This permit was issued to allow for the short-term, continued operation of the ArcelorMittal Landfill, an existing Class I captive residual waste landfill, located at the intersection of PA Route 82 (Doe Run Road) and IMS Drive in East Fallowfield Township and Valley Township, **Chester County**, during the review of the facility's 10-year renewal application. The permit was issued by the Southeast Regional Office on January 4, 2011.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 101532, Weavertown Transport Leasing Inc, 2 Dorrington Road, Carnegie, PA 15106. Permit modification for an infectious and chemotherapeutic waste transfer and residual waste transfer and pro-

cessing facility in Cecil Township, **Washington County** issued by the Regional Office on January 12, 2011.

Consent Order and Agreement extended under the Solid Waste Management Act (35 P. S. §§ 6018.104 (7) and 6018.602) and regulations to close a solid waste storage, treatment or disposal facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

MAX Environmental Technologies, Inc. Consent Order and Agreement allowing the beneficial use of residual waste for the reclosure of residual waste Impoundments 1-3 at MAX's facility in Yukon, South Huntingdon Township, **Westmoreland County** continued and extended by the Regional Office on January 12, 2011.

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit Application No. 602247. A & M Composting, Inc located in Penn Township, **Lancaster County**. The Department has reviewed the application for permit renewal in order to determine whether it contains the information, maps, fees, and other documents necessary to be considered administratively complete. Please be advised that the application has been determined to be administratively complete.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

GP3-46-0092: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on January 11, 2011, to operate a portable nonmetallic mineral processing plant in East Norriton Township, **Montgomery County**.

GP3-46-0093: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on January 11,

2011, to operate a portable nonmetallic mineral processing plant in East Norriton Township, **Montgomery County**.

GP9-46-0046: Limestone Properties, LLC (1020 Broad Run Road, Landenberg, PA 19350) on January 11, 2011, to operate a diesel fuel-fired internal combustion engine(s) in East Norriton Township, **Montgomery County**.

GP2-23-0227: Baker Petrolite Corp. (301 Saville Avenue, Eddystone, PA 19022) on January 11, 2011, was authorized to operate under GP-23-0227 eleven (11) storage tanks for volatile organic liquids in Eddystone Borough, **Delaware County**, PA.

GP9-15-0008: Benten BioServices, Inc. (347 Phoenixville Pike, Malvern, PA 19355) on January 12, 2011, to operate a MTU emergency engine in Charlestown Township, **Chester County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP4-55-126: Brake Technique, Inc. (196 Universal Road, Selinsgrove, PA 17870) on January 4, 2011, to operate a burn-off oven pursuant to the General Plan Approval & General Operating Permit Application (BAQ-GPA/GP-4), at their facility in Penn Township, **Snyder County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

15-0067G: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) on January 11, 2011, to operate a new mist collection control system in West Nottingham Township, **Chester County**.

09-0198: Mount Materials, LLC. (427 South White Horse Pike, Berlin, NJ 08009) on January 13, 2011, to operate a nonmetallic mineral processing plant in Falls Township **Bucks County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

19-00006C: Del Monte Corp. (6670 Low Street, Bloomsburg, PA 17815) on January 10, 2011, to authorize construction and operation of a pet food manufacturing line until July 24, 2011 in Bloomsburg, **Columbia County**. The plan approval has been extended.

53-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26302-2450) on January 10, 2011, to limit the emission of fugitive volatile organic compounds from their Greenlick facility until July 6, 2011 in Stewardson Township, **Potter County**. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00026: Glasgow, Inc. (PO Box 1089, Glenside, PA 19038) on January 12, 2011, for renewal of the State Only Operating Permit for an asphalt plant in Springfield Township, **Delaware County**. The renewal updates the list of exempt sources and includes a schedule for compliance stack testing of the source. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility shall remain a synthetic minor facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

64-00014: Reading Materials, Inc. (2052 Lucon Road, Skippack, PA 19474) on November 15, 2010, to issue a new State-Only (Natural Minor) Operating Permit for operation of a rock crushing operation and associated air cleaning devices at their Atkinson Materials facility in Palmyra Township, **Wayne County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

55-00003: Susquehanna University (514 University Avenue, Selinsgrove, PA 17870-1075) on January 5, 2011, to issue a State Only (Synthetic Minor) operating permit for their facility in Selinsgrove Borough, **Snyder County**. The facility's main air contaminant sources include two coal-fired boilers, one natural gas/#2 fuel oil-fired boiler, eighty-three (83) natural gas-fired combustion units, ten #2 fuel oil-fired combustion units, eight natural gas-fired emergency generators, two diesel fuel-fired emergency generators, one propane-fired emergency generator, and two parts cleaning stations. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00016: PQ Corp. (1201 West Front Street, Chester, PA 19013) on January 11, 2011, for the amendment of the Title V Operating Permit, for the following: (1) Emission limits for the Cleaver-Brooks Boiler (Source ID 037) have been revised; (2) Fuel oil stack test requirements have been revised for the #2 Potassium Silicate Furnace (Source ID 101); (3) Fuel oil stack test requirements have been revised for the #4 Sodium Silicate Furnace (Source ID 102); (4) Emission limits for the Spray Dryer G & GD (Source ID 103) have been revised; and (5) Site-wide emission limits have been revised, consistent with the

emission limit revisions to Source IDs 037 and 103 in the City of Chester, **Delaware County**. These revisions neither allow any modification of any source nor allow any new emissions; rather the emissions calculations have been corrected. The Operating Permit contains requirements to keep the facility operating within all applicable air quality requirements for this source.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

36-05123: Corixa Corp.—d.b.a. Glaxosmithkline Biologicals NA (325 North Bridge Street, Marietta, PA 17547-1134) on January 10, 2010, for their pharmaceuticals manufacturing facility in East Donegal Township, **Lancaster County**. This State Only Operating permit was administratively amended to incorporate the provisions of Plan Approval Nos. 36-05123D and 36-05123E. This is Revision 2 of the permit.

36-03121: Cadmus Journal Services, Inc. (3575 Hempland Road, Lancaster, PA 17601-6912) on January 12, 2011, for their printing facility in West Hempfield Township, **Lancaster County**. This State Only Operating permit was administratively amended to incorporate the provisions of Plan Approval No. 36-03121D. This is Revision 2 of the permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

32-00349: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) on January 5, 2011 issued an amendment to change the name of the owner/operator of the I-22 Tipple in Burrell Township, **Indiana County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

25-00069: BASF—Erie Plant (1729 East Ave., Erie PA 16503-2367) on January 10, 2011, for an administrative amendment of the State Operating Permit to incorporate the conditions of Plan Approval 25-069M at their facility in **Erie City**, Erie County. The plan approval was previously issued for the installation of a dust collector to control particulate emissions from the R5 Reduction Vessel and R6 Screener.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00195: FJ Janoski Petro Co., Inc. (2944 Felton Road, East Norristown, PA 19401) on January 11, 2011, for revocation of their Non Title V Operating Permit for the operation of underground petroleum storage tanks in East Norriton Township, **Montgomery County**. This operating permit was revoked because of closure of business and shutdown of operations at the facility.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

10-00038: Winfield Lime & Stone (1295 Winfield Road, Cabot, PA 16023), on January 7, 2011, for revocation of their State Only Operating Permit for the mining and crushing facility in Winfield Township, **Butler County**. The primary sources at the facility were limestone crushing and screening, lime production, and stone drying. Based on a letter from the facility received on December 13, 2010, the last day of mining and crushing limestone was November 12, 2010 and the equipment at the facility is being removed. This operating permit was therefore revoked.

24-00162: Rebco Inc.—Kersey Plant (650 Brandy Camp RD, Kersey, PA 15846-1904) on January 7, 2011, for revocation of their State Only Operating Permit for the plating and polishing manufacturing facility in Fox Township, **Elk County**. The primary sources at the facility were a Kerosene and Ferrocote Dip Tanks, and parts washers. Based on an inspection conducted by the Department on November 9, 2010, the sources were removed from the facility. This operating permit was therefore revoked.

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; 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—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65990101 and NPDES Permit No. PA0202428. Coal Loaders, Inc. (210 East Main Street, Ligonier, PA 15658). Transfer of permit formerly issued to Gary Gioia Coal Company for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 19.0 acres. Receiving streams: unnamed tributary to Youghiogheny River. Transfer application received: July 22, 2010. Transfer permit issued: January 13, 2011.

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

33950107 and NPDES Permit No. PA0227102. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous strip operation in Warsaw Township, **Jefferson County** affecting 39.5 acres. Receiving streams: Two unnamed tributaries

ies to Mill Creek. Application received: November 19, 2010. Permit Issued: January 12, 2011.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17980118 and NPDES No. PA0238112. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Renewal for continued operation of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 193.2 acres. Receiving streams: unnamed tributaries to Montgomery Creek and unnamed tributaries to West Branch of the Susquehanna River classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 24, 2010. Permit issued: January 5, 2011.

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

40850203R5. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and prep plant operation in Newport Township, **Luzerne County** affecting 49.0 acres, receiving stream: none. Application received: April 22, 2010. Renewal issued: January 10, 2011.

40-305-006GP12R. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40850203R5 in Newport Township, **Luzerne County**. Application received: May 14, 2010. Renewal issued: January 10, 2011.

54890102R4 and NPDES Permit No. PA0594504. White Pine Coal Co., Inc., (P. O. Box 119, Ashland, PA 17921), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Cass, Reilly and Foster Townships, **Schuylkill County** affecting 729.78 acres, receiving stream: Muddy Branch Creek and Schuylkill River. Application received: September 8, 2009. Renewal issued: January 11, 2011.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

21050301 and NPDES Permit No. PA0224456. JR Zimmerman Enterprises, LLC, 35 Ridge Road, Newville, PA 17241, renewal of NPDES Permit, North Newton Township, **Cumberland County**. Receiving stream(s): unnamed tributary to Green Spring Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: October 12, 2010. Permit issued: December 20, 2010.

28030302 and NPDES Permit No. PA0224359. St. Thomas Development, Inc., 150 Walton Road, Blue Bell, PA 19422, renewal of NPDES Permit, St. Thomas Township, **Franklin County**. Receiving stream(s): UNT Campbell Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 12, 2010. Permit issued: January 3, 2011.

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

3175SM13. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15215) Transfer of an existing large noncoal permit from Ennstone, Inc. d/b/a Three Rivers Aggregates in Scott Township, **Lawrence**

County affecting 617.4 acres. Receiving streams: Taylor Run. Application received: June 28, 2010. Permit issued: January 10, 2011.

16060303. Star Mining Corporation (8100 Ohio River Boulevard, Emsworth, PA 15202) Renewal of existing NPDES Permit No. PA0258130 in Perry Township, **Clarion County** affecting 11.3 acres. Receiving streams: Allegheny River. Application received: November 8, 2010. Permit Issued: January 6, 2011.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

8092810. Duane D. Harper (2065 Hwy 98 West, Louisburg, NC 27549) commencement, operation and restoration of an existing small non coal bluestone operation in Terry Township, **Bradford County** affecting 5.0 acres. This is an upgrade from 2,000 tons per year to 10,000 tons per year. Receiving stream(s): Unnamed Tributary to North Branch of the Susquehanna River. Application received: September 2, 2009. Permit issued: January 5, 2011.

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

6575SM1C7 and NPDES Permit No. PA0594415. Hanson Aggregates Pennsylvania, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving stream: unnamed tributary to Lake Creek and Cherry Creek. Application received: January 7, 2010. Renewal issued: January 10, 2011.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. 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

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

26114001. Shallenberger Construction (2611 Memorial Ave., Connellsville, PA 15425). Blasting activity permit for the construction of the Mutnansky Unit, to conduct seismic activity located in North Union Township, **Fayette County**. The duration of blasting is expected to last 90 days. Blasting permit issued: January 11, 2011.

26114002. Shallenberger Construction (2611 Memorial Ave., Connellsville, PA 15425). Blasting activity permit for the construction of the Kurutz Unit, to conduct seismic activity located in Dunbar Township, **Fayette County**. The duration of blasting is expected to last 90 days. Blasting permit issued: January 11, 2011.

63114001. Dynamic Drilling LLC (10373 Taylor Hawks Road, Herron, MI 49744). Blasting activity permit for the continuing construction of the RRC lines 22 and 23, to conduct seismic activity located in Buffalo, E. Bethlehem Townships, and Deemston Borough, **Washington County**. The duration of blasting is expected to last 180 days. Blasting permit issued: January 11, 2011.

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

25114001. Geokinetics, Inc. (P. O. Box 751, Meadville, PA 16335) Blasting Activity Permit for seismic exploration in Franklin, Washington, Elk Creek, Spring, Cussewago Townships & Cranesville Borough, **Crawford & Erie Counties**. This blasting activity permit will expire on July 31, 2011. Permit Issued: January 13, 2011.

42114001. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 49744) Blasting Activity Permit for seismic exploration in Liberty Township, **McKean County**. This blasting activity permit will expire on August 1, 2011. Permit Issued: January 13, 2011.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08114001. Mike Kipar (6005 State Route 267, Meshoppen, PA 15360). Blasting for a gas pad and to level road located in Wilmot Township, **Bradford County**. Permit issued: January 11, 2011. Permit expires: January 1, 2012.

08114101. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for a pipeline located in Canton Township, **Bradford County**. Permit issued: January 10, 2011. Permit expires: January 31, 2012.

08114102. Austin Powder Northeast, LLC (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a well pad located in Asylum Township, **Bradford County**. Permit issued: January 7, 2011. Permit expires: December 7, 2011.

53114001. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803-1649). Blasting for Roulette property noncoal exploration located in Roulette Township, **Potter County**. Permit issued: January 11, 2011. Permit expires: June 30, 2011.

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

06104113. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Gerald Wert subdivision in Brecknock Township, **Berks County** with an expiration date of December 30, 2011. Permit issued: January 3, 2011.

36114101. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Fairmont Home in West Earl Township, **Lancaster County** with an expiration date of March 30, 2011. Permit issued: January 3, 2011.

09104118. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for SR 202 Section 711 in Washington Township, **Bucks County** with an expiration date of December 7, 2011. Permit issued: January 4, 2011.

39104109. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lehigh Hills in Upper Macungie Township, **Lehigh County** with an expiration date of December 30, 2011. Permit issued: January 4, 2011.

64104008. Dawson Geophysical, (30031 Research Road, New Hudson, MI 41865) and Sayre Enterprises, (6718 Pucker Street, Conesus, NY 14435), construction blasting for Hess Hi-Res 2D in Starrucca Borough, **Wayne County** with an expiration date of August 14, 2011. Permit issued: January 4, 2011.

67114101. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for East Prospect Borough Water Main in East Prospect Borough

and Lower Windsor Township, **York County** with an expiration date of December 8, 2011. Permit issued: January 5, 2011.

46114101. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Montgomery Church in Worcester Township, **Montgomery County** with an expiration date of April 30, 2011. Permit issued: January 6, 2011.

58114101. Midstream Explosives, LLC, (289 Southside Drive, Newville, PA 17241), construction blasting for Kerr Pipeline Project in Lathrop Township, **Susquehanna County** with an expiration date of January 5, 2012. Permit issued: January 11, 2011.

36114103. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Landale Development in Manheim Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: January 12, 2011.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The 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 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E22-555: Willow Creek Farms, LLC, 2805 Old Post Road, Suite 200, Harrisburg, PA 17110, South Hanover Township, **Dauphin County**, ACOE Baltimore District

To construct and maintain: 1) a 68.0-foot long, 36.0-inch diameter HDPE culvert pipe impacting 0.0493 acre of PEM wetland with a 20.0-foot long riprap apron, 2) a 74.0-foot long, 30.0-inch diameter CPP culvert pipe with a 60.0-foot long, 15.0-foot high block retaining wall and a 20.0-foot long riprap apron with an 18.0-inch HDPE stormwater pipe, an 8.0-inch diameter DI water line, and an 8.0-inch diameter PVC sanitary sewer line crossing over the proposed culvert, all impacting 0.0995 acre of PEM wetland, and 3) a 12.0-inch diameter DI water line and a 4.0-inch diameter sanitary sewer line in and across an unnamed tributary to Kellock Run (WWF), temporarily impacting 0.40 acre of PEM wetland, all for the purpose of constructing a 40-unit single family home residential development. The project is located 0.15 mile east-northeast of the intersection of Red Top Road and Oaktree Road (Hershey, PA Quadrangle; N: 11.5 inches, W: 6.0 inches; Latitude: 40°18'42.6", Longitude: 76°42'31.8"), in South Hanover Township, Dauphin County. Wetland mitigation in the amount of 0.28 acre will occur onsite.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E41-607. Borough of South Williamsport, 329-331 West Southern Ave., South Williamsport, PA 17702. Small Projects Water Obstruction and Encroachment Joint Permit, in South Williamsport Borough, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 14' 20"; W: 76° 59' 33").

To construct and maintain a 285 square foot building, which is located in the floodplain of the West Branch of Susquehanna River, all of which is located off Main Street, south of the intersection of Second Street, in South Williamsport Borough, Lycoming County. This permit was issued under Section 105.13(e) "Small Projects."

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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.

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

12/23/2010

ESCGP-1 No.: ESX10-007-004

Applicant Name: Chesapeake Appalachia, LLC

CONTACT: Tal Oden

Address: P O Box 18496

City: Oklahoma City State: OK Zip Code: 73154

County: Beaver Township(s): Ohioville

Receiving Stream(s) And Classifications: Upper Dry

Run—WWF Upper Ohio Other Secondary Water

Ohio River—WWF

12/1/2010

ESCGP-1 No.: ESX10-059-0089

Applicant Name: Energy Corporation of America

Contact Person: Rod Winters

Address: 501 56th St SE

City: Charleston State: WV Zip Code: 25304

County: Greene Township(s): Cumberland

Receiving Stream(s) and Classifications: Muddy Creek

Watershed—WWF, Other

11/16/2010

ESCGP-1 No.: ESX10-059-0087

Applicant Name: CNX Gas Company, LLC

Contact Person: Daniel Bitz

Address: 200 Evergreene Drive

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Morris

Receiving Stream(s) and Classifications: UNT to Enlow

Fork, Enlow Fork, UNT to Broothe Run and Broothe

Run/Wheeling Creek Watershed, Other

11/22/2010

ESCGP-1 No.: ESX10-059-0087 Minor Revision

Applicant Name: CNX Gas Company, LLC

Contact Person: Daniel Bitz

Address: 200 Evergreene Drive

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Morris

Receiving Stream(s) and Classifications: UNT to Enlow

Fork, Enlow Fork, UNT to Broothe Run and Broothe

Run/Wheeling Creek Watershed, Other

12/20/2010

ESCGP-1 No.: ESX10-051-0027

Applicant Name: Atlas Energy Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountian View Drive

City: Smithfield State: PA Zip Code: 15478

COUNTY Fayette Township(s): Menallen

Receiving Stream(s) and Classifications: UNT to Fans

Run, Fans Run, UNT to Redstone Creek, Other

12/17/2010

ESCGP-1 No.: ESX10-129-0042
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland Township(s): Sewickley
 Receiving Stream(s) and Classifications: UNT to
 Sewickley Creek, Other Secondary Water
 Sewickley Creek

12/16/2011

ESCGP-1 No.: ESX10-129-0041
 Applicant Name: RW Gathering LLC and Williams
 Production Appalachia LLC
 Contact Person: David R Freudenrich
 Address: 1000 Town Center Suite 130
 City: Canaonsburg State: PA Zip Code: 15317
 County: Westmoreland Township(s): Derry
 Receiving Stream(s) and Classifications: Stony Run,
 Other Cold Water Fishes

10/20/2010

ESCGP-1 No.: ESX10-059-0040 Major Revision
 Applicant Name: CNX Gas Company LLC
 Contact Person: Daniel Bitz
 Address: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Cemter/Richhill
 Receiving Stream(s) and Classifications: Jacobs Run,
 Claylick Run—HQ WWF, HQ Secondary Water
 South Fork Ten Mile Creek—HQ-WWF

12/22/2010

ESCGP-1 No.: ESX10-059-0092
 Applicant Name: Laurel Mountain Midstream, LLC
 Contact Person: Lisa Reaves
 Address: 1550 Coraopolis Heights Road
 City: Moon Township State: PA Zip Code: 15108
 County: Greene Township(s): Greene and Dunkard
 Receiving Stream(s) and Classifications: UNT's to
 Whiteley Creek TSF & to Meadow Run WWF/Lower
 Monongahela Watershed, Other Secondary Water
 Whiteley Creek TSF and Meadow Run WWF

12/21/2010

ESCGP-1 NO.: ESX10-059-0091
 Applicant Name: EQT Gathering, LLC
 CONTACT PERSON: Hanna McCoy
 ADDRESS: 625 Liberty Avenue, Suite 1700
 City: Pittsburgh State: PA Zip Code: 15222
 County: Greene Township(s): Morris
 Receiving Stream(s) and Classifications: UNTs to Browns
 Creek and Browns Creek/South Fork Tenmile Creek

11/2/2010

ESCGP-1 NO.: ESX10-051-0043
 Applicant Name: Laurel Mountain Midstream LLC
 CONTACT: Lisa Reaves
 ADDRESS: 1550 Coraopolis Heights Rd
 City: Moon Township State: PA Zip Code: 15108
 County: Fayette Township(s): Springhill
 Receiving Stream(s) and Classifications: UNT's to Cheat
 River (WWF), UNT to Grassy Run (WWF), Other

12/21/2010

ESCGP-1 NO.: ESX10-125-0003 Major Revision
 Applicant Name: Chesapeake Appalachia, LLC
 CONTACT: Tal Oden
 ADDRESS: P O Box 18496
 City: Oklahoma City State: OK Zip Code: 73154-0496
 County: Washington Township(s): Union

Receiving Stream(s) and Classifications: UNT's Huston
 Run (WWF) Peter's Creek, Other Secondary Water
 Huston Run (WWF)

12/27/2010

ESCGP-1 NO.: ESX10-125-0105
 Applicant Name: Range Resources—Appalachia, LLC
 CONTACT: Carla Suszkowski
 ADDRESS: 380 Southpointe Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Hopewell
 Receiving Stream(s) and Classifications: UNT to Hanen
 Run, HQ Secondary Water: Hanen Run and Cross
 Creek

*Northcentral Region: Oil & Gas Management Program
 Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX10-115-0066

Applicant Name Laser Northeast Gathering Company,
 LLC

Contact Person I "Chip" Berthelot, II
 Address 333 Clay, Suite 4500
 City, State, Zip Houston, TX 77002
 County Susquehanna
 Township(s) Liberty, Great Bend, Franklin Twps.
 Receiving Stream(s) and Classification(s) Susquehanna
 River, Trowbridge Creek, Snanke Cr, Trib to Dubois Cr,
 Chesapeake Bay

ESCGP-1 # ESX10-081-0113

Applicant Name East Resources Management, LLC
 Contact Person Richard Lewis
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) McIntyre Twp.
 Receiving Stream(s) and Classification(s) Red Run, W. Br.
 Susq. R. Basin, Lycoming Creek

ESCGP-1 # ESX10-117-0264

Applicant Name East Resources Management, LLC
 Contact Person Richard Lewis
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Covington Twp.
 Receiving Stream(s) and Classification(s) UNT to Sand
 Run, W. Br. Susq R., Dyke Cr, UNT to Marvin Cr, Ohio
 River Basin

ESCGP-1 # ESX10-117-0265

Applicant Name East Resources Management, LLC
 Contact Person Richard Lewis
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Farmington Twp.
 Receiving Stream(s) and Classification(s) UNT Cummings
 Cr/Tioga River Basin, Cummings Cr, Cowanesque River

ESCGP-1 # ESX10-117-0269

Applicant Name East Resources Management, LLC
 Contact Person Richard Lewis
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston Twp.
 Receiving Stream(s) and Classification(s) Babb Cr, UNT
 to Babb Cr, W. Br. Susq. R Basin

ESCGP-1 # ESX10-023-0003 PHASE 3

Applicant Name Seneca Resources Corp.
 Contact Person Mike Clinger
 Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825
 County Cameron
 Township(s) Shippen Twp.
 Receiving Stream(s) and Classification(s) Reed Hollow,
 West Creek

ESCGP-1 # ESX10-015-0376
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main St
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Ulster Twp.
 Receiving Stream(s) and Classification(s) Hemlock Run

ESCGP-1 # ESX10-015-0385
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main St
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Tuscarora Twp.
 Receiving Stream(s) and Classification(s) UNT to Mill
 Creek, Tuscarora Cr

ESCGP-1 # ESX10-015-0388
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main St
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Rome Twp.
 Receiving Stream(s) and Classification(s) UNT to Bullard
 Cr, Bullard Cr

ESCGP-1 # ESX10-117-0263
 Applicant Name Talisman Energy USA Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Dr
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Ward Twp.
 Receiving Stream(s) and Classification(s) Trib. to Morris
 Run, Morris Run

ESCGP-1 # ESX10-105-0030(01)
 Applicant Name Seneca Resources Corp
 Contact Person Mike Clinger
 Address 51 Zents Blvd
 City, State, Zip Brookville, PA 15285
 County Potter
 Township(s) Sweden Twp.
 Receiving Stream(s) and Classification(s) Nine Mile Run,
 Dry Run

ESCGP-1 # ESX10-015-0383
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Litchfield Twp
 Receiving Stream(s) and Classification(s) UNT to Bullard
 Cr, Bullard Cr

ESCGP-1 # ESG10-115-0071
 Applicant Name Chief Gathering LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road Ext.
 City, State, Zip Wexford, PA 15090
 County Susquehanna
 Township(s) Lathrop & Springfield Twps.
 Receiving Stream(s) and Classification(s) East Br Field
 Br, Field Br, Pond Br, Monroe Cr, UNT to Horton Cr

ESCGP-1 # ESG10-117-0249
 Applicant Name Ultra Resources, Inc.
 Contact Person Erica Tokarz
 Address 5 East Avenue, #108
 City, State, Zip Wellsboro, PA 16901-1613
 County Tioga
 Township(s) Gaines Twp.
 Receiving Stream(s) and Classification(s) Madison Hollow,
 Bloody Run, Elk Run

ESCGP-1 # ESG10-117-0247
 Applicant Name Ultra Resources, Inc.
 Contact Person Erica Tokarz
 Address 5 East Avenue, #108
 City, State, Zip Wellsboro, PA 16901-1613
 County Tioga
 Township(s) Gaines Twp.
 Receiving Stream(s) and Classification(s) Madison Hollow,
 Bloody Run, Elk Run

ESCGP-1 # ESX10-015-0377
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Litchfield Twp.
 Receiving Stream(s) and Classification(s) UNT of Bullard
 Cr, Bullard Cr

ESCGP-1 # ESX10-015-0374
 Applicant Name Talisman Energy USA Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Dr
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Pike Twp.
 Receiving Stream(s) and Classification(s) Trib. to
 Rockwell Cr

ESCGP-1 # ESX10-105-0041
 Applicant Name Triana Energy, LLC
 Contact Person Rachelle King
 Address 900 Virginia Street, East
 City, State, Zip Charleston, WV 25301
 County Potter
 Township(s) Summitt Twp.
 Receiving Stream(s) and Classification(s) Prouty Run,
 Nelson Run, UNT of Nelson Run

ESCGP-1 # ESX10-015-0375
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Ext. Ste 210
 City, State, Zip Wexford, PA 15090
 County Bradford
 Township(s) Wilmot Twp.
 Receiving Stream(s) and Classification(s) UNT to Panther
 Lick, Wolf Run

ESCGP-1 # ESX10-113-0038
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Ext. Ste 210
 City, State, Zip Wexford, PA 15090
 County Sullivan
 Township(s) Cherry Twp.
 Receiving Stream(s) and Classification(s) UNT to Lick
 Creek, Lick Creek

ESCGP-1 # ESX10-015-0224(01) PHASE 2
 Applicant Name EOG Resources, Inc.
 Contact Person William Burket
 Address 400 Southpointe Blvd, Ste 300
 City, State, Zip Canonsburg, PA 15317-8548
 County Bradford
 Township(s) Springfield Twp.
 Receiving Stream(s) and Classification(s) Leonard Creek,
 Sugar Creek

ESCGP-1 # ESX10-015-0370
 Applicant Name EOG Resources, Inc.

Contact Person William Burket
 Address 400 Southpointe Blvd, Ste 300
 City, State, Zip Canonsburg, PA 15317-8548
 County Bradford
 Township(s) Springfield Twp.
 Receiving Stream(s) and Classification(s) Bentley Creek

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

Washington County Conservation District: 100 West Beau Street, Suite 105, Washington, PA 15301-4447 (724-228-6774)

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0063 10 8 003	National Fuel Gas Supply Corp. 1100 State Street Erie, PA 15601	Washington & Greene Counties	East Finley, Buffalo, South Franklin, Morris Twps. in Washington and Morris & Richhill Twps in Greene Co.	Buffalo Creek, Tenmile Creek, N. Fork Dunkard Creek, Crabapple Creek, Enlow Fork, Short Creek & UNT's (HQ-WWF, WWF, TSF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESG09-053-0004c Phase III—Warrant 2980
 Applicant Sheffield Land & Timber Company
 Contact Richard C. Cochran
 Address P. O. Box 54
 City Sheffield State PA Zip Code 16347
 County Forest Township(s) Howe(s)
 Receiving Stream(s) and Classification(s) West Branch of Blue Jay Creek/Tionesta Creek Watershed Area—HQ/CWF

ESCGP-1 #ESG10-053-0006—Warrant 2878
 Applicant Sheffield Land & Timber
 Contact Richard C. Cochran
 Address P. O. Box 54
 City Sheffield State PA Zip Code 16347
 County Forest Township(s) Howe(s)
 Receiving Stream(s) and Classification(s) West Branch of Blue Jay Creek/Tionesta Creek Watershed Area—HQ

ESCGP-1 #ESG10-053-0006A—Warrant 2878 Phase 2
 Applicant Sheffield Land & Timber
 Contact Richard C. Cochran
 Address P. O. Box 54
 City Sheffield State PA Zip Code 16347
 County Forest Township(s) Howe(s)
 Receiving Stream(s) and Classification(s) West Branch of Blue Jay Creek/Tionesta Creek Watershed Area—HQ

SPECIAL NOTICES

Penn Vest Funding Projects

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

The **Montour Conservation District** will be applying for Penn Vest Funding to construct a roofed barnyard and manure storage project on the Myron Stine Farm, located at 234 Stine Road, Danville, West Hemlock Township, **Montour County**. The Stine farm is located in the Mahoning Creek Watershed, which is Ag impaired.

The coordinates are 41.2.12094 North Latitude; -76.348633 West Longitude.

The Montour Conservation District will also be applying for Penn Vest Funding for the construction of a roofed barnyard and manure storage for the Shultz Brothers Beef Farm, located at 745 Liberty Valley Road, Danville, in Liberty Township, Montour County. The Shultz Farm is located in the Beaver Run Watershed, which is a tributary to the Chillisquaque Creek Watershed, which is Ag impaired.

The coordinates are 40.59.22654 North Latitude and -76.44.4495 West Longitude. These projects are to be completed to assist the farmer with achieving minimum compliance and to improve water quality within the two watersheds.

[Pa.B. Doc. No. 11-146. Filed for public inspection January 28, 2011, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Recession of Technical Guidance

DEP ID: 383-2300-001. Title: Pennsylvania's Interim Program for Operator Certification. Description: The purposes of this document was to: (1) meet the requirements of Section 1419 of the 1996 Amendment to the Federal Safe Drinking Water Act; (2) help ensure the Commonwealth's continued eligibility to receive Federal funding to support the operator certification program; and (3) identify and implement specific sections of the amended Water and Wastewater Systems Operator's Certification Act in such a manner to provide a smooth program transition as a result of these amendments, until promulgation of final rules and regulations by the Environmental Quality Board. These guidelines have now been replaced by Chapter 302 Regulations, Administration of the Water and Wastewater Systems Operators' Certification Program. Contact: Questions regarding the policy document should be directed to Veronica Kasi at vbkasi@state.pa.us or (717) 772-4053.

Effective Date: January 29, 2011

MICHAEL KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-147. Filed for public inspection January 28, 2011, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Notice of Actions

The Department of Environmental Protection (Department) provides notice of the following action under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). This action was taken under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed) (see 40 Pa.B. 5790 (October 9, 2010)).

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

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 Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a differ-

ent time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this certification or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P.O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, aroda@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

The following proposals have been certified by the Department. The certification of these proposals is considered a final action of the Department.

Lycoming County Conservation District (542 County Farm Road, Suite 202, Montoursville, PA 17754). This certification is applicable to the nutrient reductions generated by installing best management practices (BMPs) that include precision grazing, off-stream watering with streambank fencing, no-till and riparian buffer with Client AdCCIT0001. This certification includes a verification plan and authorizes the generation of nitrogen credits. Notice of these proposals for certification was published for comment at 40 Pa.B. 5022 (August 28, 2010).

Lycoming County Conservation District (542 County Farm Road, Suite 202, Montoursville, PA 17754). This certification is applicable to the nutrient reductions generated by installing BMPs that include precision grazing, off-stream watering with streambank fencing, rotational grazing and riparian buffer with Client MuCJoT0001. This certification includes a verification plan and authorizes the generation of nitrogen credits. Notice of these proposals for certification was published for comment at 40 Pa.B. 5022 (August 28, 2010).

Lycoming County Conservation District (542 County Farm Road, Suite 202, Montoursville, PA 17754). This certification is applicable to the nutrient reductions generated by installing BMPs that include riparian buffer with Client MuCMuT0001. This certification includes a verification plan and authorizes the generation of nitrogen credits. Notice of these proposals for certification was published for comment at 40 Pa.B. 1124 (February 27, 2010).

Berwick Area Joint Sewer Authority (1108 Freas Ave, Berwick, PA 18603). This certification is applicable to the operation of the Berwick Area Joint Sewer Authority and was submitted by Herbert Rowland & Grubic Inc. This certification includes a verification plan and authorizes the generation of nitrogen and phosphorous credits. Notice of the proposal for this certification was published for comment at 40 Pa.B. 5642 (October 2, 2010).

MICHAEL KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-148. Filed for public inspection January 28, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of CH Hospital of Allentown—Allentown Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Allentown Clinic has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.2.3 (relating to handwashing stations).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-149. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of CH Hospital of Allentown—Brodheadsville Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Brodheadsville Clinic has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-7.2.2.1 (relating to corridor width).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-150. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of CH Hospital of Allentown—Easton Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Easton Clinic has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-7.2.2.1 (relating to corridor width).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-151. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of CH Hospital of Allentown—Highland Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Highland Clinic

has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.2.3 (relating to handwashing stations).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-152. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of CH Hospital of Allentown—Independence Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Independence Clinic has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.2.3 (relating to handwashing stations).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-153. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of CH Hospital of Allentown—Schoenersville Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown—Schoenersville Clinic has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.2.3 (relating to handwashing stations).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-154. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Carlisle Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-155. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of The Chester County Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Chester County Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.4.4.2(1) and (3) (relating to design configuration of the MRI suite).

This facility is also requesting an exception to the requirements of 28 Pa. Code § 107.25(b)(8) (relating to medical staff executive committee).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-156. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Children's Hospital of Pittsburgh of UPMC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh of UPMC has requested an exception to the requirements of 28 Pa. Code § 107.62(b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-157. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.2.2 (relating to general purpose exam/observation room) and 3.1-7.2.2.1 (relating to corridor width).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-158. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of East Side Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that East Side Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-159. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of EastGate Ambulatory Care Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that EastGate Ambulatory Care Center, LLC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-3.4.2.2 (relating to post-anesthesia recovery positions) and 3.7-3.8.1 (relating to outpatient surgery change area).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-160. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Evangelical Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Evangelical Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.5.3 (relating to patient toilet for ultrasound room) and 2.2-5.4.6.4 (relating to patient holding area).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-161. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Community Medical Center
Evangelical Community Hospital
Somerset Hospital

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.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-162. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Fairgrounds Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Fairgrounds Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-163. Filed for public inspection January 22, 2011, 9:00 a.m.]

Application of Geisinger Medical Center—Janet Weis Children's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center—Janet Weis Children's Hospital has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-164. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Healthsouth Rehabilitation Hospital of Altoona for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Healthsouth Rehabilitation Hospital of Altoona has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-2.3.1 (relating to dining, recreation and day spaces).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-165. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Hershey Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hershey Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-166. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Hillside Endoscopy, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hillside Endoscopy, LLC has requested an exception to the requirements of 28 Pa. Code § 553.3 (relating to governing body responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-167. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Jameson Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.5.3 (relating to technology distribution room), 2.2-3.3.3.3 and 2.2-3.3.3.4 (relating to phase II recovery) and 7.1-7.4.1 (relating to operating room).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-168. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Kindred Hospital Wyoming Valley for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Kindred Hospital Wyoming Valley has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-169. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Lehigh Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-170. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Lehigh Valley Hospital—Muhlenberg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital—Muhlenberg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-3(12) (relating to emergency care electrical requirements), 2.2-3.1.2.6 (relating to work counter) and 2.2-3.1.3.6 (relating to station outlets).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-171. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of LifeCare Hospitals of Pittsburgh—Suburban for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that LifeCare Hospitals of Pittsburgh—Suburban has requested an exception to the requirements of 28 Pa. Code §§ 103.3, 103.31, 107.1, 107.11, 107.26(b)(1) and (7) and 109.2.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-172. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Memorial Hospital, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital, Inc. has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.3 (relating to space requirements).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-173. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Mount Nittany Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.18(b) (relating to EPS studies).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-174. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Nazareth Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nazareth Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-175. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Orthopaedic Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Orthopaedic Hospital has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-176. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Pinnacle Health Cardiovascular Diagnostic Services—Pediatrics for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Cardiovascular Diagnostic Services—Pediatrics has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6.1, 3.1-3.6.6, 3.1-3.6.7 and 3.1-7.2.

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-177. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Pinnacle Health at Harrisburg Hospital—Dialysis Unit for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health at Harrisburg Hospital—Dialysis Unit has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.9.2.6, 2.2-3.9.6.11, 2.2-3.9.7.1, 2.2-3.9.8.1, 2.2-3.9.8.2 and 2.2-3.9.2.2(1).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-178. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Pinnacle Health at Harrisburg Hospital—North—10 Progressive Care Unit for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health at Harrisburg Hospital—North—10 Progressive Care Unit has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.5.2.5 (relating to handwashing stations) and 2.2-2.5.6.11 (relating to equipment/supply storage).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-179. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Pinnacle Outpatient Cardiovascular Diagnostic Services—Carlisle for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Outpatient Cardiovascular Diagnostic Services—Carlisle has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6.1 (relating to nurse's station), 3.1-3.6.6 (relating to medication distribution station) and 3.1-3.6.7 (relating to nourishment area or room).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-180. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Pinnacle Outpatient Cardiovascular Diagnostic Services—Harrisburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Outpatient Cardiovascular Diagnostic Services—Harrisburg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6.1, 3.1-3.6.6, 3.1-3.6.7 and 3.1-7.2.

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-181. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of The Reading Hospital and Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Reading Hospital and Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.2.6 and 2.2-2.2.2.6 (relating to patient toilet room) and 2.1-7.2.2.3 (relating to patient room doors).

This facility is also requesting an exception to the requirement of 28 Pa. Code § 117.30(4) (relating to emergency paramedic services) and 28 Pa. Code § 107.2 (relating to medical staff membership).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-182. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Shamokin Area Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Shamokin Area Community Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25 (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.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-183. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Summit Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Summit Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.22 (relating to criteria for performance of ambulatory surgery on pediatric patients).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-184. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of The Surgery Center of the Main Line for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center of the Main Line has requested an exception to the requirements of 28 Pa. Code §§ 551.52, 553.1—553.4, 553.31, 555.1—555.4, 557.2—557.4, 561.2, 563.1, 563.2 and 567.2.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-185. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of Surgical Specialty Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgical Specialty Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-186. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of UPMC Mercy Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.2.2 (relating to space requirements).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-187. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of UPMC Monroeville Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Monroeville Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-188. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside—Presbyterian Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside—Presbyterian Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-7.2.3.4(3)(a) (relating to ceilings).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-189. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside— Western Psychiatric Institute and Clinic for Ex- ception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside—Western Psychiatric Institute and Clinic has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.4.3 and 2.5-2.2.4.3 (relating to seclusion room), 2.5-2.2.2.6 (relating to toilet room) and 2.2-2.2.2.1(2)(a) (relating to clearances).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-190. Filed for public inspection January 28, 2011, 9:00 a.m.]

Application of The Western Pennsylvania Hospital— Forbes Regional Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital—Forbes Regional Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.5.6.1 (relating to administrative center or nurse station) and 2-2-2.5.2.5 (relating to hand-washing station).

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, 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-191. Filed for public inspection January 28, 2011, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, February 4, 2011. The meeting will be held in the large conference room of the Community Center, which is located on the 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110, from 10 a.m. to 3 p.m.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Naomi Zeiset, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-192. Filed for public inspection January 28, 2011, 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 the six State Veterans' Homes in this Commonwealth. These per diem rates are effective January 1, 2011, until further notice.

Hollidaysburg Veterans' Home

Nursing Care	\$279.29
Personal Care (Domiciliary)	\$201.53

Pennsylvania Soldiers' and Sailors' Home

Nursing Care	\$315.22
Personal Care (Domiciliary)	\$143.88

Southeastern Veterans' Center

Nursing Care	\$290.01
Personal Care (Domiciliary)	\$192.84

Gino J. Merli Veterans' Center

Nursing Care	\$314.64
Personal Care (Domiciliary)	\$221.68

Southwestern Veterans' Center

Nursing Care	\$275.29
Personal Care (Domiciliary)	\$175.23

Delaware Valley Veterans' Home

Nursing Care	\$305.69
Personal Care (Domiciliary)	\$190.17

STEPHEN M. SISCHO,
Major General, PaANG
Acting Adjutant General

[Pa.B. Doc. No. 11-193. Filed for public inspection January 28, 2011, 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, 2011, 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 1.4%.

Section 1403(c) of 4 Pa.C.S. requires the 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 14, 2011. Therefore, the Department is publishing notice of the Annual Inflation Adjustment.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 11-194. Filed for public inspection January 28, 2011, 9:00 a.m.]

Pennsylvania All That Glitters Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania All That Glitters.

2. *Price:* The price of a Pennsylvania All That Glitters instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania All That Glitters instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Chest (CHEST) symbol and a Diamond (DMND) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$20,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania All That Glitters instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Chest (CHEST) symbol, and a prize symbol of \$100 (ONE HUN) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol

under the Diamond (DMND) symbol, on a single ticket, shall be entitled to a prize of \$4.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamond (DMND) symbol, and a prize symbol of \$2.⁰⁰ (TWO DOL) appears

under the Diamond (DMND) symbol, on a single ticket, shall be entitled to a prize of \$2.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$1 x 2	\$2	42.86	168,000
\$2 w/DIAMOND	\$2	42.86	168,000
\$2	\$2	15	480,000
\$1 x 4	\$4	150	48,000
\$2 x 2	\$4	150	48,000
\$4 w/DIAMOND	\$4	50	144,000
\$4	\$4	75	96,000
\$1 x 5	\$5	75	96,000
\$5 w/DIAMOND	\$5	150	48,000
\$5	\$5	75	96,000
CHEST w/\$1 x 10	\$10	300	24,000
\$2 x 5	\$10	375	19,200
(\$4 x 2) + \$2	\$10	375	19,200
\$5 x 2	\$10	375	19,200
\$10 w/DIAMOND	\$10	375	19,200
\$10	\$10	375	19,200
CHEST w/\$2 x 10	\$20	750	9,600
\$4 x 5	\$20	750	9,600
\$5 x 4	\$20	750	9,600
\$10 x 2	\$20	750	9,600
\$20 w/DIAMOND	\$20	750	9,600
\$20	\$20	750	9,600
CHEST w/\$4 x 10	\$40	2,667	2,700
\$5 x 8	\$40	2,667	2,700
\$10 x 4	\$40	2,667	2,700
\$20 x 2	\$40	1,333	5,400
\$40 w/DIAMOND	\$40	2,667	2,700
\$40	\$40	2,553	2,820
CHEST w/\$5 x 10	\$50	3,000	2,400
\$10 x 5	\$50	3,000	2,400
(\$20 x 2) + (\$2 x 5)	\$50	3,000	2,400
\$40 + \$10	\$50	3,000	2,400
\$50 w/DIAMOND	\$50	3,000	2,400
\$50	\$50	3,000	2,400
CHEST w/\$10 x 10	\$100	6,000	1,200
\$20 x 5	\$100	6,000	1,200
\$50 x 2	\$100	6,000	1,200
\$100 w/DIAMOND	\$100	6,000	1,200
\$100	\$100	6,000	1,200
CHEST w/\$40 x 10	\$400	120,000	60
\$50 x 8	\$400	120,000	60
\$100 x 4	\$400	120,000	60
\$400 w/DIAMOND	\$400	120,000	60
\$400	\$400	120,000	60
CHEST w/\$50 x 10	\$500	120,000	60
\$100 x 5	\$500	120,000	60
\$400 + \$100	\$500	120,000	60
\$500 w/DIAMOND	\$500	120,000	60
\$500	\$500	120,000	60

When Any Of Your Numbers
Match Either Of The Winning
Numbers, Win Prize Shown
Under The Matching Number.
Win With Prize(s) Of:

CHEST w/\$100 × 10
\$1,000
\$20,000

Win:

\$1,000
\$1,000
\$20,000

Approximate Odds
Are 1 In:

60,000
60,000
600,000

Approximate No.
Of Winners Per
7,200,000
Tickets

120
120
12

“DIAMOND” (DMND) symbol = win prize shown under it automatically.

“CHEST” (CHEST) symbol = win all 10 prizes shown automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania All That Glitters instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania All That Glitters, prize money from winning Pennsylvania All That Glitters instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania All That Glitters instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania All That Glitters or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 11-195. Filed for public inspection January 28, 2011, 9:00 a.m.]

Army Corp of Engineers (ACOE) which qualifies as a Section 4(f)/Section 2002 resource. The access road will remain in place after completion of the project as requested by the ACOE that will result in a Net Benefit to the property. The access road will use 0.04 acre of the 3,184-acre property with an additional construction easement of 0.45 acre.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, an Environmental Document (ED) has been developed for this 100% State funded bridge rehabilitation project. Also, a “Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit)” was developed to evaluate the potential environmental impacts caused by the subject project. The Section 4(f) document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the ED and the Section 4(f)/Section 2002 document.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 11-196. Filed for public inspection January 28, 2011, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Forest County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning to rehabilitate the Nebraska Bridge which carries SR 3004 over the Tionesta Creek in Forest County.

The rehabilitation of the bridge will require an access road within the Tionesta Recreational Area owned by the

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Hereford Manor Lakes, Beaver County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to temporarily modify fishing regulations at Hereford Manor Lakes, Beaver County, in anticipation of a complete drawdown of both lakes. Specifically, the Executive Director lifted all seasons, sizes and creel limits for all species, effective November 1, 2010, through February 28, 2011.

Acting under the same authority, the Executive Director has decided that effective March 1, 2011, the seasons,

sizes and creel limits for all species will continue to be lifted. Effective 12:01 a.m. on March 5, 2011, the creel limit and minimum size limit for trout will be five fish per day and 7 inches, respectively.

The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities. The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of

the lakes, and the modified regulations are fully effective and enforceable. These temporary modifications will remain in effect until the lakes are closed to fishing as a result of planned drawdown.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 11-197. Filed for public inspection January 28, 2011, 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 30th 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 below (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>
ADMINISTRATION			
No regulations being developed or considered at this time.			
AGING			
6 Pa. Code Chapter 15 Protective Services for Older Adults	December 2011, as proposed.	The Older Adults Protective Services Act is under review in light of the decision of the PA Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law to be unconstitutional. Regulations are routinely being reviewed as numerous pieces of pending legislation are being considered.	Denise Getgen (717) 772-0184
6 Pa. Code Chapter 23 Long-Term Care Ombudsman Program	December 2011, 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.	Bob McNamara (717) 772-3688
AGRICULTURE			
Domestic Animal 7 Pa. Code Chapter 2, 3 and 16	July 2011, as proposed.	The 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).	Craig E. Shultz, DVM Director (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	March 2011, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate Cervidae livestock operations. Act 51 of 2006 further amended the requirements for Cervidae livestock operations. (3 Pa.C.S. §§ 2303—2380.9).	Craig E. Shultz, DVM Director (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 20a	July 2011, as proposed.	Act 211 of 2002 requires the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement. (3 Pa.C.S. §§ 2501—2504).	Craig E. Shultz, DVM Director (717) 772-2852
Biofuels 70 Pa. Code Chapter 11	August 2011, as proposed.	This regulation will satisfy the requirements of Act 78 of 2008 (the Biofuel Development and In-State Production Incentive Act).	John Dillabaugh (717) 787-6772

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Weights and Measures Regulations 70 Pa. Code Chapters 1 through 101	December 2011, as proposed.	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act.	John Dillabaugh (717) 787-6772
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	June 2011, 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.	Jorge Augusto (717) 787-8744
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	June 2011, 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.	Jorge Augusto (717) 787-8744
Pesticide Regulations 7 Pa. Code Chapter 128	December 11, 2010, as final.		David Scott (717) 772-5214
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	March 2011, as proposed.	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act)	John Breitsman (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	March 2011, as proposed.	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act)	John Breitsman (717) 772-5215
Fertilizer Regulations 7 Pa. Code Chapter 73	September 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act).	John Breitsman (717) 772-5215
Clean and Green Regulations 7 Pa. Code Chapter 137b	June 2011, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, Act 88 of 2010 and Act 109 of 2010 and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Agricultural Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	December 2011, 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 regulations.	Douglas Wolfgang (717) 783-3167
PA Food Code 7 Pa. Code Chapter 46	April 2011, as proposed.	This regulation will amend 7 Pa. Code Chapter 46 and implement legislative changes that may occur during the promulgation process.	William Chirdon (717) 787-4315
Milk Sanitation 7 Pa. Code Chapter 59a	March 2011, as final.	This regulation will replace 7 Pa. Code Chapter 59 and implement the provisions of the Milk Sanitation Law.	William Chirdon (717) 787-4315
Commercial Kennel Canine Health Regulations 7 Pa. Code Chapter 28a	Published November 27, 2010, as final.	This regulation sets standards for humidity, ammonia and ventilation levels, as well as, lighting and flooring standards in commercial kennels.	Sue West (717) 787-3062
<i>BANKING</i>			
Annual Assessment Regulation	Late 2011.	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Robert C. Lopez Deputy Chief Counsel (717) 787-9573
Regulation governing the conduct of debt settlement services pursuant to the Debt Management Services Act.	Late 2011.	Required pursuant to 63 P. S. § 2403(b).	Robert C. Lopez Deputy Chief Counsel (717) 787-9573
Regulation governing pleading procedures for Department administrative actions.	Late 2011.	Regulation to create simplified and clear filing and pleading procedures specific to Department administrative proceedings and the statutes under the Department's jurisdiction.	Robert C. Lopez Deputy Chief Counsel (717) 787-9573
Regulation governing continuing education under the Debt Management Services Act.	Late 2011.	Required pursuant to 63 P. S. § 2409.	Robert C. Lopez Deputy Chief Counsel (717) 787-9573
<i>BOARD OF PARDONS</i>			
No regulations being developed or considered at this date.			
<i>COMMUNITY & ECONOMIC DEVELOPMENT</i>			
Film Production Tax Credit Program (Final Regulation)	Spring of 2011.	The purpose of the final regulation is to implement the provisions of the Tax Reform Code of 1971 relating to Film Production Tax Credits.	Andrew Tanzer (717) 783-8452
Industrialized Housing and Components (Proposed Regulation)	Spring of 2011.	The purpose of the proposed regulation is to amend Chapter 145 of Title 12 to bring it into compliance with Act 13 of 2009.	Mark Conte (717) 720-7416
Local Earned Income Tax (Proposed Regulation)	Spring of 2011.	The proposed regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P. S. § 6924.501 et seq.). The proposed regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth.	Andrew Tanzer (717) 783-8452

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Open Records Appeals Process (Proposed Regulation)	Spring of 2011.	The purpose of the proposed regulation is to establish regulations relating to appeals involving a Commonwealth agency or local agency.	Terry Mutchler (717) 346-9903
COMMISSION ON CRIME AND DELINQUENCY			
37 Pa. Code Chapter 431 Constables' Education and Training Board	April 2011 Proposed.	The purpose of this regulation is to eliminate any waivers of the firearms portion of the basic training course, preclude any constable under the age of 21 from participating in the firearms portion of the basic training course and to require a constable who fails a first and second examination in the basic training course bear the financial responsibility for a second or third basic training. Recent statutory changes have necessitated additional updates to the regulations.	John Pfau 265-8546
CONSERVATION & NATURAL RESOURCES			
State Forests (Chapter 21)	Publish proposed rulemaking April 2011.	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 & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502)	Matt Beaver (717) 783-0379 Susan Wood, Esq. (717) 772-4171
State Forest Picnic Areas (Chapter 23)	Publish proposed rulemaking April 2011.	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 & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502)	Matt Beaver (717) 783-0379 Susan Wood, Esq. (717) 772-4171
Conservation of Pennsylvania Native Wild Plants (Chapter 45)	Publish proposed rulemaking April 2011.	Major purpose of rulemaking is to update the lists of native wild plants within the classifications and change the beginning date of the ginseng harvest season from August 1 to September 1. Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Section 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.313).	Chris Firestone 570-724-8149 Susan Wood, Esq. (717) 772-4171
CORRECTIONS			
Revisions to 37 Pa. Code Chapter 93	July 2010, as proposed.	The Motivational Boot Camp regulations are being revised to eliminate unnecessary staffing provisions.	Timothy Holmes (717) 731-0444
Amendments to 37 Pa. Code § 94.4	July 2010, as proposed.	The amendment will restrict the ability of individuals to purchase items from outside the institution for inmates.	Theron Perez (717) 731-0444
EDUCATION			
Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapter C	Fall 2011, 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, PL 30, No. 14, March 16, 1949, P. S. §§ 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>
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63	Fall 2011, as proposed.	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.)	Myrna Delgado (717) 783-6791
Higher Education—College and University Security. 22 Pa. Code Chapter 33	July 2011, as proposed.	This chapter governs the responsibility of institutions of higher education to comply with the College and University Security Information Act. The chapter applies to independent institutions of higher education, community colleges, member institutions of the State System and State-related institutions.	Adam Schott (717) 787-3787
EMERGENCY MANAGEMENT AGENCY			
No regulations being developed or considered at this time.			
ENVIRONMENTAL HEARING BOARD			
25 Pa. Code Chapter 1021 Practice and Procedure	The Environmental Hearing Board intends to propose corrections to existing rules in early 2011.	The Environmental Hearing Board intends to correct an omission in the language of 25 Pa. Code § 1021.51 which was amended in 2009, and eliminate its rules pertaining to the Costs Act which has expired.	Maryanne Wesdock (412) 565-5245
ENVIRONMENTAL PROTECTION			
Remining Financial Guarantees and Federal OSM Consistency Rule Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapters 86—88	FY 10-11.	Revisions to Chapters 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 and NPDES permit-by-rule for abandoned mine discharges.	Bill Allen (717) 783-9580 wallen@state.pa.us
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapter 77	FY 10-11.	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 and updates to permit application fees to support program activities.	Bill Allen (717) 783-9580 wallen@state.pa.us
Water Supply Replacement Surface Mining Conservation & Reclamation Act 25 Pa. Code Chapters 87 and 88	FY 10-11.	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.	Greg Shuler (717) 783-1199 gshuler@state.pa.us
Remining Requirements (Subchapters F and G Revisions) Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapters 86 and 88	FY 10-11.	Amendments to remining requirements in Chapters 86 and 88 (Subchapters F and G) in order to reflect regulatory changes enacted by the Federal Environmental Protection Agency.	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>
Noncoal Mining Fees Noncoal Surface Mining Conservations & Reclamation Act 25 Pa. Code Chapter 77	FY 10-11.	Amendments to 25 Pa. Code Chapter 77 in order to implement fees to support the Noncoal Mining Program.	Bill Allen (717) 783-9580 wallen@state.pa.us
Coal Mining Permit Fees Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapter 86	FY 10-11.	Increase permit application fees to support program activities.	Bill Allen (717) 783-9580 wallen@state.pa.us
Areas Unsuitable for Surface Mining Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapter 86	FY 10-11.	Amendments to 25 Pa. Code § 86.130 to add subsection (b)(18) to designate the Lower Kittanning, Clarion, Brookville and Mercer coals within the upper portion of the Muddy Run watershed, Reade Township, Cambria County, as unsuitable for surface mining operations. The regulation is the result of a comprehensive technical evaluation conducted in response to a petition submitted to the EQB by the Reade Township Municipal Authority, which requested that an area within the Muddy Run drainage be designated as unsuitable for surface mining operations.	Geoff Lincoln (717) 783-9582 glincoln@state.pa.us
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78	FY 10-11.	Revisions to Chapter 78 (Oil and Gas Wells) that governs the drilling, operation and plugging of oil and gas wells. Includes changes to the quantity and quality for replacement water supplies as well as their adequate operation and maintenance; alternate requirements for drilling through mineable coal seams and the recovery of coal bed methane prior to mining.	Scott Perry (717) 772-2199 scperry@state.pa.us
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78	FY 10-11.	This rulemaking will include changes to bond amounts.	Scott Perry (717) 772-2199 scperry@state.pa.us
Underground Coal Mine Safety Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	FY 10-11.	The rulemaking adopts by reference the MSHA regulations with a few minor edits. The regulation addresses belt flammability standards and maintenance requirements, seal design, construction and maintenance requirements, emergency response requirements, self-contained rescue devices and refuge chambers communication.	Joseph Sbaffoni 724-439-7469 jsbaffoni@state.pa.us
Underground Coal Mine Safety Automated External Defibrillators Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	FY 10-11.	This regulation establishes safety standards relating to Automated External Defibrillators in underground bituminous coal mines.	Joseph Sbaffoni 724-439-7469 jsbaffoni@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>
Underground Coal Mine Safety Reportable Accidents Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	FY 10-11.	This rulemaking expands the list of accidents in underground bituminous coal mines that must be reported to the Department within 15 minutes of discovery.	Joseph Sbaffoni 724-439-7469 jsbaffoni@state.pa.us
Safe Drinking Water Fees Safe Drinking Water Act 25 Pa. Code Chapter 109	FY 10-11.	Amendments to update drinking water program fees. The fees have not been changed since 1984.	Kevin McLeary (717) 783-1820 kmcleary@state.pa.us
Dam Safety and Waterways Management Fees Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code Chapter 105	FY 10-11.	The purpose of the rulemaking package is to amend existing regulations at 25 Pa. Code Chapter 105 to update existing fees and include additional fees for activities performed by the Department. The fees have not been increased since 1991.	Sidney Freyermuth (717) 772-5977 sfreyermuth@state.pa.us
Clarks Creek, et al. Stream Redesignations Package Clean Streams Law 25 Pa. Code Chapter 93	FY 10-11.	This rulemaking identifies the six following candidate streams that were considered for redesignation in order to provide the correct aquatic life use designation in the water quality standards: UNT Lackawanna River "Clarks Creek" (Wayne County), Pine Creek (Schuylkill County), UNT Conestoga River (Lancaster County), Hammer Creek (Lebanon and Lancaster Counties), UNT Schuylkill River "Spring Mill Run" (Montgomery County), and Cacoosing Creek (Berks County). A correction to the designated use of Toms Run (Forest County) is also included in this rulemaking.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Fishing Creek, et al. Stream Redesignations Package Clean Streams Law 25 Pa. Code Chapter 93	FY 10-11.	This rulemaking identifies the eight following stream segments that were considered for redesignation in order to provide the correct aquatic life use designation in the water quality standards: Buck Hill Creek (Monroe County); Upper Lehigh River (Lackawanna, Monroe, Wayne and Luzerne Counties); Little Lehigh Creek (Lehigh and Berks Counties); Gallows Run (Bucks County); French Creek and Beaver Run (Chester County); Tannery Hollow Run (Cameron County); Fishing Creek (Lancaster County); and Deer Creek and Little Falls (York County).	Rodney McAllister (717) 787-9637 romcallist@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>
Air Quality Plan Approval and Operating Permit Fees Air Pollution Control Act 25 Pa. Code Chapters 127 and 139	FY 10-11.	The proposed rulemaking will amend existing requirements and fees codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees), and add new categories of fees to Chapter 127, Subchapter I, to address modifications of existing plan approvals and requests for determination of whether a plan approval is required. The proposed rulemaking also adds a new section to address fees for risk assessment applications. The proposed rulemaking will amend the existing emission fee paid by the owner or operator of a Title V facility. The proposed rulemaking will also add Subchapter D (relating to testing, auditing and monitoring fees) to Chapter 139 to add new categories of fees and to establish a fee schedule to address Department-performed source testing and auditing and monitoring activities for continuous emission monitoring systems (CEMS).	Dean Van Orden (717) 783-9264 dvanorden@state.pa.us
Nonattainment New Source Review Particulate Matter 2.5 (NNSR PM2.5) Air Pollution Control Act 25 Pa. Code Chapters 121 and 127	FY 10-11.	The final rulemaking amends the existing nonattainment new source review (NSR) requirements in 25 Pa. Code Chapter 127, Subchapter E (relating to new source review), §§ 127.201—127.218, to incorporate recently promulgated Federal requirements for particulate matter equal to and less than 2.5 micrometers in diameter (PM2.5) and PM2.5 precursors. Amendments to § 121.1 (relating to definitions) are also made to support the final amendments to Chapter 127. The final amendments limit the emissions of PM2.5 and PM2.5 precursors for new major sources or major sources being modified in certain counties and portions of counties of this Commonwealth that are designated as nonattainment for the PM2.5 National Ambient Air Quality Standard. The Federal regulation requires a state with PM2.5 nonattainment areas to submit the revised nonattainment NSR PM2.5 requirements to the U.S. Environmental Protection Agency (EPA) by May 16, 2011, for approval as a revision to the State Implementation Plan (SIP).	Virendra Trivedi (717) 772-3979 vtrivedi@state.pa.us
HEDD—High Electric Demand Days Air Pollution Control Act 25 Pa. Code Chapter 121 and 129	FY 10-11.	The proposed rulemaking would amend 25 Pa. Code Chapter 129 to limit emissions of nitrogen oxides (NOx) from electric generating units (EGUs) and emergency generator sets used during non-emergency periods that operate less than 1,200 hours per Ozone Season and generate electricity during periods of peak electric demand, including high electric demand days (HEDD). Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	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>
Sulfur Limits in Commercial Fuel Oil Air Pollution Control Act 25 Pa. Code Chapters 121 and 123	FY 10-11.	The final rulemaking will amend 25 Pa. Code § 123.22 (relating to combustion units) to lower the maximum allowed percent sulfur content in commercial fuel oil sold for and used in combustion units in this Commonwealth, to further limit the emissions of sulfur dioxide (SO ₂) from these sources. Amendments to § 121.1 (relating to definitions) will also be made to support the final amendments to § 123.22. The final rulemaking will ensure consistency with the State Implementation Plan revision submitted by Pennsylvania to meet reasonable progress goals for reducing regional haze.	Susan Hoyle (717) 772-2329 shoyle@state.pa.us
Flexible Packaging Printing Presses and Offset Lithographic and Letterpress Printing Presses Air Pollution Control Act 25 Pa. Code Chapter 121 and 129	FY 10-11.	The proposed rulemaking would amend 25 Pa. Code Chapter 129 (relating to standards for sources) to add requirements to reduce the emissions of volatile organic compounds (VOCs) from flexible packaging printing presses and offset lithographic printing and letterpress printing presses to meet the Clean Air Act's "reasonably available control measures" requirement for ozone nonattainment areas. The proposal would amend §§ 129.51 and 129.67 (relating to general; and graphic arts systems) and add §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses; and control of VOC emissions from offset lithographic and letterpress printing presses) to adopt emission limits and work practice standards for flexible packaging printing presses and offset lithographic printing and letterpress printing presses. Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	Susan Hoyle (717) 772-2329 shoyle@state.pa.us
Municipal and Residual Waste Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code Chapters 271—285 and 287—299	FY 10-11.	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 and fee revisions. The package will also include regulations to implement the Waste Transportation Safety Program as authorized by Act 90 of 2002.	Steve Socash (717) 787-7381 ssicash@state.pa.us
Municipal Waste Regulated Medical Amendments Solid Waste Management Act 25 Pa. Code Chapter 284	FY 10-11.	This rulemaking will amend the existing Chapter 284. This will include some definitions in Chapter 271 that will be added or amended. The term infectious waste will be replaced with the term "regulated medical waste." This terminology change will be a global change. In addition to definitional changes, this proposal also includes changes to storage, transporter licensing and manifesting requirements for regulated medical waste.	Steve Socash (717) 787-7381 ssicash@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>
Residual Waste Generator Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code Chapter 287	FY 10-11.	These proposed revisions streamline and update biennial reporting requirements, reduce the number of generators subject to biennial reporting and annual chemical analyses requirements and eliminate submission of annual chemical analyses. The requirement for source reduction strategies is proposed for elimination.	Steve Socash (717) 787-7381 ssicash@state.pa.us
Radiological Health 25 Pa. Code Chapters 215—240	FY 10-11.	This rulemaking will amend 25 Pa. Code Chapters 215—240 in order to incorporate by reference federal regulations pertaining to the security of certain radioactive material.	Joe Melnic (717) 783-9730 jmelnic@state.pa.us
Radiological Health 25 Pa. Code Chapters 215—240	FY 10-11.	This rulemaking will include amendments to address new x-ray technology that is not addressed in current regulations.	Joe Melnic (717) 783-9730 jmelnic@state.pa.us
Radon Certification Amendments 25 Pa. Code Chapter 240	FY 10-11.	This rulemaking will include amendments to incorporate standards and protocols for radon certification. The rulemaking will also update worker health and safety rules, provide for the regulation of radon testing and mitigation in schools and public buildings, and amend requirements for radon certification continuing education providers.	Joe Melnic (717) 783-9730 jmelnic@state.pa.us
GENERAL SERVICES			
Responsibility, 4 Pa. Code Chapter 60	Fall 2011, as proposed.	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Michael C. Barrett (717) 346-9781
Committee on Construction Contract Documents, 4 Pa. Code Chapter 62	Summer 2011, as final omitted.	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Michael C. Barrett (717) 346-9781
Selections Committee, 4 Pa. Code Chapter 64	Summer 2011, as final omitted.	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Emergency Construction Repairs 4 Pa. Code Chapter 67	Summer 2011, as final omitted.	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Contract Compliance 4 Pa. Code Chapter 68, Subchapter A, Prequalification of Vendors and Non-construction Contractors	Summer 2011, as final omitted.	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Michael C. Barrett (717) 346-9781
Methods of Awarding Contracts, 4 Pa. Code Chapter 69	Summer 2011, as final omitted.	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Use of the Forum 4 Pa. Code Chapter 87	Fall 2011, as final omitted.	The regulations will be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.	Michael C. Barrett (717) 346-9781

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
HEALTH			
Communicable and Non-Communicable Diseases 28 Pa. Code § 27.1 et seq.	June 2010, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation and revise language pertaining to reportable diseases. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Jalene Kolb (717) 783-2500
Nursing home regulations 28 Pa. Code §§ 201.3 and 211.6	April 2011, as proposed.	Amendments made by Act 68 of 2008 to the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1922) include a definition for the term "social worker" and prohibits individuals from holding themselves out as social workers, using the title of "social worker" or using the abbreviation of "S.W." without meeting Act 68's definition of "social worker." Act 68 also prohibits "advertising as a social worker and adopting or using any title or description of services incorporating the term 'social worker' and their related abbreviations, which implies directly or indirectly that the individual is a social worker." The new statutory definition of a "social worker" conflicts with the definition in the Department's nursing home regulations. In order to resolve this conflict and allow facilities to continue to employ the individuals they currently employ in these positions (and who do not meet the new statutory definition of a social worker) the Department would propose to amend the term "social worker" in the regulations to "social services coordinator." This will continue to allow nursing homes to hire individuals who meet the qualifications in the Department's nursing home regulations and in federal nursing home regulations, thereby giving facilities a larger pool of potential employees and controlling health care costs. The amendments would be promulgated pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b, and Act 68.	Robert T. Datorre (717) 783-2500
Hospice Regulations	November 2011, as proposed.	These regulations will establish and enforce minimum standards for the licensure of hospice services and residential facilities. The regulations are based on federal CMS regulations for Medicare certified providers. The regulations govern the construction, maintenance and operation of inpatient and residential hospice facilities to ensure safe, adequate and efficient provision of hospice services.	Audrey Miner (717) 783-2500
Emergency Medical Services System Regulations	March 2011 As proposed.	These new regulations will facilitate the Department's administration of the Emergency Medical Services System Act (Act) chapter of Act 37 (2009), 35 Pa.C.S. §§ 8101—8157. The Act repeals and replaces the Emergency Medical Services Act. However, many of the provisions of the Emergency Medical Services Act will remain in effect for 180 after final regulations are promulgated under the Act. The Act is designed to update the existing emergency medical services system by ensuring higher quality and better coordinated emergency medical services are provided in a system that is fully integrated with the overall health care system and, in particular, with the public health system.	Kenneth E. Brody (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>
Photo Identification Tag Regulations	April 2011, as interim regulations.	The Health Care Facilities Act (35 P. S. § 448.101 et seq.) was amended by the passage of Act 2010-110 on November 23, 2010. This new section of the Act (35 P. S. § 448.809.2) requires health care workers employed in health care facilities and physician practices to wear photo identification tags that also contain other information including name, title and name of the health care facility. The effective date of this amendment is January 22, 2011. The Act requires the Department to adopt interim regulations by April 22, 2011 and final regulations within 18 months of the effective date. Implementation of these provisions are staggered with those working "outside" of a health care facility and in physician offices required to comply immediately and those employed "at" a health care facility required to comply by June 1, 2015.	James T. Steele, Jr. Robert Datorre Audrey Miner (717) 783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			
INFRASTRUCTURE INVESTMENT AUTHORITY			
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 2010-11.	<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

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
INSURANCE			
Fraternal Beneficial Societies (31 Pa. Code Chapter 43)	Spring 2011, as final omitted.	Delete an obsolete, unnecessary regulation relating to the establishment and valuation of reserves by fraternal beneficial societies.	Peter J. Salvatore Regulatory Coordinator (717) 787-4429
Written Rebuttals to Examiner's Report and Appeals of Orders Adopting Reports of Examination, 31 Pa. Code Chapter 58a	Spring 2011, as proposed.	The Department repealed outdated regulations relating to appeals from examinations because they were inconsistent with the current exam law. This new chapter will set forth procedures and standards consistent with the current statute.	Peter J. Salvatore Regulatory Coordinator (717) 787-4429
Life Insurance Illustrations (New Chapter 87a)	Summer 2011, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore Regulatory Coordinator (717) 787-4429
LABOR AND INDUSTRY			
Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Summer 2011.	Update and improve existing regulations for administration and enforcement of the UCC and adopt appropriate provisions of Chapter 30 of the International Building Code (related to elevators and conveying systems)	Edward Leister (717) 783-6304
Flammable and Combustible Liquids, Title 37, Part I, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Spring 2011.	Update the requirements for unattended self-service stations and adopt requirements for storage and dispensing of compress natural gas as vehicular fuel.	Edward Leister (717) 783-6304
Boilers and Unfired Pressure Vessels, Title 34, Chapter 3a, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Spring 2011.	Update the codes adopted to the current editions.	Edward Leister (717) 783-6304
Business Enterprise Program, Title 34, Bureau of Blindness and Visual Services	Submit proposed rulemaking in Winter 2011.	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

<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, Chapter 61, Bureau of Unemployment Compensation Tax Services and Office of Unemployment Compensation Benefits	Publish as Final in Winter 2011.	Update Unemployment Compensation administration regulation.	Scott Miedrich (717) 787-2097
Unemployment Compensation, Title 34, Chapter 63, Bureau of Unemployment Compensation Tax Services	Publish final form regulation in Winter 2011.	Update Unemployment Compensation tax and employer regulations.	Scott Miedrich (717) 787-2097
Unemployment Compensation, Title 34, Chapter 65, Office of Unemployment Compensation Benefits	Publish as final regulation in Winter 2011.	Update Unemployment Compensation benefits and claimant regulations.	Craig Pontz (717) 783-0605
Unemployment Compensation Title 34, Chapter 101 Board of Review	Submit proposed rulemaking in Summer 2011.	Update appeal and hearing procedures to reflect evolving procedures and statutory changes.	Edward Rawlings (717) 787-1620
Bureau of Labor Law Compliance, Title 34, Part XII, Chapter 225 Prohibition of Excessive Overtime in Health Care Act	Submit proposed rulemaking in Winter 2011.	Regulations to implement this law.	James A. Holzman (717) 787-4186
Bureau of Labor Law Compliance, Title 34, Chapter 83, Welfare of Apprentices	Submit proposed rulemaking in Fall 2011.	Amend provisions to reflect federal requirements.	Jason Anderson (717) 787-4186
Bureau of PENNSAFE Title 34, Chapters 301—323, Worker and Community Right to Know	Submit proposed rulemaking in Summer 2011.	Amend the PA Hazardous Substance List.	Thomas J. Ward, Jr. (717) 783-1826
Bureau of Labor Law Compliance, Title 34, Chapter 31 Seasonal Farm Labor	Submit proposed rulemaking in Winter 2011.	Update regulations and clarify jurisdiction.	James A. Holzman (717) 787-4186

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
MILITARY AND VETERANS AFFAIRS			
State Veterans' Homes 43 Pa. Code § 7.1 et. seq.	October 2008 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
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION			
Municipal Police Officers' Education and Training Commission. 37 Pa. Code Chapter 203	Proposed regulations, June 2011.	The Commission intends to update regulations promulgated pursuant to 53 Pa.C.S. § 2164(1), (8) and (14) (relating to Part III, Subpart C, of the Local Government Code).	Syndi L. Guido (717) 772-0905
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			
PROBATION AND PAROLE			
Revision to 37 Pa. Code §§ 63, 65, 67, 69, 71, 73, 75 and 77 "Board of Probation and Parole"	To be worked on in FY 2010.	Updates to incorporate recent changes to Title 61 and emphasis on evidence based practices.	Linda Laub Acting Chief Counsel (717) 787-8126
Addition of a section to 37 Pa. Code Part II. "Board of Probation and Parole"	To be worked on in FY 2010.	Addition to address urinalysis collection as mandated by 61 Pa.C.S. § 6137(e).	Colleen Fickel Director Central Services, PBPP (717) 787-5699 Ext. 292
37 Pa. Code, Chapter 79 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."	To be worked on in FY 2010.	Add new sections relating to "Accidental Discharge," "Break in Service" and "Weapons Change."	Todd Burns Executive Director FETC (717) 787-5699 Ext. 389
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PUBLIC WELFARE			
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	December 2012, 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	June 2013, 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
Deficit Reduction Act of 2005 (TANF Reauthorization) 55 Pa. Code Chapter 165	August 2011, 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
Physician Assistant/Midwife 55 Pa. Code Chapter 1141	December 2011, 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
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	December 2012, 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
Participation Review Process for Medical Assistance Nursing Facilities 55 Pa. Code Chapter 1187	September 2011, as final-form.	Act 16 of 2007 requires the Department to promulgate regulations that establish the process and criteria to be used to review and respond to requests for increases in Medical Assistance certified nursing facility beds.	Ruth O'Brien (717) 783-2800
Medical Assistance Copayment Changes 55 Pa. Code Chapter 1101	June 2011, 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
Transition to RUG-111 v.5.12 and Latest Assessment 55 Pa. Code Chapter 1187	October 2011, As final-form.	This regulation will use 5.12 44 Grouper as a result of CMS's final rule (CMS 1410-F) directing states to transition from MDS 2.0 to MDS 3.0 on October 1, 2010	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>
Exceptional Nursing Facility Payment 55 Pa. Code Chapter 1187	August 2011, as proposed.	This regulation will eliminate the current Peer Group 13 (Special Rehabilitation Nursing Facilities) in the current nursing facility rate setting methodology and replace it, for certain qualified facilities with a blended rate payment system design. A portion of the blended rate will continue to be based upon the current case-mix payment methodology and a portion will be based upon an established price for certain exceptional nursing facility residents.	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	January 2012, 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
Medical Assistance Estate Recovery Changes 55 Pa. Code Chapter 258	January 2012, 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	February 2012, 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) 55 Pa. Code Chapters 31, 1157 and 1165	May 2012, as final-form.	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

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5230	September 2011, as final-form.	The Office of Mental Health and Substance Abuse Services is in the process of amending the Commonwealth's Title XIX Medicaid State Plan to add Psychiatric Rehabilitation Services to the Rehabilitation option. This service is being added under the provision of 42 CFR 44.130(d) "Rehabilitation Services." Psychiatric rehabilitation is a therapeutic rehabilitation service for individuals with mental illness designed to increase competence in normal life activities and allows individuals to pursue life goals with the greatest amount of independence. The proposed regulation will promulgate the minimum standards for the delivery of Psychiatric Rehabilitation Services (PRS).	Ruth O'Brien (717) 783-2800
Integrated Treatment for Outpatient Clinics (formerly referred to as "Psychiatric Outpatient Clinics") 55 Pa. Code Chapter 5200	July 2011, as proposed.	These regulations would be promulgated, simultaneously with identical regulations from the Department of Health, to permit providers of drug and alcohol treatment services and mental health treatment services to obtain licenses from the Departments of Health and Public Welfare authorizing them to deliver integrated treatment on an outpatient basis to persons suffering from co-occurring psychiatric and substance use disorders. The proposed regulations would establish minimum requirements for licensure, including staffing, training, records and other aspects required for appropriate treatment delivery. There are currently no regulations which provide for licensure of providers of integrated treatment for co-occurring disorders. Instead, facilities that wish to provide integrated treatment currently must meet all the requirements to obtain separate licenses for drug and alcohol and mental health treatment. The proposed regulations would simplify the survey and licensure process for providers. These regulations would be published pursuant to the Department's authority under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922, 1001—1031 and 1051—1059).	Ruth O'Brien (717) 783-2800
Intermediate Care Facilities for the Mentally Retarded 55 Pa. Code Chapter 6650	September 2011, 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, restraints, incident management, 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

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
REVENUE			
Support Offset and Other Personal Income Tax Provisions	March 2011, 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	Proposed regulation published at 40 Pa.B. 3122 (June 12, 2010); March, 2011 as final.	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
Pennsylvania Subchapter S Corporations—Election Language 61 Pa. Code Chapter 107a	June, 2011, 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	Final regulation published at 40 Pa.B. 3356 (June 19, 2010).	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
§ 119.30 Innocent Spouse Relief	Final regulation published at 40 Pa.B. 7093 (December 11, 2010).	The Department is promulgating a new rulemaking to clarify the Department's policy on Innocent Spouse Relief for Pennsylvania Personal Income Tax as enacted under Act 87 of 2002.	Douglas Berguson (717) 346-4633
Consolidation of Administrative Appeals under the Board of Appeals 61 Pa. Code Chapters 7 and 901	March, 2011, as proposed.	The Department is proposing regulations to consolidate the administrative appeals under the Board of Appeals and streamline the administrative appeals process.	Douglas Berguson (717) 346-4633
Amendments to PA Gaming Cash Flow Management Regulations, 61 Pa. Code Chapter 1001	January, 2011, as final.	The Department is promulgating a final-omitted rulemaking to amend the PA Gaming Cash Flow Regulations to include table game revenue as enacted under Act 1 of 2010.	Douglas Berguson (717) 346-4633
Amendments to Realty Transfer Tax Regulations 61 Pa. Code Chapter 91	June, 2011, as proposed.	Amendments to the Realty Transfer Tax regulations are being proposed to improve the clarity and effectiveness of the regulations.	Douglas Berguson (717) 346-4633
Amendments to Local Option Small Games of Chance 61 Pa. Code Chapter 901	June, 2011, as proposed.	The Department is proposing revisions to improve the clarity and effectiveness of the regulations relating to games of chance.	Douglas Berguson (717) 346-4633
SECURITIES COMMISSION			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE			
<p>Bureau of Professional and Occupational Affairs</p> <p>—Schedule of Civil Penalties for violations of the Clean Indoor Air Act— 49 Pa. Code Chapter 43b. (16-46)</p> <p>—Telephonic Testimony— 49 Pa. Code Chapter 43b. (number not yet assigned)</p> <p>—Recording Devices— 49 Pa. Code §§ 43b.101—43b.102 (16A-45)</p>	<p>Spring 2011, as Final.</p> <p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>This regulation would create a schedule of civil penalties for violations of the Act of June 13, 2008 (P. L. 182, No. 27), known as the Clean Indoor Air Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties. Section 5(b)(1)(ii) of the Clean Indoor Air Act, 35 P. S. § 637.5(b)(1)(ii), authorizes the Bureau to enforce the act.</p> <p>This regulation would provide rules for the admission of testimony received by telephone at hearings conducted by boards/commissions or hearing examiners. Statutory Authority: Section 3 of the act of July 2, 1993 (P. L. 345, No. 48), authorizes the Commissioner of Professional and Occupational Affairs to promulgate regulations setting forth the procedural rules to be followed in the conduct of hearings in disciplinary matters before a licensing board or commission, after consultation with the licensing boards and commissions.</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>State Board of Accountancy</p> <p>—Continuing Education— 49 Pa. Code §§ 11.61—11.69a (16A-5511)</p> <p>—General Revisions— 49 Pa. Code Chapter 11 (number not yet assigned)</p> <p>—Civil Penalty Schedule— Accountants— 49 Pa. Code § 43b.10a. (16-48)</p>	<p>Summer 2011, as Final.</p> <p>Spring 2010, as Proposed.</p> <p>Summer 2011, as Final.</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 implement the amendments to the CPA Law made by the Act of July 9, 2008 (P. L. 954, No. 73). Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This proposed regulation would adopt a schedule of civil penalties for violation of the continuing education regulations of the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p>	<p>Sara Fox (717) 783-1404</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 Architects Licensure Board</p> <p>—General Revisions— 49 Pa. Code Chapter 9 (number not yet assigned)</p> <p>—Experience Requirement— 49 Pa. Code § 9.46 (16A-4120)</p>	<p>Fall 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>This regulation would provide a general update of the regulations of the State Architects Licensure Board. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law, 63 P. S. § 34.6(a) and (d).</p> <p>This regulation would clarify the amount of experience a candidate must have as a prerequisite to being admitted to the license examination. Statutory Authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a).</p>	<p>Penny Walker (717) 783-3397</p>
<p>State Board of Barber Examiners</p> <p>—Fees— 49 Pa. Code § 3.103 (16A-428)</p>	<p>Spring 2011, as Proposed.</p>	<p>The proposed rulemaking would increase biennial renewal fees and fees for other board services. Statutory Authority: Section 14 of the Barbers License Law, 63 P. S. § 564.</p>	<p>Kelly Diller (717) 783-3402</p>
<p>State Board of Chiropractic</p> <p>—Chiropractic specialties— 49 Pa. Code Ch. 5 (16A-4312)</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>—Licensure by Reciprocity— 49 Pa. Code § 5.13 (16A-4320)</p> <p>—Volunteer license— 49 Pa. Code § 5.20 (number not yet assigned)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Final.</p> <p>Spring 2011, as Final.</p> <p>Spring 2011, as Proposed.</p> <p>Spring 2011, 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. This 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>This rulemaking would establish standards for chiropractors that engage in chiropractic peer review. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This 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 proposed rulemaking would provide a revised method of licensing out-of-state chiropractors by reciprocity. Statutory Authority: Sections 302(3) and 504 of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3) and 625.504.</p> <p>This regulation would conform the volunteer license 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; and section 5 of the Volunteer Health Services Act, 35 P. S. § 449.45.</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>	Spring 2011, 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>—Fees— 49 Pa. Code § 7.2 (16A-4515)</p> <p>—Sanitation— 49 Pa. Code Chapter 7 (16A-4516)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.5. (number not yet assigned)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>The proposed regulation would increase biennial renewal fees for all licensee classifications and would increase certain application fees where the current fees have been determined to be inadequate. Statutory Authority: Section 16(d) of the Beauty Culture Law, 63 P. S. § 522(d), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2-year period.</p> <p>This regulation would update the Board's regulations on sanitation to conform to modern standards within the profession. Statutory Authority: Sections 11 and 14 of the Act of May 3, 1933 (P. L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P. S. §§ 517 and 520.</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Cosmetology to implement Act 48 civil penalties for failure of a school to submit quarterly reports. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	Kelly Diller (717) 783-7130
<p>State Board of Dentistry</p> <p>—EFDA Program Approval— 49 Pa. Code Chapter 33 (16A-4616)</p> <p>—Anesthesia Update— 49 Pa. Code Subchapter E §§ 33.331—33.342 (16A-4621)</p>	<p>Spring 2011, as Final.</p> <p>Spring 2011, as Proposed.</p>	<p>This regulation would 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 would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices. Statutory Authority: Sections 3(o) and 11.2 of the Dental Law, 63 P. S. §§ 122(o) and 130c.</p>	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>—EFDA Scope of Practice— 49 Pa. Code § 33.205a (16A-4624)</p> <p>—Volunteer License— 49 Pa. Code § 33.110 (Number not yet assigned)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Final (proposed-omitted).</p>	<p>This proposed rulemaking implements the act of April 29, 2010 (P. L. 176, No. 19), which amended the Dental Law to expand the scope of practice for expanded function dental assistants. Statutory Authority: The proposed rulemaking is authorized by section 4 of the act of April 29, 2010 (P. L. 176, No. 19), which requires the Board to promulgate regulations within 18 months of its effective date (June 28, 2010); and by section 3 (d.1) and (o) of the Dental Law (act), 63 P. S. § 122 (d.1) and (o).</p> <p>This regulation would amend the current volunteer license 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>State Registration Board for Professional Engineers, Land Surveyors and Geologists</p> <p>—General Revisions— 49 Pa. Code Chapter 37 (16A-479)</p> <p>—Qualifications for Licensure— 49 Pa. Code Chapter 37 (16A-4711)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>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.</p> <p>The proposed rulemaking is needed to implement Act 25 of 2010, to provide for the certification of geologists-in-training, and to update the board’s regulations concerning the licensure process for engineers and land surveyors. Statutory Authority: Section 4(l) of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(l).</p>	<p>DeAndra Burger (717) 783-7049</p>
<p>State Board of Funeral Directors</p> <p>—Supervision at Funeral Services— 49 Pa. Code § 13.215 (number not yet assigned)</p> <p>—General Revisions— 49 Pa. Code Chapter 13 (Number not yet assigned)</p>	<p>Summer 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>The proposed rulemaking would update the Board’s regulations to address current practice. Statutory Authority: Sections 11(a)(5) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.11(a)(5) and 479.16(a).</p> <p>The amendments would update the Board’s regulations related to advertising, application procedures, facility requirements, qualifications, and supervisor responsibilities. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p>	<p>Heidy Weirich (717) 783-3397</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 Landscape Architects</p> <p>—Licensure Requirements and Continuing Education— 49 Pa. Code Chapter 15 (16A-6110)</p> <p>—Schedule of Civil Penalties—Landscape Architects 49 Pa. Code Chapter 43b (number not yet assigned)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>This proposed regulation would implement the act of July 17, 2009 (P. L. 94, No. 24). Statutory Authority: Section 4(9) of the Landscape Architects' Registration law, 63 P. S. § 904(9).</p> <p>This proposed regulation would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p>	<p>Terrie Kocher (717) 772-8528</p>
<p>State Board of Medicine</p> <p>—General Revisions— 49 Pa. Code Chapters 16—18 (16A-4925)</p> <p>—Internet Prescribing and Telemedicine— 49 Pa. Code Chapter 16 (16A-4927)</p> <p>—Behavior Specialists— 49 Pa. Code Chapter 18 (16A-4929)</p> <p>—Licensure of Respiratory Therapists and Physician Assistants— 49 Pa. Code Chapter 18 (16A-4930)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Final.</p> <p>Spring 2011, as Proposed.</p>	<p>This proposed rulemaking would implement Acts 29, 46 and 48 of 2007, and would 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.</p> <p>This rulemaking would establish minimum standards of practice relating to internet prescribing and telemedicine. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.</p> <p>The rulemaking implements the licensure or certification of behavior specialists as required by the Act of July 9, 2008 (P. L. 885, No. 62). Statutory Authority: Section 3(g) of the Act of July 9, 2008 (P. L. 885, No. 62) requires the Board, in consultation with the Department of Public Welfare, to promulgate regulations providing for the licensure or certification of behavior specialists.</p> <p>The proposed rulemaking would implement the amendments made to the Medical Practice Act by the Act of July 4, 2008 (P. L. 580, No. 45) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 580, No. 45) requires the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations to implement the amendments.</p>	<p>Tammy Dougherty (717) 783-1400</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 Medicine</p> <p>—Perfusionists— 49 Pa. Code Chapter 18, Subchapter J (16A-4931)</p> <p>—Certified Midwives— 49 Pa. Code Chapter 18 (16A-4932)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b § 43b.20 (number not yet assigned)</p>	<p>Spring 2011, as Final.</p> <p>Summer 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>The rulemaking would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P. L. 154 No. 19) requires the Board to promulgate regulations to implement licensure of perfusionists within 18 months of the effective date. The act was effective on August 10, 2008.</p> <p>The proposed rulemaking would provide for the licensure of “certified” midwives as suggested by the Commonwealth Court’s decision in <i>Goslin v. State Board of Medicine</i>, 949 A.2d 372. Statutory Authority: Sections 1 and 2 of the Midwife Registration Law of 1929, 63 P. S. §§ 171 and 172, and section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, make it unlawful to practice as a midwife without a certificate from the Medical Board and authorize the Board to issue rules and regulations as may be necessary for the examination, licensing and proper conduct of the practice of midwifery by midwives.</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Medicine to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Tammy Dougherty (717) 783-1400</p>
<p>State Board of Nursing</p> <p>—LPN / IV Therapy— 49 Pa. Code § 21.145 (16A-5122)</p> <p>—Updated Applications— 49 Pa. Code § 21.151 (16A-5134)</p>	<p>Spring 2011, as Final.</p> <p>Spring 2011, as Proposed.</p>	<p>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.</p> <p>The proposed rulemaking would provide for admission to the practical nurse exam for applicants who have graduated from a foreign practical nursing program that is equivalent to an LPN education program of study required in this Commonwealth at the time the program was completed as determined by the Commission on Graduate of Foreign Nursing Schools (CGFNS). Statutory Authority: Sections 5 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 655 and 667.6.</p>	<p>Ann Steffanic (717) 783-7142</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>—Reactivation/ Re-licensure after Lapse— 49 Pa. Code Chapter 21 (16A-5135)</p> <p>—Out of State Nursing Education Programs using Pennsylvania Clinical Sites— 49 Pa. Code Chapter 21 (16A-5137)</p>	<p>Summer 2011, as Proposed.</p> <p>Summer 2011, as Proposed.</p>	<p>This regulation would set standards for the reactivation/re-licensure of nurses whose licenses have lapsed for a significant period of time. Statutory Authority: Sections 2.1 and 11 of the Professional Nursing Law, 63 P. S. §§ 212.1 and 221; and sections 13.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 663.1 and 667.6, authorize the Board to regulate the renewal of expired or inactive licenses and to promulgate regulations generally.</p> <p>This regulation will require out of state educational programs that intend to place nursing students in Pennsylvania facilities for clinical education with a Pennsylvania licensed nurse preceptor to apply to the Board for permission to utilize the clinical site. This same requirement is placed on Pennsylvania nursing education programs. Statutory Authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1 and Section 9 of the Practical Nurse Law, 63 P. S. § 659.</p>	
<p>State Board of Nursing</p> <p>—Fees for Nursing Education Programs— 49 Pa. Code Chapter 21 (number not yet assigned)</p> <p>—Volunteer License— 49 Pa. Code Chapter 21 Subchapter F §§ 21.601—21.607. (number not yet assigned)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Final (Proposed-omitted).</p>	<p>This regulation is necessary to set fees for the approval of nursing education programs. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2, and Section 17.5 of the Practical Nursing Law, 63 P. S. § 667.5, set forth the authority to the setting of fees by regulation. Section 6.2 of the Professional Nursing Law, 63 P. S. § 216.2, provides the Board's authority to approve nursing education programs. Sections 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and 17.6 of the Practical Nursing Law, 63 P. S. § 667.6, provide the general rulemaking authority of the Board.</p> <p>This regulation would amend the volunteer license 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).</p>	<p>Ann Steffanic (717) 783-7142</p>
<p>State Board of Examiners of Nursing Home Administrators</p> <p>—Sexual Misconduct— 49 Pa. Code §§ 39.1 and 39.9 (16A-6211)</p>	<p>Summer 2011, as Proposed.</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 4(c) and 6(g) of the Nursing Home Administrators Licensure Act, 63 P. S. §§ 1104(c) and 1106(g).</p>	<p>Chris Stuckey (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>
—Continued Competence— 49 Pa. Code Chapter 39 (16A-6213)	Spring 2011, as Proposed.	This regulation would provide the requirements for demonstrating continued competence when reactivating a license that has been inactive for more than 5 years. Statutory Authority: Section 4(a)(4), (9) and (c) of the Nursing Home Administrators Licensure Act, 63 P. S. § 1104(a)(4),(9) and (c).	
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b § 43b.17 (number not yet assigned)	Spring 2011, as Proposed.	This regulation would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Occupational Therapy Education and Licensure —Continued Competency— 49 Pa. Code §§ 42.50—42.58 (16A-677)	Winter 2010-2011, as Proposed.	The proposed rulemaking would 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).	Chris Stuckey (717) 783-1389
State Board of Optometry —Continuing Education— 49 Pa. Code §§ 23.81 and 23.82. (16A-5212)	Spring 2011, as Final (Proposed-omitted).	This regulation would amend the continuing education requirements to clarify the need for a licensee to complete the licensee's continuing education as a prerequisite to renew a lapsed or inactive license within the 2 years immediately preceding renewal or reactivation. Statutory Authority: Sections 3(b)(14) and 5 of the Optometric Practice and Licensure Act (63 P. S. §§ 244.3(b)(14) and 244.5).	Deborah Smith (717) 783-7155
—Schedule of Civil Penalties— Optometrists 49 Pa. Code Chapter 43b (number not yet assigned)	Spring 2011, as Proposed.	This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.	
—Volunteer License— 49 Pa. Code § 23.26 (number not yet assigned)	Spring 2011, as Final (Proposed-omitted).	This regulation would amend the Board's volunteer license 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).	

<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 Osteopathic Medicine			
—Miscellaneous Provisions— 49 Pa. Code Chapter 25 (16A-5319)	Spring 2011, as Proposed.	This regulation would implement Acts 29 and 46 of 2007 pertaining to supervision of physician assistants and continuing medical education for volunteer license holders. Statutory Authority: Section 10(h) of the Osteopathic Medical Practice Act (Act), 63 P. S. § 271.10(h), authorizes the Board to establish rules and regulations relating to physician assistants; and section 16 of the Act, 63 P. S. § 271.16, authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the Act.	Gina Bittner (717) 783-4858
—Perfusionists— 49 Pa. Code Chapter 25 (16A-5320)	Spring 2011, as Final.	The proposed rulemaking would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P. L. 161, No. 20) requires the Board to promulgate regulations to implement licensure of perfusionists within 18 months of the effective date. The act was effective on August 10, 2008.	
—Licensure of Respiratory Therapists and Physician Assistants— 49 Pa. Code Chapter 25 (16A-5321)	Spring 2011, as Proposed.	The proposed rulemaking implements the amendments made to the Osteopathic Medical Practice Act by the Act of July 4, 2008 (P. L. 589, No. 46) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 589, No. 46) requires the Board and the State Board of Medicine to jointly promulgate regulations to implement the amendments within 18 months.	
—Volunteer License— 49 Pa. Code, Chapter 25 Subchapter L §§ 25.601—25.607. (number not yet assigned)	Spring 2011, as Final (Proposed-omitted).	This regulation would amend the Board's volunteer license 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.	
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (number not yet assigned)	Spring 2010, as Proposed.	This regulation would establish a schedule of civil penalties for the State Board of Osteopathic Medicine to implement Act 48 civil penalties for failure to report complaints filed against an osteopathic physician in a medical professional liability action. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Pharmacy			
—Compounding Practices— 49 Pa. Code Chapter 27 (16A-5419)	Spring 2011, as Proposed.	This rulemaking would establish standards for the compounding of drugs by pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9) grants the authority to promulgate rules and regulations to effectuate the purposes of the act. Section 2 of the Pharmacy Act, 63 P. S. § 390-2(11) defines the practice of pharmacy to include the compounding of drugs.	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Cancer Drug Repository Program— 49 Pa. Code Chapter 27 (16A-5423)	Spring 2011, as Proposed.	The proposed rulemaking would establish the eligibility criteria, standards and procedures for the administration of a cancer drug repository program. Statutory authority: Section 7 of the Act of May 13, 2008 (P. L. 139, No. 14), known as the Cancer Drug Repository Program Act, requires the Board to promulgate regulations to carry out the purposes of the act.	
—Pharmacy Internship— 49 Pa. Code Chapter 27 (16A-5424)	Spring 2011, as Proposed.	This rulemaking would update the Board's regulations relating to the pharmacy internship required under section 3 of the Pharmacy Act. Statutory Authority: Section 3 of the Pharmacy Act, 63 P. S. § 390-3(c) requires the Board to establish by regulation the internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.	
—Drug Therapy Management— 49 Pa. Code Chapter 27 (16A-5425)	Spring 2011, as Proposed.	This proposed rulemaking would implement Act 29 of 2010, which provides for collaborative drug therapy management between a pharmacist and a licensed physician. Statutory Authority: Section 5 of the act of June 1, 2010 (P. L. 201, No. 29) requires the Board to promulgate regulations to implement Act 29 within 18 months of its effective date.	
—Emergency Preparedness— 49 Pa. Code Chapter 27 (16A-5426)	Summer 2011, as Proposed.	The proposed rulemaking would establish procedures and standards for the operation of remote emergency pharmacies in the event of an emergency caused by a natural or manmade disaster or any other exceptional situation that causes an extraordinary demand for pharmacy services. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
State Board of Pharmacy			
—General Revisions to Standards of Practice— 49 Pa. Code § 27.18 (16A-5427)	Summer 2011, as Proposed.	This proposed rulemaking would update the Board's regulations relating to standards of practice for pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	Melanie Zimmerman (717) 783-7156
—Correctional Facility Drug Redistribution— 49 Pa. Code Chapter 27 (number not yet assigned)	Summer 2011, as Proposed.	This proposed rulemaking is required to conform the Board's regulations to the act of July 9, 2010 (P. L. 457, No. 59), which permits a vendor pharmacy to redistribute drugs returned by a correctional facility to other correctional facilities. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
—Electronic Prescribing of Controlled Substances— 49 Pa. Code Chapter 27 (number not yet assigned)	Fall 2011, as Proposed.	This proposed rulemaking is intended to establish standards for pharmacies and pharmacists to receive, dispense and archive electronic prescriptions for controlled substances to comport with recent regulations promulgated by the Federal Drug Enforcement Agency. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
—Schedule of Civil Penalties— 49 Pa. Code § 43b.7 (number not yet assigned)	Spring 2011, as Proposed.	This regulation would amend the schedule of civil penalties for the State Board of Pharmacy to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<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 Physical Therapy</p> <p>—Act 38 Revisions— 49 Pa. Code Chapter 40 (16A-6514)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b (number not yet assigned)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>The proposed rulemaking would implement the amendments to the Physical Therapy Practice Act made by the Act of July 4, 2008 (P. L. 293, No. 38). Statutory authority: Section 16 of the Act of July 4, 2008 (P. L. 293, No. 38) requires the Board to promulgate regulations to implement the amendments and additions of that act within 18 months of the effective date. The act is effective on October 2, 2008.</p> <p>This regulation would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Michelle Roberts (717) 783-7134</p>
<p>State Board of Podiatry</p> <p>—Certificate of Authority to Perform Acupuncture— 49 Pa. Code Chapter 29 (16A-449)</p> <p>—Schedule of Civil Penalties— Podiatrists 49 Pa. Code Chapter 43b (Number not yet assigned)</p> <p>—Volunteer License— 49 Pa. Code § 29.55 (number not yet assigned)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Final (Proposed-omitted).</p>	<p>This regulation would 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 proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.</p> <p>This regulation would amend the Board's volunteer license 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>—Continuing Education— 49 Pa. Code § 41.59 (16A-6317)</p> <p>—Code of Conduct— 49 Pa. Code § 41.61 (16A-6318)</p>	<p>Fall 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</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>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Education— 49 Pa. Code § 41.31 (16A-6320)	Summer 2011, as Proposed.	This regulation would clarify the education and examination requirements. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b (number not yet assigned)	Spring 2011, as Proposed.	This regulation would establish a schedule of civil penalties for the State Board of Psychology to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Certified Real Estate Appraisers			
Continuing Education Enforcement— 49 Pa. Code §§ 36.41 and 36.241 (16A-7016)	Spring 2011, as Proposed.	The proposed rulemaking establishes procedures for the enforcement of noncompliance with continuing education requirements. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).	Heidy Weirich (717) 783-3397
Schedule of Civil Penalties —Real Estate Appraisers— 49 Pa. Code § 43b.15a (16-49)	Spring 2011, as Proposed.	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties statement of policy. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties, with the approval of the Board.	
State Real Estate Commission			
—Education— 49 Pa. Code § 35.384 and 35.385 (16A-5613)	Summer 2011, as Final.	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.	Patricia Ridley (717) 783-3658
—Advertising and Solicitation— 49 Pa. Code § 35.305 (16A-5620)	Spring 2011, as Proposed.	The proposed regulation would require licensees to advertise or otherwise hold themselves out to the public only under the name listed on their licenses. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	
—Schedule of Civil Penalties— 49 Pa. Code § 43b.8 (number not yet assigned)	Spring 2011, as Proposed.	This regulation would amend the schedule of civil penalties for the State Real Estate Commission to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<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>—Implementation of Act 68 of 2008; Hours of Supervised Clinical Experience and Licensure by Endorsement— 49 Pa. Code Chapters 47—49 (16A-6916)</p> <p>—General Revisions— 49 Pa. Code Chapters 47—49 (number not yet assigned)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b (number not yet assigned)</p>	<p>Spring 2011, as Final.</p> <p>Summer 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>This proposed rulemaking would implement the reduction in the number of required hours of supervised clinical experience from 3,600 to 3,000 and provide for licensure by endorsement as required by the Act of July 9, 2008 (P. L. 929, No. 68). Statutory Authority: Section 4 of the Act of July 9, 2008 (P. L. 929, No. 68) provides that the Board shall promulgate regulations to implement the amendments within three years of the effective date of the act. Act 68 is effective on September 7, 2008.</p> <p>This proposed rulemaking will eliminate outdated regulations, and update existing regulations to comport with current standards of the profession and current practices of 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>This regulation would establish a schedule of civil penalties for the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to implement Act 48 civil penalties for practicing without a license or practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</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 2011, as Proposed.</p>	<p>This regulation would 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>—Fee for Out-of-state RV Dealer Participating in a Show— 49 Pa. Code § 19.4 (16A-6011)</p>	<p>Spring 2011, as Proposed.</p> <p>Spring 2011, as Proposed.</p>	<p>This regulation would clarify and update the requirements for salespersons in order to permit salespersons to sell at other locations of the same dealer. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would establish a fee for processing applications under section 32.1(c) of the act, 63 P. S. § 818.32a(c), for out-of-state RV dealers to register with the Board in order to participate in an RV show in this Commonwealth. Statutory Authority: Sections 4(9) and 32.1(c) of the Board of Vehicles Act, 63 P. S. §§ 818.4(9) and 818.32.1(c).</p>	<p>Janice Cline (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 —Dental Procedures— 49 Pa. Code Chapter 31 (16A-5718) —Facilities— 49 Pa. Code Chapter 31 (16A-5720) —Licensure, Continuing Education— 49 Pa. Code Chapter 31 (16A-5724)	Spring 2011, as Final. Spring 2011, as Proposed. Spring 2011, 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. The proposed regulation would update the Board's regulations with regard to original licensure, temporary permits, license renewal and continuing education. Statutory Authority: Sections 5(2), 8, 11 and 18 of the Veterinary Medicine Practice Act (act) (63 P. S. §§ 485.5(2), 485.8, 485.11 and 485.18).	Michelle Roberts (717) 783-7134
STATE EMPLOYEES' RETIREMENT SYSTEM			
4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This would delete State Employees' Credit Union payment language.)	This is proceeding consistent with the CDL and the requirements of 4 Pa. Code § 247.11.	This 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 § 247.51. Time for Recomputation of Annuity. (This would impose a time limit for annuitants to change the optional payment plan authorized by the second to the last sentence of 71 Pa.C.S. § 5907(j)).	2011	This would provide guidance on when an annuitant is permitted to change their optional payment plan. There is no time frame in the statute for this election to occur causing administrative difficulties including possibly permitting anti-selection of death benefits, requiring members to make a declaration under discontinued disability benefits and negating an option change absent another qualifying event.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 David Durbin (717) 783-7210
4 Pa. Code § 243.8. Membership rules for educational employees.	2012	This 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
4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (This would be amended to specify the effects of a service purchase or reinstatement.)	2012	This would clarify the effects of the reinstatement or purchase of previous State service. An administrative decision has offered partial guidance in this area. This 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

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE POLICE			
DNA Detection of Sexual and Violent Offenders. 37 Pa. Code Chapter 58	June 2011, as proposed.	Act 185 of 2004 repealed Chapter 47 of Title 42 of the Pennsylvania Consolidated Statutes 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	June 2011, 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 chairpersons and minority chairpersons 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 to Megan's Law.	Syndi L. Guido Policy Director (717) 772-0905
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
43—Temporary Registration Cards and Plates 67 Pa. Code Chapter 43	June 2011.	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes 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 2011.	Many changes are needed to bring the regulations in line with changes in the Vehicle Code. Other changes are being proposed to add convenience for customers, to update forms and processes, to accommodate changes in vehicle technology and to implement an initiative to update recertification requirements for safety inspectors and electronic recordkeeping of vehicle safety inspection findings. The regulation revisions also propose to eliminate the issuance of refunds for unused inspection stickers, which would be a savings to the Commonwealth.	Kristen Singer (717) 787-2171
21—Odometer Read Disclosure Statements 67 Pa. Code Chapter 21	June 2011.	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	June 2011.	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S. § 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	June 2011.	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

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
71—School Bus Drivers 67 Pa. Code Chapter 71	April 2011.	The regulations will be updated to clarify the standards for license holders who have had more than one episode of loss of consciousness of unknown etiology within a 12-month period. The regulations will also be updated to require periodic monitoring for drivers who have been diagnosed as having stage 3 dementia.	Scott Shenk (717) 783-5958
83—Physical and Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers 67 Pa. Code Chapter 83	April 2011.	The regulations will be updated to clarify the standards for license holders who have had more than one episode of loss of consciousness of unknown etiology within a 12-month period. The regulations will also be updated to require periodic monitoring for drivers who have been diagnosed with cognitive impairments.	Scott Shenk (717) 783-5958
84—Dual Control Learner's Permit 67 Pa. Code Chapter 84	February 2011.	The regulation is being updated to clarify the requirements for issuing a dual control learner's permit.	Scott Shenk (717) 783-5958
105—Mechanical Electrical and Electronic Speed Timing Devices 67 Pa. Code Chapter 105	June 2011.	The regulations are being updated to reflect changes in equipment technology relating to calibration and maintenance of speed timing devices used for law enforcement purposes and to delete references to obsolete equipment and calibration procedures.	Kristen Singer (717) 787-2171
255—Messenger Services 67 Pa. Code Chapter 255	June 2011.	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes 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
Chapter 427—Public Transportation (Act 44 of 2008)	January 2011.	Act 44 of 2008, Chapter 15, Sustainable Mobility Options, authorizes almost all public transportation funding programs for the Commonwealth. The legislation requires the Department to develop regulations for several sections of the legislation. The temporary regulations were published in the <i>Pennsylvania Bulletin</i> on July 18, 2009. Permanent regulations must be published by July 18, 2011. No additional sections will be added to the temporary regulations but some sections in the temporary regulations will be revised/updated.	LaVerne Collins (717) 787-1214
Chapter 175.96 Vehicle Equipment and Inspection Regulations	March 2011.	The motor vehicle code does not allow for the utilization of laser guided systems which is an innovative technology that could be used to increase quality, efficiency and safety associated with snow plow and line painting operations. We are seeking approval to insert the language "Laser guided systems for use during plowing operations are authorized" into the Medium and Heavy Trucks and Buses section of Pub 45, Vehicle Equipment and Inspection Regulations, Chapter 175.96(h) as it pertains to Department operations.	James Smith (717) 787-4299

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
67 Pa. Code Chapter 189	January 2011.	With the influx of Marcellus hauling a large number of State Routes have been posted with weight limit restrictions. (80-90% of SRs in some counties). Since a permit is required to haul on these posted roads, delivery/hauling has become more cumbersome for smaller operations, especially the logging industry. Currently all permits require: 1) an initial and final inspection; 2) Signed excess maintenance agreements; 3) Security/Bonding. These steps involve some level of time and money—much of which wasn't needed a few years ago before so many roads were posted. Regulation changes would allow for a less cumbersome permit process for smaller operations which pose little risk to the roadways. Eliminate time lag and costs associated with the current permit process. This is being advanced as an emergency regulation.	Steve Koser (717) 787-7908
67 Pa. Code Chapter 101	April 2011.	To be consistent with Federal final rule on worker visibility apparel. Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic.	Matt Briggs (717) 787-7350
67 Pa. Code Chapter 455	June 2011.	A review of PennDOT's Errors and Omissions procedures was conducted by the FHWA and PennDOT personnel. This review resulted in modifications to PennDOT's procedures in Publication 93. This Title 67 change is needed to be consistent with the revised Design Error and Omission process contained in the revised Publication 93.	Gary Kleist (717) 787-9880

[Pa.B. Doc. No. 11-198. Filed for public inspection January 28, 2011, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
14-520	Department of Public Welfare Transition to RUG-III Version 5.12 and Latest Assessment 40 Pa.B. 6525 (November 13, 2010)	12/13/10	1/12/11

**Department of Public Welfare
Regulation #14-520 (IRRC #2881)
Transition to RUG-III Version 5.12 and Latest
Assessment**

January 12, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the November 13, 2010 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory

Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Department of Public Welfare (Department) to respond to all comments received from us or any other source.

1. Section 1187.93. CMI calculations.—Implementation procedures; Clarity.

This regulation amends the Department's payment methodology to phase-in the use of a new classification system and the most recent resident assessments in

determining the case-mix indices that are used in setting case-mix per-diem rates for non-public nursing facilities and in making certain incentive payments to county nursing facilities. In the proposed regulation, the Department applies rate settings to past rate years and quarters, in particular beginning with July 1, 2010. The Department needs to clarify how the new rates applied to these periods will occur retroactively. Similar concerns apply to Section 1187.96, Section 1187.97, Appendix A, and Section 1189.105.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-199. Filed for public inspection January 28, 2011, 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 14, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as *common carriers* for transportation of persons as described under each application.

A-2011-2219641. Casino Express, LLC (2536 Eastern Boulevard #127, York, PA 17402), a limited liability company of the State of Wyoming—persons, in paratransit service, from points in the County of York, to the Hollywood Casino at Penn National Race Course, Grantville, Dauphin County, and return.

A-2010-2202114. New First Class Trans, Inc. (1444 Hamilton Street, Allentown, Lehigh County, PA 18102)—a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the Cities of Allentown, Bethlehem and Easton, all located in either Lehigh or Northampton Counties, to points in Pennsylvania, and return.

A-2011-2220413. Thomas Hoffman (341 Jeff Avenue, Ephrata, Lancaster County, PA 17522), for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-200. Filed for public inspection January 28, 2011, 9:00 a.m.]

Telecommunications Services

A-2011-2220437. Voxbeam Telecommunications, Inc. Application of Voxbeam Telecommunications, Inc. for approval to offer, render, furnish or supply telecommunications services to the public in this Commonwealth as a competitive local exchange carrier in the service territory of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink.

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 14, 2011. 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, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Voxbeam Telecommunications, Inc.

Through and By Counsel: John Dodge, Attorney, Davis, Wright & Tremaine, LLP, 1919 Pennsylvania Avenue NW, Suite 800, Washington, DC 20006-3401

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-201. Filed for public inspection January 28, 2011, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will select a firm to provide engineering service for a Perimeter Security Infrastructure Improvements Project at Tioga Marine Terminal (Project No. 10-144.P) until 2 p.m. on Thursday, February 24, 2011. Information concerning this project can be obtained from the PRPA web site www.philaport.com under Procurement and will be available February 1, 2011, or call the Procurement Department at (215) 426-2600.

A mandatory preproposal meeting will be held on February 10, 2011, at 10 a.m. See Request for Proposals for details.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 11-202. Filed for public inspection January 28, 2011, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School

Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 23, 2011	Thomas W. Baker (D) (Death Benefit)	1 p.m.
	Mildred A. Fisher (Health Care)	2:30 p.m.

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barbara Flurie, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 11-203. Filed for public inspection January 28, 2011, 9:00 a.m.]