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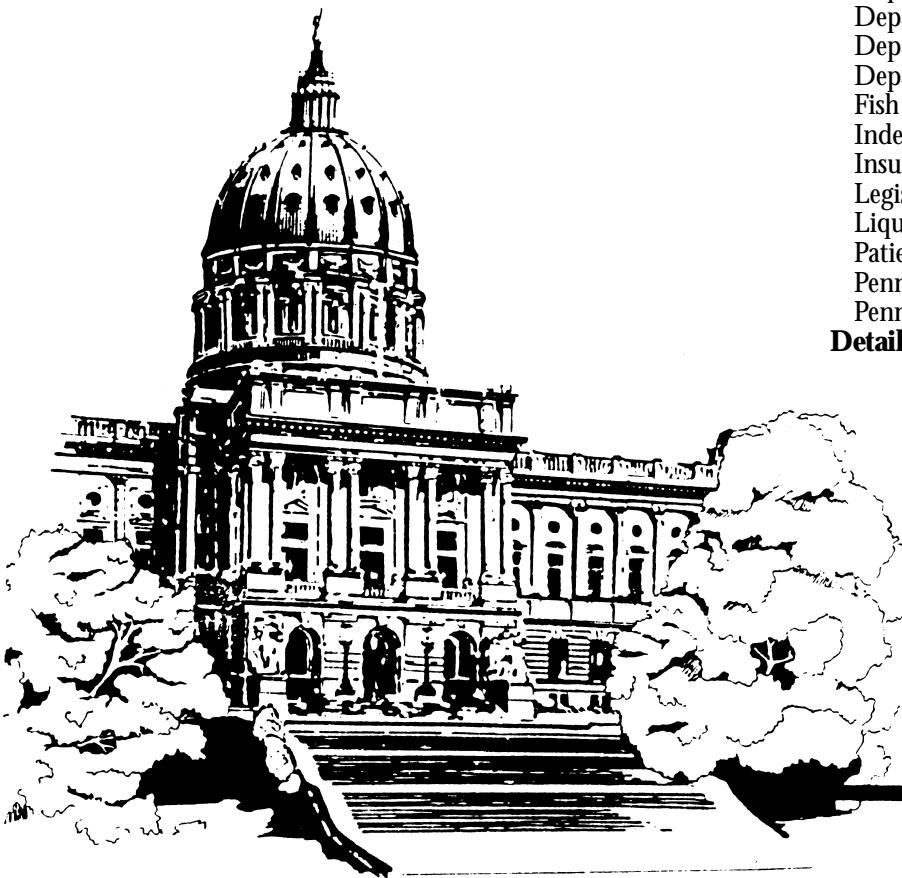
PENNSYLVANIA BULLETIN

Volume 36
Saturday, February 18, 2006 • Harrisburg, PA
Number 7
Pages 805—920

See Part II page 909 for the
Pennsylvania Gaming Control Board's
Temporary Regulations and
Statement of Policy

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Delaware River Basin Commission
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Labor and Industry
Department of Revenue
Department of Transportation
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Patient Safety Authority
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Detailed list of contents appears inside.



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

No. 375, February 2006

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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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2006.

4 Pa. Code (Administration)		55 Pa. Code (Public Welfare)	
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234 Pa. Code (Rules of Criminal Procedure)

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3 186
6 186
8 186

249 Pa. Code (Philadelphia Rules)

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255 Pa. Code (Local Court Rules)

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GENERAL ASSEMBLY

Recent Actions during the 2006 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2006 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2006 GENERAL ACTS ENACTED—ACT 004 through 005					
004	Feb 2	HB0087	PN0081	60 days	Acquisition and preservation of land for open space uses and local taxing options
005	Feb 2	HB0894	PN2133	60 days	Public School Code of 1949—continuing professional development

*denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 06-270. Filed for public inspection February 17, 2006, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Proposed Amendments to Pa.R.Crim.P. 575(C)

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 575(C) that would establish uniform format requirements for all pleadings filed in criminal cases. These format requirements are comparable to the requirements in Pennsylvania Rule of Appellate Procedure 124 and proposed new Pennsylvania Rule of Civil Procedure 204.1. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to Rule 575(C) precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Anne T. Panfil
Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
5035 Ritter Road, Suite 100
Mechanicsburg, PA 17055
fax: (717) 795-2106
e-mail: criminal.rules@pacourts.us

no later than Wednesday, March 8, 2006.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART F(1). Motion Procedures

Rule 575. Motions and Answers.

* * * * *

(C) Format of Motions, Answers, and Briefs

All motions, answers, and briefs must conform to the following requirements:

(1) The document shall be on 8 1/2 inch by 11 inch paper.

(2) The document shall be prepared on white paper (except for dividers and similar sheets) of good quality.

(3) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(4) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Margins must be at least one inch on all four sides.

(5) The lettering shall be clear and legible and no smaller than point 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents may be lettered on both sides of a page.

(6) Documents and papers shall be firmly bound.

(D) Unified Practice

* * * * *

Comment

* * * * *

Paragraph (C), added in 2006, sets forth the format requirements for all motions, answers, and briefs filed in criminal cases. These new format requirements are substantially the same as the format requirements in Pennsylvania Rule of Appellate Procedure 124(a) and Pennsylvania Rule of Civil Procedure 204.1.

The format requirements in paragraph (C) are not intended to apply to pre-printed and computer-generated forms prepared by the Administrative Office of Pennsylvania Courts; to charging documents; to documents routinely used by court-related agencies; or to documents routinely prepared or utilized by the courts.

Pro se defendants may submit hand written documents that comply with the other requirements in paragraph (C) and are clearly readable.

Paragraph [(C)] (D), titled "Unified Practice," was added in 2004 to emphasize that local rules must not be inconsistent with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all criminal rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 Comment. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

* * * * *

Although paragraph [(C)] (D) precludes local rules that require a proposed order be included with a motion, a party should consider whether to include a proposed order. Proposed orders may aid the court by defining the relief requested in the motion or answer.

Official Note: Former Rule 9020 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 574 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Former Rule 9021 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 575 and amended March 1, 2000, effective April 1, 2001; Rules 574 and 575 combined as Rule 575 and amended March 3, 2004, effective July 1, 2004; amended , 2006, effective , 2006.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

* * * * *

Report explaining the addition of the format requirements in paragraph (C) published at 36 Pa.B. 815 (February 18, 2006).

REPORT

Proposed Amendments to Pa.R.Crim.P. 575(C)

Requirements for the Format of Pleadings Filed in Criminal Cases

I. INTRODUCTION

During the course of the Committee's review of local rules pursuant to Rule 105, the Committee noted that there are various local rules establishing requirements for the format of pleadings and other documents filed in the judicial district. We also noted that there are is little uniformity in these format requirements. In view of the divergent requirements, the Committee agreed a Rule of Criminal Procedure governing the format of pleadings filed in criminal cases would promote statewide uniformity of practice and procedure and facilitate the statewide practice of law.

In preparation for drafting such a rule, the Committee looked at the statewide and local Pennsylvania rules of procedure¹ and other jurisdictions to get some idea of what is ordinarily included in format rules. We found that the format rules ran the gamut from extremely detailed to minimal detail, covering such things as types and size of paper, types, size, and color of print, spacing and margins, binding, headers and footers, page numbering, and captions and titles. From this review, the Committee agreed that the format requirements set forth in Pa.R.A.P. 124(a) provided adequate detail for a criminal format rule. In addition, the members concluded the bench and bar would be best served if, as much as possible, there are uniform format requirements for the documents filed in the different state courts. Accordingly, the Committee is proposing new format requirements that are substantially the same as Appellate Rule 124.²

DISCUSSION

The first issue the Committee addressed is the placement of new format requirements. Agreeing that the format requirements should apply only to motions, answers, and briefs, the Committee is proposing that the new format requirements be in Rule 575 as new paragraph (C).

New paragraph (C) incorporates without modification the provisions of Appellate Rule 124(a)(1), (2), and (3).³

¹ Pennsylvania Rule of Appellate Procedure 124 (Form of Papers; Number of Copies) is the only statewide procedural rule with format requirements.

² In view of the benefits to the unified judicial system of having uniform format requirements in the state courts, the Committee communicated to the Civil Procedural Rules Committee our plan to propose format requirements substantially the same as Appellate Rule 124. The Civil Rules Committee has agreed to propose a similar change, and contemporaneously is publishing proposed Recommendation No. 212 for a new Rule of Civil Procedure 204.1 (Pleadings and Other Legal Papers, Format).

³ Pennsylvania Rule of Appellate Procedure 124(a) provides:
(a) *Size and other physical characteristics.* All documents filed in an appellate court shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(1) The document shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality.

(2) The first sheet (except the cover of a paperback) shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(3) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subdivision (2), Margins must be at least one inch on all four sides.

(4) The lettering shall be clear and legible and no smaller than point 11. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents and paperbooks may be lettered on both sides of a page.

Although Appellate Rule 124(a)(4) provides that the font size of the type by no less than 11 point, recognizing that a font size of 12 point is more frequently utilized for type print, the Committee agreed the requirement for font size in Rule 575(C) should be no smaller than 12 point. In all other respects, paragraph (a)(4) is included in Rule 575(C). The only other variance from Appellate Rule 124 is with regard to paragraph (a)(5). The Committee did not think it is necessary to require that any metal fasteners or staples be covered. We did agree that paragraph (C) should include the requirement that the documents must be firmly bound.

The Committee also is proposing some revisions of the Rule 575 Comment. First, recognizing that there are criminal cases in which the defendant is proceeding pro se and might not have access to a word processor or typewriter, the Comment explains that pro se defendants may submit hand written documents that comply with the other requirements of paragraph (C) if the documents are clearly readable.

During the Committee's discussions, some members questioned whether the new format requirements would apply to documents such as the criminal information or the criminal complaint or documents preprinted or computer generated documents prepared by the Administrative Office of Pennsylvania Courts, etc. Agreeing that this expansive reading of proposed new paragraph (C) was not what the Committee intends, the Comment specifically excludes "pre-printed and computer-generated forms prepared by the Administrative Office of Pennsylvania Courts; charging documents; documents routinely used by court-related agencies; and documents routinely prepared or utilized by the courts."

Finally, as an aide to bench, bar, and others filing documents in Pennsylvania courts, the Comment includes a cross-reference to the comparable format rules in the Rules of Appellate Procedure, Rule 124, and the Rules of Civil Procedure, proposed new Rule 204.1.

[Pa.B. Doc. No. 06-271. Filed for public inspection February 17, 2006, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Rescinded, Adopted and Amended Rules of Criminal Procedure for the Philadelphia Municipal Court; General Court Regulation No. 2006-02

Order

And Now, this 31st day of January, 2006, the Board of Judges of Municipal Court having voted at the Board of Judges' meeting held on November 18, 2005 to rescind, adopt and amend Municipal Court Rules of Criminal Procedure 21, 406-7, 426, 431, 438, 515, 530, 550, 553, 555, 558, 600, 645, 710, 840, 850, and 860, as applicable, *It Is Hereby Ordered* that Municipal Court Rules of Criminal Procedure 21, 406-7, 426, 431, 438, 515, 530, 550, 553, 555, 558, 600, 645, 710, 840, 850, and 860 are rescinded, adopted and amended as follows.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. 105 and, as required, the original

(5) Any metal fasteners or staples must be covered. Documents and papers must be firmly bound.

General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Municipal Court of Philadelphia, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Clerk of Quarter Sessions, and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligence*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

By the Court

LOUIS J. PRESENZA,
President Judge

Rules of Criminal Procedure for the Philadelphia Municipal Court

The following Rules of Criminal Procedure were rescinded, adopted and amended as set forth by the Municipal Court Board of Judges on 18 November 2005; effective on 15 March 2006.

Rule 21 Municipal Court Emergency Judge Procedures

The President Judge of the Municipal Court shall designate an Emergency Judge who shall be available for all [**civil and**] criminal and civil emergency matters, including appeals from bail set by a Bail Commissioner. [**during the evening hours and on weekends. The President Judge shall also designate a Bail Appeal Judge who shall hear all such bail appeals during the weekday working hours.**] The name and phone numbers of the Emergency [**and Bail Appeal Judges**] Judge shall be listed in the weekly Court schedule and available through the City Hall switchboard (215-686-1776).

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 406-7 Standards for Appointment of Counsel in Misdemeanor Cases

[A. Qualifications for Counsel]

An attorney may be appointed as counsel only if that attorney has:

1. [**Has**] been admitted to the bar of the Pennsylvania Supreme Court or admitted to practice [**pro hac vice;**] pro hac vice.

2. [**Has**] completed at least one course or has viewed one video-taped program on Municipal Court [**criminal justice**] practice within the past year, is familiar with the Pennsylvania Rules of Criminal Procedure, including, but not limited to, [**Rules 6000-6013,**] **Rules 1000-1013** and is readily available to accept appointments, or has demonstrated experience in Municipal Court cases.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 426—RESCINDED

[Compensation Rates for Court-Appointed Counsel in Municipal Court

A. Non-Homicide Criminal Cases

(1) Counsel, not exceeding one, who has been assigned to represent a defendant charged with a

non-homicide criminal offense shall, at the conclusion of the representation, or any segment thereof, be compensated for his or her services in such representation and reimbursed for all reasonable expenses advanced by counsel which were necessarily incurred.

(2) Upon the conclusion of counsel's representation under this Rule, or any segment thereof, the Judge sitting at the trial of the case, if there is a trial; otherwise, the Judge presiding over the disposition of the matter shall, after the filing of the claim and sworn statement in accordance with Phila.Crim.R. 425, allow such counsel all reasonable personal and incidental expenses, and compensation for services rendered.

(3) Counsel shall be compensated at a rate not exceeding forty dollars (\$40) per hour for time expended in a Court of record and at the rate of thirty dollars (\$30) per hour for time reasonable expended out of Court. For representation of a defendant in a case in which one or more felonies are charged, the compensation paid to an attorney shall not exceed fifteen hundred dollars (\$1,500). In a case in which only misdemeanors are charged, payment shall not exceed seven hundred and fifty dollars (\$750).

(4) Payment in excess of the limits stated herein may only be made, if the Judge to whom the application is made certifies to the President Judge of the Municipal Court that because of extraordinary circumstances set forth, such additional payments are necessary to provide fair compensation for representation. Any payment in excess of the above limits will be at the discretion of the President Judge of the Municipal Court.

(5) Assigned counsel may also make a written request to obtain investigative, expert or other services necessary to an adequate defense in accordance with Phila.Crim.R. 425 G(4). Upon finding after proper inquiry that such services are necessary, the Court shall authorize counsel to obtain such services on behalf of a defendant. The compensation paid to a person for such services rendered to a defendant shall not exceed five hundred dollars (\$500).

(6) Counsel so assigned shall not, except with prior approval of the Court, receive or contract to receive directly or indirectly, any compensation for such services or reimbursement for expenses from any source other than herein provided.

(7) Counsel shall be appointed under this Rule only when, because of conflict of interest or other sufficient reason, the individual cannot properly be represented by the Defender Association of Philadelphia. The provisions of this Rule shall not apply where the defendant is represented by the Defender Association of Philadelphia.

B. Appointments

Appointments made pursuant to this Rule continue through all stages of the proceedings in accordance with Phila.Crim.R 425 (B).

C. Payment

Such allowance of expenses and compensation under this Rule shall be charged upon the City and County of Philadelphia, to be paid by the City Treasurer, upon the certification of the appropriate Judge.

D. Reimbursement

(1) The defendant or the spouse, child (except as hereinafter provided), father and mother of every indigent person, whether a public charge or not shall, to the extent of his, her or their financial ability, reimburse the City and County of Philadelphia for compensation and expenses included and paid to Court-assigned counsel at such rate as the Court shall order and direct. No child shall be liable for the support of any parent who abandoned the child and persisted in the abandonment for a period of ten years during the child's minority.

(2) The Common Pleas Court shall have the power to hear, determine and make orders and decrees in such cases upon the petition of the City and County of Philadelphia. Such order shall have the force and effect of a judgment for the payment of money and shall be entered in the judgment index of the Office of the Prothonotary.

(3) In all cases where an order has been made by the Court for reimbursement to the City and County of Philadelphia for compensation and expenses paid to Court-assigned counsel and the said order has not been complied with, the Court, or any Judge thereof, upon affidavit or petition filed setting forth that the person on whom the said order has been made has not complied with the said order, shall issue an attachment directed to the Sheriff, directing and commanding that the person named as having failed to comply with said order be brought before the Court at such time as the Court may direct. If it shall appear to the Court, after hearing, that the person on whom the said order was made has willfully neglected or refused to comply with said order, the Court may adjudge said person in contempt of Court and, in its discretion, may commit said person to the county jail for a period not exceeding six months.]

Rule 426 Compensation for Court-Appointed Counsel in Municipal Court

Compensation for court-appointed counsel in Municipal Court is governed by the First Judicial District's Guaranteed Fee System as amended by the Administrative Governing Board effective March 10, 1997. Compensation shall be a flat fee of \$350.00 per case. In extraordinary cases, counsel may receive in excess of \$350.00 upon petition and approval of the Municipal Court President Judge or a designee.

Former Rule 426 rescinded and new rule adopted by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 431 Attorneys with Twenty (20) or More Cases in Philadelphia Municipal Court.

Counsel representing defendants in [twenty (20)] 20 or more criminal cases in Philadelphia Municipal Court which have not been brought to trial within [four [(4)] 4 months of Preliminary Arraignment ([such category will] hereinafter [be] referred to as "case inventory") shall be precluded from entering an appearance for or in any other manner representing any additional defendant or defendants in any other criminal case in any [Court] court in this county until such time as said case inventory is reduced to less than [twenty (20)] 20 cases.

(A) [It shall be the duty of the Deputy Court Administrator for Data Processing, at] At the end of every month, [to] the court will prepare a list of attorneys who, at such time, represent such [an] a case inventory. [Said] The list shall include the attorney's name, the number of cases in [such] the case inventory, the name of [each] the defendant in each [such] case, [the charges] and the [Court] court term and number. A copy of this list shall be [furnish] provided to the [Municipal Court District Judge] Supervising Judge of the Municipal Court's Criminal Division [to each counsel named] and the Office of the District [Attorney,] Attorney. The Supervising Judge shall review the list and give [with] notice to counsel that this Rule will become operative, unless [, within ten (10) days, a petition is filed in accordance with (B) hereof.] within 10 days of receipt of the letter counsel provides a written response to the Supervising Judge explaining why the rule should not become operative; such explanation to include the accuracy of the list, the responsibility for the delay, the existence of extraordinary circumstances or compelling reasons justifying exemption.

[(B) Counsel affected by the application of this Rule shall have the right to petition the President Judge of the Municipal Court to assign a Judge thereof to promptly fix a hearing for the purpose of determining:

(1) The accuracy of the list prepared by the Court Administrator,

(2) The responsibility for the delay in any of the listed cases,

(3) The existence of extraordinary circumstances or compelling reasons justifying exemption from the Rule. The filing of such a petition shall operate as a supersedes.]

(B) If the Supervising Judge determines that a hearing is needed, one shall be scheduled. Notice of the hearing shall be given to counsel and the District Attorney, both of who shall have the right to be heard and to present documentary and other pertinent evidence.

[(C) Notices of this hearing shall be given to petitioner and the District Attorney, both of whom shall have the right to be heard and to present documentary and other pertinent evidence. The Court, at the conclusion of the hearing, shall promptly make findings of fact.]

(C) The Supervising Judge shall make Findings of Fact.

(D) Upon finding that [a petitioner's] counsel's excess case inventory has not been [occasioned] caused by [his] counsel's inability to appear for cases [which] that are otherwise ready for disposition, the [Court] Supervising Judge shall enter an Order relieving [him] counsel from the application of this [Rule accompanied by such Order as may be appropriate.] Rule.

(E) Where [subject] counsel has one or more partners or associates in the practice of law, entries of

appearance by [said] any partner[s] or associate[s] shall not be considered in determining the defendants represented by counsel whose cases have not been brought to trial within the [prescribed] 4 month time period described in section (A). In no event shall substitution of appearances be permitted by counsel where the apparent purpose of such substitution is to avoid compliance with this Rule. [Defendants who are fugitives or whose cases are in deferred status by reason of incompetence or other good and sufficient reason, shall not be included in determining the number of cases outstanding for a period in excess of four (4) months.]

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 438 Crash Court.

All defendants charged with a Municipal Court case, who do not make bail within [ten (10)] 10 days after preliminary arraignment, and all defendants charged with a felony, whose preliminary hearing is continued for more than [twenty (20)] 20 days, shall be listed forthwith in Crash Court at a Philadelphia county prison.

Crash Court shall be conducted [every weekday and shall be presided over by a senior Trial Commissioner.] one day a week and shall be presided over by a Municipal Court Judge. Attorneys from the District Attorney's Office and [the Office of] the Defender Association shall be present, together with a Quarter Sessions Clerk and the defendant.

At Crash Court, each case shall be reviewed and one of the following actions may be taken:

1. Agreement by the District Attorney to reduce bail;
2. Agreement by the District Attorney to reduce the charge to a summary criminal offense and accept a guilty plea;
3. [Relistment of] Relisting the matter within [forty-eight (48)] 48 hours [in City Hall] to the Criminal Justice Center for a guilty plea;
4. [Relistment of] Relisting the matter on an accelerated basis for trial or preliminary hearing;
5. [Existing bail and next action date maintained.] Bail to remain the same and date for next action set.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 515 Bench Warrant Hearings

[In all cases where the defendant appears late in court,] If a defendant arrives late to court after a Bench Warrant has been issued and the Commonwealth's witnesses have been excused, [the Trial Judge should hold] the judge may hold an immediate [B] bench [W] warrant [H] hearing [at that time and] to determine whether [or not] the defendant's lateness was willful. If the [Trial J] judge [makes a determination] determines that the lateness was [in fact] willful, the judge may increase the defendant's bail [may be increased if the Court believes that there

is an] if it appears that there is an increased likelihood that the defendant will fail to appear at the next listing.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 530 Arrest Warrants Issued Outside City

The following procedure is applicable to cases in which [troopers of] the Pennsylvania State Police (State Police) make arrests in Philadelphia on warrants issued outside Philadelphia County. Under the [Supreme Court] Pennsylvania Rules of Criminal Procedure, [the trooper must take] the defendant shall be taken before [the] a [bail] Bail Commissioner. [at the Police Administration Building.] The Bail Commissioner is required to advise the defendant [that he has] of the right to have bail set[,] or to waive the right to bail.

1. If the defendant waives the right to bail, the defendant [is then] shall be taken by the State [Trooper] Police to the County where the warrant was issued. If the defendant [wishes] requests bail consideration [bail set], the State [Trooper] Police will [hand up to] provide [the Judge] a copy of the [defendant's criminal record and the Judge may then question the defendant as to his community contacts and then set bail.] warrant and/or the complaint to the Bail Commissioner.

2. In [Pennsylvania] State Police [Cases] cases, [there is no necessity for processing] defendants are not to be processed [through the Police Detention Unit.] through the police identification process.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 550—RESCINDED

[Preliminary Arraignment.

The Preliminary Arraignment Court at the Police Administration Building shall be open at all times and shall be staffed continuously by a Municipal Court Bail Commissioner and Data Entry Clerk.

Hospital bedside arraignments will be the responsibility of the Standby Bail Commissioner.]

Rule 550 Preliminary Arraignment

(A) Preliminary arraignments shall be held 24/7/365.

(B) Police shall direct all requests for bedside arraignments to the Bail Commissioner sitting on the day shift at the Criminal Justice Center.

Former rule 550 rescinded and new rule adopted by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 553 Line-ups Ordered Prior to a Preliminary Hearing.

1. In all cases where a Municipal Court Judge [shall] determines that a line-up is appropriate, the Judge shall [cause a] issue a Short Certificate [to be issued, and shall order] ordering the defendant, [the Attorney representing the defendant] defense counsel, and

the witnesses to appear at the prescribed time, [and] date [at the Philadelphia Detention Center] and location for that purpose. [Defendant's Attorney] Defense counsel must appear at the line-up unless his or her presence is waived by the defendant. [Willful failure of defendant's Attorney to] Defense counsel's willful failure to appear at the line-up shall constitute [c] Contempt of Court [and may be subject to] punishable by sanctions. Willful failure of any other parties ordered to appear shall constitute a waiver of their presence.

2. [All] The defendants shall sign a Short Certificate to indicate receipt and notification of the time and place of the line-up. A copy of [this] the Short Certificate shall be made part of the official [Court] court record.

3. If, at the time of the line-up, there is an allegation of a substantial alteration of the defendant's appearance from the time of the order to the time of the line-up, the line-up shall be canceled. At the next listing of the preliminary hearing, the Commonwealth shall present to the presiding [Judge] judge photographs taken of the defendant at the line-up and photographs taken at or near the date of the [Court] court order. If the presiding [Judge] judge determines that there has been a substantial alteration of appearance, the original line-up order shall be voided. If the presiding [Judge] judge [rules] determines that there has not been [such] a substantial alteration of appearance, a new lineup shall be ordered. [and the] The time from the original lineup order to the second line-up order shall be charged against the Commonwealth for purposes of Pennsylvania Rules of Criminal Procedure [1100] 600 and 1013.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 555—RESCINDED

[Preliminary Hearings.]

A. Cases at preliminary hearings may be discharged for lack of prosecution where the Commonwealth is twice not prepared to proceed. The Court may issue bench warrants for Commonwealth witnesses if requested by the Attorney for the Commonwealth.

B. Where an interpreter is required, but not available at a preliminary hearing, and all parties cannot agree to have someone other than an official Court interpreter act as translator, the case shall be continued into City Hall for the preliminary hearing.

C. All preliminary hearings in felony cases shall be listed for preliminary hearing in the Municipal divisional Courts except as follows:

1. Homicide cases shall be listed in Room 675, City Hall.
2. Rape cases shall be listed in Room 254, City Hall.
3. Narcotics narcotics cases, other than those from the East Police Division, shall be listed in Room 285, City Hall.]

Rule 555 Preliminary Hearings

A. A Municipal Court judge may dismiss a case at preliminary hearing when the Commonwealth wit-

nesses fail to appear three times. The court may issue bench warrants for Commonwealth witnesses in appropriate cases.

B. A Municipal Court judge may appoint the Defender Association to represent the defendant at the preliminary hearing only where the case has previously been continued for the non-appearance of private counsel.

Former rule 555 rescinded and new rule adopted by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 558 Required Discovery in Municipal Court

In [All Municipal Court] misdemeanor trials [for arrests on and after August 4, 1986] required discovery shall be made available to defense counsel upon defense counsel's written request for discovery made within 10 days of entry of appearance. Such cases shall be listed [initially] in a calendar room no earlier than [twenty (20)] 20 days after preliminary arraignment. These cases will be continued for status back into [that] the calendar room until [such time] discovery is provided by the Commonwealth or waived by the defendant. [: has delivered to counsel for the defendant the following Required Discovery unless such Discovery is waived by counsel for defendant:] The following constitutes required discovery:

1. Police Investigation Report (75-49)
2. Supplemental Investigation Report, if any (75-52)
3. Police DU1 Arrest Report, if any (75-50c)
4. Defendant's Statement, if any (75-483)
5. Ballistics Report, Chemical Analysis, Breathalyzer Report or other reports of experts, if appropriate.
6. Search Warrant, including affidavit of probable cause.
7. Affidavit of probable cause in warrant cases.

If [counsel for defendant] defense counsel fails to request [such Required Discovery] required discovery, in writing, within [ten (10)] 10 days after entry of appearance, trial shall not be delayed for failure [of] to provide discovery. The Defender Association shall not be required to give [such routine] written notice in all cases represented by it. Rule [6013] 1013 shall run against the Commonwealth until such time as [the Required Discovery] discovery has been completed, provided that the defendant is otherwise ready for trial. No other discovery shall be permitted unless ordered by the [Trial Judge] trial judge. Reciprocal discovery by the defendant to the Commonwealth shall continue to be governed by [Pa.R.C.P. 305(c).] Pennsylvania Rule of Criminal Procedure 573.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 600—RESCINDED

[Motions—Filing]

1. V. Appeals from summary convictions or Traffic Court Appeals: To perfect appeals from summary convictions or Traffic Court appeals, the Attorney for the appellant or the appellant shall file an

affidavit of service with the Office of the Clerk of Quarter Sessions setting forth that the appellant or his Attorney has served a copy of the notice of appeal with the Municipal Court Administrator or with the Traffic Court Judge who heard the case. Said affidavit shall include the name of the party serving the affidavit, the date of service, the means of service (whether served personally or by certified mail), and the name of the Municipal Court Administrator, or the Traffic Court Judge served. The affidavit shall be filed with the Clerk of Quarter Sessions within ten (10) days from the date service was effectuated. In the event the affidavit is filed and twenty (20) days expire from the date of service upon the Municipal Court Administrator, or the Traffic Court Judge, and the transcript has not been filed by the said administrator or Judge with the Office of Quarter Sessions upon praecipe, the Clerk of Quarter Sessions shall enter judgment of non pros and return to the appellant the bail posted.]

Rule 645 RESCINDED

[Stay Pending Appeal of Municipal Court Judgment.

In Municipal Court cases, where the defendant has been adjudged guilty and a prison sentence is imposed, the execution of such sentence must be stayed for thirty (30) days in order that the defendant may file a de novo appeal if he desires.

The defendant shall be given a subpoena directing him to appear in Room 703(B), City Hall, thirty (30) days after an adjudication of guilt. If a defendant has not filed an appeal and does not appear on the thirtieth (30th) day as directed by the subpoena, a bench warrant will issue forthwith.]

Rule 645 Stay Pending Appeal of Municipal Court Judgment

In Municipal Court cases, where the defendant has been adjudged guilty and a prison sentence is imposed, the execution of such sentence must be stayed for thirty (30) days in order that the defendant may file a de novo appeal.

Former rule 645 rescinded and new rule adopted by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 710 Guilty Pleas Refused by Trial Judge

Where a negotiated plea has been refused by the [Trial Judge] trial judge after hearing the facts of the case and the defendant is permitted to withdraw [his] the guilty plea, the Quarter Sessions [Clerk must] clerk shall note on the transcript, with specificity, the District Attorney's recommendation and that the plea bargain was declined by the [Judge] judge. [stating specifically what the District Attorney's recommendation was.]

This procedure is intended to prevent counsel from taking the same case before another [Judge] judge who [will] might accept the negotiation [which] that was previously refused by the [Court.] court.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 840 Private Criminal Complaint Procedure

(A) Private criminal complaints shall be filed with the [County Detectives Unit.] District Attorney's Office.

(B) A disapproval of a private criminal complaint shall require the signature of an Assistant District Attorney and shall set forth the reasons for the disapproval.

(C) Upon the petitioner's request, [of the petitioner for a private criminal complaint, a disapproved complaint shall be immediately forwarded by the District Attorney's Office] the District Attorney shall forward a disapproved private criminal complaint to the President Judge of the Municipal Court or [his] a designee for review. [The President Judge of Municipal Court shall assign the matter to a Municipal Court Judge for review. Appeal of the decision of the Municipal Court Judge shall be] If the reviewing judge denies the issuance of the private criminal complaint, the petitioner may appeal the decision to the Court of Common Pleas.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 850 Municipal Court Arbitration for Private Criminal Complaints

(A) Actions commenced by Private Criminal Complaint may be:

[(1)] 1. [Withdrawn] withdrawn by agreement of the parties and approval of [the] a Trial Commissioner; or

[(2)] 2. referred to the Municipal Court Arbitration Program. All parties must agree, in writing, on forms provided by the Arbitration Program Director, to submit the matter to the [award of the] Arbitration Program. All parties must agree to be bound by the applicable statutes, rules and regulations of the Arbitration Program; or

[(3)] 3. listed for trial before a [Philadelphia] Municipal Court Judge.

(B) Actions referred to the Municipal Court Arbitration Program shall be governed by the [following rules] Municipal Court Arbitration rules and provided to the parties in advance of the arbitration.

[(1) The Arbitration Program Director shall appoint and assign an Arbitrator, shall affix a time and place for a hearing and shall serve notice on all parties.

(2) The Arbitration Program Director may remand any matter to the Municipal Court for trial at any time prior to the entering of an award or upon a showing of good cause.

(3) Arbitration hearings:

(a) parties may be represented by counsel.

(b) Persons party to or having a direct interest in the dispute are entitled to attend hearings. The Arbitrator shall have the power to sequester witnesses during the testimony of other witnesses.

(c) The hearing may proceed in the absence of any party who, after due notice, fails to be present

or fails to obtain a continuance. An award shall not be made solely on the default of a party. The Arbitrator shall require the party who is present to submit such evidence as he or she may require for the making of an award.

(d) Parties and witnesses shall testify under oath or affirmation, which shall be administered by the Arbitrator.

(e) The Arbitrator shall conduct the hearing in such manner as he or she deems best suited to discover the facts and to determine the justice of the case in accordance with substantive law and shall not be bound by the formal rules of evidence, except those pertaining to privileged communications.

(f) The Arbitrator shall receive and consider evidence of witnesses by affidavit, but shall give it only such weight as he or she deems it entitled after considering objections made to its admission.

(g) A stenographer or court reporter shall not be present at the hearing nor shall any recording device be permitted unless authorization is obtained from the Arbitration Program Director.

(h) Upon cause shown, the Arbitrator may continue the matter to a date certain.

(4)

(a) The Arbitrator may grant any remedy or relief which he or she deems just, including monetary awards and equitable awards.

(b) Parties may enter into a consent agreement at any time prior to the making of an award. The consent agreement shall state the obligations of the respective parties, shall be in writing and signed by all parties. The consent agreement shall be filed with the Arbitration Program and shall have the same effect as an award:

(c) Copies of an award or consent agreement will be mailed or otherwise forwarded to all parties or their counsel by the Arbitration Program. Except as provided in subsection (B)

(5), an award or consent agreement shall be final and binding on all parties.

(5)

(a) A party may file exceptions to the award of the Arbitrator for the following reasons and for no other:

(i) The Arbitrator committed a plain mistake in matter of fact or in matter of law; or

(ii) The Arbitrator misbehaved in the conduct of the case; or

(iii) The action of the Arbitrator was procured by corruption or other undue means.

(b) Exceptions may be filed with the Arbitration Program Director within 15 days of the entering of the award.

(c) Exceptions must be submitted in writing and shall set forth all allegations of fact in support of the exceptions.

(d) The Municipal Court Administrator shall assign a date and courtroom for a hearing on the exceptions on the Municipal Court Civil Trial List. Thereafter, copies of the exceptions shall be served on all parties by the Arbitration Program.

(e) If, upon exceptions filed to any award, it shall appear to the Court that the Arbitrator made a mistake in fact or law, the Court shall refer the case back to the Arbitration Program for such further proceedings as shall be necessary.

(f) Should the Court sustain exceptions as provided above in subsection (B)(5)(e), the award of the Arbitrator shall be vacated by the Court and the case referred back to the Arbitration Program with directions that a new Arbitrator be appointed to hear and decide the matter.

(6) Arbitration Program awards and consent agreements shall be enforceable upon issuance unless stayed by the Arbitration Program Director or by the Municipal Court.

(7) Any party neglecting or refusing to perform and execute an award or consent agreement shall be liable to all the penalties of contempt of court. Upon petition by an aggrieved party, the Arbitration Program Director shall schedule a hearing in the Municipal Court to determine the existence of contempt.

(C) Except for actions in which a government agency is a party, all actions listed for trial before a Philadelphia Municipal Court Judge must first be submitted to the Arbitration Program for compulsory mediation. In the event that the compulsory mediation hearing does not result in an agreement between the parties, the action shall either be:

(1) referred to the Arbitration Program upon agreement of all parties in accordance with section (B) above; or

(2) listed for trial in accordance with Chapter 6000 of the Pennsylvania Rules of Criminal Procedure.]

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

Rule 860 Enforcement of Arbitration Award.

Parties [**which**] **who** have agreed to submit their case to arbitration shall be bound to the award of the Arbitrator. Upon petition, [**the Judges**] a **Municipal Court judge** [**of the Municipal Court**] may conduct contempt proceedings to compel enforcement of the Arbitrator's award. The [**Court**] **court** shall not hear the merits of the case [**de novo**] *de novo*.

Amended by the Municipal Court Board of Judges on 18 November 2005; effective 15 March 2006.

[Pa.B. Doc. No. 06-272. Filed for public inspection February 17, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 111]

Proof Required to Establish Credit

The Secretary of Revenue (Secretary), under the authority in section 354 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7354), amends § 111.5 (relating to proof required to establish credit) to read as set forth in Annex A.

Because of time constraints associated with the policy change for Personal Income Tax in the current fiscal year, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the proposed rulemaking omitted process is that it is in the public interest to eliminate by January 1, 2006, the regulatory requirement that, to claim credit for income taxes imposed by other states, a taxpayer shall file with a Pennsylvania tax return a copy of the tax return filed with the other state that is signed. There is no legal requirement that the copy be signed. See section 333(c) of the TRC (72 P. S. § 7333(c)). The signature requirement also is an inconvenience to taxpayers and tax practitioners in completing Pennsylvania tax returns.

Purpose of the Final-Omitted Rulemaking

The purpose of this final-omitted rulemaking is to amend § 111.5 to reflect a policy change made by the Department which eliminates the need for a "signed" copy of the tax return filed with another state for proof required to establish credit.

Explanation of Regulatory Requirements

The Department is removing language in § 111.5 that requires a taxpayer to file with a Pennsylvania tax return a "signed" copy of a tax return with other states to claim a credit for taxes paid to another state. The only amendment to this section is the deletion of the word "signed."

Fiscal Impact

The Department has determined that the final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth.

Paperwork

The final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The regulation is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the final-omitted rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on December 13, 2005, the Department submitted a copy of the regulations with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the regulations with proposed rulemaking omitted were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(j.1) of the Regulatory Review Act, the final-omitted rulemaking was deemed approved by the Committees on February 1, 2006. IRRC met on February 2, 2006, and approved the final-omitted rulemaking under section 5.1(e) of the Regulatory Review Act.

Findings

The Department finds that the final-omitted rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because it is in the public interest to expedite this amended regulation that reduces the burden to the taxpayer.

Order

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

(a) The regulations of the Department, 61 Pa. Code Chapter 111, are amended by amending § 111.5 to read as set forth in Annex A.

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

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

GREGORY C. FAJT,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 891 (February 18, 2006).)

Fiscal Note: 15-431. No fiscal impact; (8) recommends adoption. Implementation of this final-omitted rulemaking will generate savings of \$200,000 for Fiscal Year 2005-2006.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 111. CREDITS AGAINST TAX

§ 111.5. Proof required to establish credit.

Credit will not be allowed under this section unless the taxpayer has proved to the satisfaction of the Department the amount of tax paid to the other state. A Form W-2 indicating income tax withheld for another state will not be sufficient to establish credit under this section. The mere fact that tax was withheld does not establish the fact that a taxpayer has been liable for the payment of tax to another state. Therefore, when claiming a credit for taxes paid to another state, a taxpayer shall file with his Pennsylvania tax return a copy of the tax return filed with the other state. The return will be considered as prima facie evidence of the amount of income tax, if any, paid to the other state.

[Pa.B. Doc. No. 06-273. Filed for public inspection February 17, 2006, 9:00 a.m.]

STATEMENTS OF POLICY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-00051926]

Acquisitions of Water and Wastewater Systems

The Pennsylvania Public Utility Commission, on December 1, 2005, adopted a proposed policy statement order which seeks to increase the number of mergers and acquisitions of small, nonviable water companies to foster regionalization and enhance the viability of jurisdictional water and wastewater systems in this Commonwealth.

Public Meeting held
December 1, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Terrance J. Fitzpatrick; Kim Pizzingrilli

*Proposed Policy Statement on Acquisitions of
Water and Wastewater Systems;
Doc. Nos. M-00051926; P-00052155*

Proposed Policy Statement

By the Commission:

Introduction

On March 11, 2005, Aqua Pennsylvania, Inc. (Aqua) filed a petition with the Commission in which it requested the Commission issue a statement of policy on water and wastewater system acquisitions that Aqua had drafted. In support of its petition, Aqua asserted that the adoption of its proposed policy statement would enhance the Commission's and the Department of Environmental Protection's (DEP) continued goals of promoting water system viability and regionalization and would provide a workable system under which acquiring companies could continue acquisitions and, concomitantly, ensure fair treatment of customers. The Commission determined that comments on Aqua's petition would be helpful and assist it in reaching a final determination on the necessity of issuing a final policy statement regarding acquisitions of water and wastewater systems in Pennsylvania. The notice requesting comments from interested parties regarding Aqua's petition was published April 16, 2005, at 35 Pa.B. 2366.

The National Association of Water Companies—Pennsylvania Chapter (NAWC), the Pennsylvania Office of Consumer Advocate (OCA), the Pennsylvania Municipal Authority Association (PMAA), and a private individual, Lawrence G. Spielvogel, all filed comments to Aqua's petition. This order addresses those comments and sets forth a proposed policy statement on the acquisition of water and wastewater systems in Pennsylvania.

Background

Prior to the enactment of section 1327 of the Public Utility Code, 66 Pa.C.S. § 1327, in 1990, the Commission, under the then-existing law, was prohibited from recognizing in a utility's rate base for ratemaking purposes anything other than the original cost of the assets of the acquired water company less any accrued depreciation. *Scranton v. Scranton Steam Heat*, 405 Pa. 397, 176 A.2d 86 (1961). Thus, if Company A purchased Company B,

Company A's rates could only reflect the original cost of Company B's physical plant less any depreciation. Therefore, even though Company A may have paid substantially more than the depreciated value of Company B's physical plant, Company A was prohibited from having the actual purchase price recognized in the ratemaking process.

The water industry advised the Commission that this ratemaking prohibition created an economic disincentive for larger, more capable and viable water utilities to acquire and merge with smaller, nonviable water systems. Moreover, the situation, as explained by the water industry, was further exacerbated if the rate base of the small water system was fully depreciated.

In 1987, the Commission, in conjunction with a consortium of water industry stakeholders, collaborated to address this ratemaking prohibition and the related proliferation of small, nonviable systems throughout the Commonwealth. The result of this 3-year process, which included input from large investor-owned utilities as well as the OCA, was Act 24 of 1990 adding section 1327 to the Public Utility Code. Section 1327 now allowed, under well-defined statutory parameters, an acquiring utility to request an adjustment to its rate base when the actual purchase price or acquisition costs are greater than the depreciated original cost of the assets of the acquired system. As a result of further stakeholder collaboration, including valuable input again from the water industry, section 1327 was subsequently amended in 1995, to expand further the opportunities for actual purchase price recognition to systems with 1,200 or fewer customer connections to systems with 3,300 or fewer customer connections.

In light of section 1327 of the Code, at its February 22, 1996, Public Meeting, the Commission adopted a policy statement regarding incentives for the acquisition and merger of small, nonviable water and wastewater systems. See 52 Pa. Code § 69.711. Through this policy statement, the Commission sought to enhance its objective of increasing the number of mergers and acquisitions of small, nonviable water companies to foster regionalization and enhance the viability of jurisdictional water and wastewater systems in Pennsylvania. Specifically, our policy statement identified the following acquisition incentives available to encourage the acquisition of nonviable water and wastewater systems: (1) rate of return premium; (2) acquisition adjustment; (3) deferral of acquisition improvement costs; or (4) plant improvement surcharge. See 52 Pa. Code § 69.711(b).

Aqua's Proposed Policy Statement

Aqua's proposal was filed on March 11, 2005. According to Aqua, the proposed Policy Statement is intended to provide "clear guidance" regarding the Commission's expectations on water and wastewater system acquisitions, especially as to the need for original cost studies and cost records. Aqua also states that the proposed Policy Statement represents Aqua's "best efforts to memorialize existing understandings with Commission staff and to resolve the remaining issues." Aqua Petition at 2.

Aqua's proposed Policy Statement sets forth several substantive duties and procedural obligations for acquiring utilities, most notably, a requirement that the acquiring utility prepare an original cost study within six months of acquisition closing. See 52 Pa. Code § 69.721(b)(1) and (b)(2). In connection with determining

original cost, the proposed Policy Statement further addresses failure of the seller to provide original cost documentation, procedures for booking customer contributions in aid of constructions (CIAC), the obligation to exclude plant not booked due to contributions, and the obligation to reconcile the acquiring utility's proposed original cost with the Commission's records. See 52 Pa. Code § 69.721 (b)(3)—(6).

In addition, the proposed Policy Statement outlines the procedures for booking a positive acquisition adjustment (purchase price above depreciated original cost), booking a negative acquisition adjustment (purchase price below depreciated original cost) and use of a "proxy" purchase price per customer. See 52 Pa. Code § 69.721 (c)—(e).

OCA Comments

In general, OCA states that section 1327 of the Code governs the acquisitions of water and wastewater utilities. OCA goes on to explain that section 1327 was enacted in 1990 and created an exception to the general rule in section 1311(b), which values utility property for ratemaking purposes as the depreciated original cost of such property when first devoted to public service. As to the alleged need for the proposed Policy Statement, the OCA submits that section 1327 of the Code "is very clear and does not require any unnecessary or cumbersome policies." OCA Comments at 2.

In response to the particulars of Aqua's proposed Policy Statement, OCA asserts that Aqua's proposed Policy Statement includes "several statements which are inconsistent with section 1327 and are inappropriate for ratemaking purposes." OCA Comments at 2. For example, section 69.721(c) of Aqua's proposed Policy Statement addresses acquisitions where the purchase price is less than net original cost—the negative acquisition adjustment. According to the OCA, to address this situation, Aqua's proposed Policy Statement at § 69.721(c) states that "the reasonable difference should be amortized over a ten year period." However, the OCA observes that this language is contrary to section 1327(e) of the Code, which states: "that difference shall, absent matters of a substantial public interest, be amortized as an addition to income over a reasonable period of time or be passed through to the ratepayers by such other methodology as the commission may direct."

In addition, Aqua's proposal limits the Commission's discretion in addressing negative acquisition adjustments because the Commission, under Aqua's proposed Policy Statement, would be required to amortize the difference over ten years. According to OCA, contrary to section 1327(e), this proposed provision would remove the Commission's discretion to use a different time period or any other methodology to amortize the excess of net original cost over the purchase price.

As another alleged example of section 1327 inconsistency, the OCA observes that Aqua's proposed Policy Statement at § 69.721(d) provides that a positive acquisition adjustment should be allowed in rate base if the acquisition meets the requirements of section 1327(a) or the utility can demonstrate that the acquisition produced operational or financial customer benefits. According to OCA, by adding an additional criteria to the statutory mandate of section 1327(a), this proposal "eviscerates the requirements of section 1327 (a) with respect to the inclusion of positive acquisition adjustments in rate base and should not be accepted." OCA Comments at 6-7. OCA states that there is no need to provide an alternative to

the criteria in section 1327(a) because the General Assembly has enumerated the criteria that will establish those benefits.

Aqua's proposed Policy Statement at 69.721(e) suggests that, if the original cost is in dispute, the Commission should consider the relationship between purchase price per customer and the acquiring utility's rate base per customer as a relevant test and "significant benchmark of the reasonableness of the purchase price for a water or wastewater system." The OCA submits that this proposed section would limit the ability of the parties to address the requirements of section 1327(a)(6). In this regard, the OCA states that the utility has the burden of proof under section 1327 to establish the reasonableness of the purchase price and that there needs to be some connection between the evidence produced by the utility and the criterion. Accordingly, the OCA concludes that "no nexus has been established in this Petition that the purchase price per customer is an appropriate way to establish that the purchase price is reasonable. OCA Comments at 9.

Finally, the OCA discusses at length the Aqua-proposed requirement of an original cost study for every acquisition or, as an alternative, the election to rely in whole or in part upon the original cost records of the seller or the Commission. Once again, the OCA notes that there is no requirement in section 1327 that an original cost study be performed for an acquisition. Because an original cost study is expensive and in many cases unnecessary because of the existence of adequate records, the OCA cautions the Commission against placing such a requirement on utilities. According to OCA, "it should not be assumed that an original cost study is always a better measurement of the net investment not yet recovered from customers. Undertaking a cost study because it is required under the proposed policy statement may result in a waste of utility, intervenor, and Commission resources." OCA Comments at 5.

NAWC-PA Chapter Comments

The National Association of Water Companies—Pennsylvania Chapter (NAWC), a trade association representing many of Pennsylvania's largest investor-owned water utilities, submitted comments to Aqua's proposed Policy Statement. According to NAWC, the proposed Policy Statement does not at all appear to be a declaration of a flexible, non-binding policy. Instead, according to NAWC, the proposed Policy Statement sets forth procedural duties or obligations of the acquiring utility, some of which may or may not be necessary for every acquisition. To this end, the NAWC cautions the Commission in characterizing a "binding norm" as a policy statement when it is really a regulation, subject to the formalities of the Commonwealth Documents Law and the Regulatory Review Act. NAWC Comments at 2.

Finally, the NAWC submits that the stated need for clarification and explanation in the petition and proposed Policy Statement is not developed in the Petition or in the proposed Policy Statement. Indeed, the NAWC suggests that sufficient clarification and explanation already exist on the main issues raised by the proposed Policy Statement. Specifically, according to NAWC, in the Reconsideration Order in *Application of Pa. Suburban Water Co. and Eagle Rock Utility Corp.*, Docket Nos. A-210104F0023 and A-210075F2000 (Order entered March 5, 2005) (*Eagle Rock*), the Commission, in response to Aqua's petition for reconsideration, held: (1) an application proceeding is not the appropriate forum to determine the ratemaking impact of an acquisition; (2) specific bookkeeping entries should not be ordered in an application proceeding; and

(3) an applicant should be given the opportunity to submit an original cost study prior to its next rate filing. NAWC Comments at 3.

PMAA Comments

The Pennsylvania Municipal Authority Association (PMAA), representing over 650 municipal authorities across the Commonwealth, submitted comments to Aqua's proposed Policy Statement. In its comments, PMAA asserts that the proposed Policy Statement is inconsistent with the Commission's Policy Statement at 52 Pa. Code § 69.711, which addresses acquisition incentives for small, non-viable water and wastewater systems. Specifically, PMAA contends that the Aqua's proposed Policy Statement repeatedly uses the word "or" when identifying the criterion for an acquisition adjustment whereas section 1327(a) of the Code and the Commission's Policy Statement at 52 Pa. Code § 69.711 both use the word "and" when identifying the criterion for an acquisition adjustment.

Lawrence G. Spielvogel Comments

Lawrence G. Spielvogel, an individual, also filed comments to Aqua's proposed Policy Statement. In sum, Mr. Spielvogel objected to the approval of Aqua's proposed Policy Statement because "it codifies practices that require regulatory latitude." According to Mr. Spielvogel, the Petition and proposed Policy Statement "fails to show that existing procedures at the Commission are inadequate."

Aqua Reply Comments

Aqua filed reply comments to the comments filed by the OCA, NAWC, PMAA and Lawrence G. Spielvogel. In its reply, Aqua notes that the proposed Policy Statement was filed "in order to seek guidance regarding recent Commission staff actions and informal policies that have made the acquisition of water and wastewater systems increasingly burdensome." Aqua Reply at 1. Aqua continues:

The Petition memorializes concessions made by Aqua in order to satisfy concerns raised by Commission staff. As to issues on which Aqua and Commission staff have irreconcilable differences, Aqua has openly and forthrightly presented its proposals for resolution. While other water and wastewater companies may have not yet experienced the same obstacles in the acquisition process, they likely will as they increasingly acquire other systems. The time to address the problem is now. An acquiring utility should not be subjected to the initial financial and operational risk of buying a small troubled water system and then be subjected to ongoing risk with no finality as to whether it will be permitted to earn on its investment.

Aqua Reply at 1-2. Aqua concludes its reply comments by stating that the Commission should not continue along the "same beaten path" and that the Commission should not be satisfied with the status quo—particularly when the acquisition process has become "riddled with misunderstandings and unnecessary obstacles." Aqua Reply at 2.

a. Reply to the OCA Comments

In response to the comments of the OCA, namely, that the proposed Policy Statement conflicts with section 1327 of the Code, Aqua acknowledges that if there is a conflict, the statute controls. Aqua Reply at 8. On this point, Aqua agrees that certain provisions of the proposed Policy Statement could have led to confusion, thus, Aqua has proposed alternative language in an attempt to satisfy OCA's concerns.

As to OCA's comments concerning the prohibitive cost of an original cost study in every case, Aqua in its reply agrees that the preparation of an original cost study can be a costly endeavor; however, according to Aqua, it should nevertheless be a requirement because: (1) Commission staff already expects the preparation of an original cost study; (2) the proposed Policy Statement already recognizes that there may be situations in which a "full-blown" original cost study is not necessary; (3) the proposed Policy Statement is just that—a statement of policy merely providing Commission guidance; and (4) OCA's criticism relating to proper calculations in an original cost study is beyond the scope of Aqua's instant Petition. Aqua Reply at 9-10.

In its reply comments, Aqua has revised the language in its proposed Policy Statement at § 69.721(c) and (d) to address the comments of OCA concerning inconsistency with the provisions of section 1327(a). As to OCA comments concerning the relevance of "the relationship between the purchase price per customer and the acquiring utility's average rate base per customer," Aqua has modified/clarified its position by stating in its reply that the purchase price per customer is "one test of many" as opposed to "a significant benchmark" of the reasonableness of the purchase price.

b. Reply to NAWC Comments

In response to the specific comments of NAWC, namely, that the proposed Policy Statement establishes a "binding norm" and, therefore, constitutes a regulation that must comply with the Commonwealth Documents Law and the Regulatory Review Act and that the issues raised in the proposed Policy Statement were sufficiently addressed by the Commission's reconsideration order in *Eagle Rock*, Aqua contends that "both arguments represent half-hearted efforts to encourage the Commission to do nothing." Aqua Reply at 2. Accordingly, Aqua argues that the comments should be summarily dismissed essentially because the proposed Policy Statement is discretionary in nature and that *Eagle Rock* was not the impetus for the proposed Policy Statement. Aqua Reply at 7.

c. Reply to PMAA and Spielvogel Comments

In response to the comments of PMAA, Aqua states that PMAA comments essentially raise the same concern of OCA, namely, that the proposed Policy Statement uses disjunctive language with regard to the requirements of section 1327(a). To this end, Aqua states that it has proposed new "compromising language" that simply refers to section 1327. As to the comments of Mr. Spielvogel, Aqua asserts that his comments constitute "unfounded speculation regarding Aqua's motives in the filing of the Petition."

Discussion

After reviewing the comments to the proposed Policy Statement and Aqua's reply, the Commission believes that there are several problems with Aqua's policy statement as presently drafted. First, the proposed language appears to amend and/or expand, by way of a proposed policy statement, the parameters of section 1327. Section 1327 created an exception to the general rule in section 1311(b) of the Code, 66 Pa.C.S. § 1311(b), which values utility property at the original cost of such property when first devoted to public service, less applicable accrued depreciation. As stated above, section 1327 now permits for ratemaking purposes the recognition of the actual purchase paid by the acquiring utility for the acquired system. However, section 1327-treatment is expressly applicable only to the acquisitions of non-viable water and

wastewater systems. Aqua's policy statement appears to expand the applicability of section 1327 treatment to all acquisitions of water and wastewater systems. Such an amendment, even if warranted, is not permissible via a policy statement.

Aqua acknowledges in its reply comments that section 1327 governs only the acquisition of troubled water and wastewater systems in Pennsylvania. Accordingly, Aqua has revised the proposed language in its policy statement to address this concern. Nevertheless, Aqua's revisions still remain somewhat inconsistent with section 1327 and include requirements that would be costly to the water industry and their ratepayers (i.e., a general requirement to provide an original cost study for every acquisition). Moreover, the Commission notes that there is already an existing policy statement at 52 Pa. Code § 69.711 that is consistent with the parameters of section 1327 and specifically enumerates the requirements for granting an acquisition adjustment to the rate base of the acquiring utility. Thus, the need for a further interpretative policy statement concerning 1327-type acquisitions is less than compelling.

However, the Commission acknowledges that one of Aqua's primary concerns regarding the acquisition process was attempting to provide guidance as to when and whether an acquiring utility should prepare an original cost study that determines the appropriate value of the assets of an acquired non-viable system. We note that Aqua's proposed policy statement attempts to address this concern by identifying the records an acquiring utility should use in preparing the original cost study, outlining the duty for the acquiring utility to obtain information from the seller, and clarifying the treatment of CIAC. These provisions, in an acceptable form, can provide guidance to the water industry, and bring predictability to the process of acquiring non-viable water and wastewater systems.

Accordingly, the Commission will revise Aqua's proposed policy statement so that it is consistent with section 1327 of the Code and incorporate the above-mentioned provisions, which we believe will provide guidance to acquiring companies. We herein propose to incorporate the revised proposed policy statement into the existing policy statement at 52 Pa. Code § 69.711, which deals exclusively with small, non-viable water and wastewater systems. While this policy statement will not establish binding norms, as would a comprehensive regulation, the policy statement will provide acquiring utilities with guidance and predictability regarding the Commission's treatment of acquisitions and original cost studies.

As previously noted, the existing policy statement at 52 Pa. Code § 69.711 deals exclusively with the consolidation of non-viable water and wastewater systems through acquisitions. The Commission issued this existing policy to highlight its objective of promoting regionalization and smaller water system viability by encouraging larger water systems to consolidate and acquire smaller, non-viable water companies. Nonetheless, we also believe that further consolidation of water and wastewater systems within the Commonwealth may, with appropriate management, result in greater environmental and economic benefits. The Commission notes that it is extremely difficult and very costly for water companies to bring on-line new sources of water supply to meet the ever-increasing demand for potable water in those areas experiencing urban sprawl and an exponential growth in population. Regionalization of water and wastewater systems through mergers and acquisitions will allow the

water industry to institute better management practices and achieve greater economies of scale that will permit greater public access to safe and reliable water. Consequently, we think that it is appropriate to provide guidance to the water industry regarding the acquisition of viable water and wastewater systems. Accordingly, in addition, we are herein setting forth proposed language that provides guidance for an acquiring company that is seeking to include the original cost of the used and useful assets (less depreciation) of an acquired water/wastewater system in its rate base during a subsequent rate proceeding.

At the same time, however, we note that these categories of acquisitions fall outside of the parameters of section 1327 and, therefore, no acquisition adjustment would be permitted by the Commission. Nonetheless, we believe that these types of acquisitions generally serve public policy goals and that some sort of acquisition premium for this category of acquisitions might be appropriate. While the smaller systems may not be chronically troubled today or have long records of poor compliance, as defined in section 1327, these smaller utilities might likely have viability challenges in the future. Smaller water and wastewater systems throughout the Commonwealth currently have varying degrees of financial, technical and managerial viability, and currently experience or are likely to experience the concomitant operational challenges in the future of meeting the costs of escalating Safe Drinking Water Act requirements and making upgrades to their aging infrastructure.

Acquisitions of smaller systems by larger more viable systems will likely improve the overall, long-term viability of the water and wastewater industry and quality of ratepayers' daily lives, the community's economic development and environmental enhancements. See 52 Pa. Code § 69.701. Moreover, we note that the quality of service provided by a public utility is not a neutral factor in determining the just and reasonable level of rates that may be charged. *National Utilities Inc. v. Pa. PUC*, 709 A.2d 972 (Pa. Cmwlth. 1998); 66 Pa.C.S. § 523(a); *Pa. P.U.C. v. Aqua Pennsylvania, Inc.*, 2004 Pa. PUC LEXIS 39; 236 P.U.R.4th 218 (Order entered August 5, 2004). Accordingly, for those utilities that have a demonstrated track record of acquiring and improving the service provided to the customers of these smaller and less viable water systems, we seek comment on whether the Commission should, in its discretion, consider this factor in a subsequent rate case filed by the acquiring utility when determining an appropriate return on equity commensurate with the quality of service provided. See, e.g., *Pa. PUC v. United Water*, Docket No. R-00973947 (January 30, 1998).

To provide guidance to the water industry regarding acquisitions, we propose to amend Chapter 69 of our regulations by amending § 69.711 and adding § 69.721, to read as set forth in Annex A. Under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Document Law, 45 P.S. §§ 1201 et seq., and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we amend the regulations at 52 Pa. Code § 69 and as set forth in Annex A; *Therefore*,

It Is Ordered That:

1. The proposed amendments to 52 Pa. Code Chapter 69 (§§ 69.711 and 69.721), as set forth in Annex A, are issued for comment.
2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. A copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional water and wastewater utilities, the DEP, the National Association of Water Companies-Pennsylvania Chapter and the Pennsylvania Rural Water Association. This order and Annex A shall also be served upon all persons who submitted comments to Aqua's policy statement.

5. Interested persons may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 30 days from the date this order is published in the *Pennsylvania Bulletin*. A copy of written comments shall also be served upon the Commission's Law Bureau.

6. The contact Person for this matter is David Screven, Law Bureau, (717) 787-2126.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-246. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

ACQUISITIONS OF SMALL NONVIABLE WATER AND WASTEWATER SYSTEMS—STATEMENT OF POLICY

§ 69.711. Acquisition incentives

(a) *General.* To accomplish the goal of increasing the number of mergers and acquisitions to foster regionalization, the Commission will consider the acquisition incentives in subsection (b). The following parameters shall first be met in order for Commission consideration of a utility's proposed acquisition incentive. It should be demonstrated that:

* * * * *

(2) The acquiring utility meets the criteria of viability [**which**] that will not be impaired by the acquisition; that it maintains the managerial, technical and financial capabilities to safely and adequately operate the acquired system, in compliance with 66 Pa.C.S. (relating to the Public Utility Code), the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) and other requisite regulatory requirements on a short and long-term basis.

* * * * *

(b) *Acquisition incentives.* In its efforts to foster acquisition of suitable water and wastewater systems by viable utilities when the acquisitions are in the public interest, the Commission seeks to assist these acquisitions by permitting the use of a number of regulatory incentives. Accordingly, the Commission will consider the following acquisition incentives:

(1) *Rate of return premiums.* [**Additional**] Under 66 Pa.C.S. § 523 (relating to performance factor con-

struction), **additional** rate of return basis points may be awarded for certain acquisitions and for certain associated improvement costs, based on sufficient supporting data submitted by the **acquiring** utility within its rate case filing. **The rate of return premium as an acquisition incentive may be the most straightforward and its use is encouraged.**

(2) *Acquisition adjustment.* [**In cases when the acquisitions are greater than the depreciated original cost, the reasonable excess may be included in the rate base of the acquiring utility and amortized as an expense over a 10-year period.**] When the **acquiring utility's acquisition cost differs from the depreciated original cost of the water or wastewater facilities first devoted to public use, the difference may be treated as follows for ratemaking purposes:**

(i) *Credit acquisition adjustment.* Under 66 Pa.C.S. § 1327(e) (relating to acquisition of water and sewer facilities), when a utility pays less than the depreciated original cost of the acquired system, the acquiring utility may book and include in rate base the depreciated original cost of the acquired system, provided that the difference between the acquisition cost and original cost should be amortized as an addition to income over a period of time that is determined by the Commission. The acquiring utility may argue that no amortization is appropriate when the acquisition involves a matter of substantial public interest.

(ii) *Debit acquisition adjustment.* Under 66 Pa.C.S. § 1327(a), when a utility pays more than the depreciated original cost of the acquired system, the acquiring utility may book and include in rate base the excess of acquisition cost over depreciated original cost of the acquired system, provided that the utility can meet the requirements of 66 Pa.C.S. § 1327(a). When the acquisition does not qualify under 66 Pa.C.S. § 1327(a), the debit acquisition adjustment should be treated in accordance with generally accepted accounting principles and not be amortized for ratemaking purposes.

* * * * *

(5) *Additional acquisition incentives.* Other appropriate incentives may be considered by the Commission, when they meet the parameters in subsection (a).

(c) *Procedural implementation.*

(1) The appropriate implementation procedure for the acquisition incentives [**listed**] in subsection (b) would be to file the request during the next filed rate case. In the case of the first incentive, for example, the rate of return premium, appropriate supporting data should be filed within the rate of return section for Commission evaluation of its applicability. [**The rate of return premium as an acquisition incentive may be the most straightforward and its use is encouraged.**]

(2) [**Other appropriate incentives may be considered by the Commission, if they meet the parameters listed at subsection (a).**] Acquisition incentive requests will be considered on a case-by-case basis. In acquisition incentive filings, the burden of proof rests with the acquiring utility.

(d) *Documentation to support inclusion of acquisition adjustment.* An acquiring utility may use a

variety of documentation to support an acquisition adjustment to its rate base as a result of the acquisition of a small, nonviable water and wastewater system.

(1) *Statement of reliance on existing records.* An acquiring utility may elect to rely in whole or in part upon the original cost records of the seller or Commission in determining the original cost of the used and useful assets of the acquired system.

(2) *Preparation of data to support acquisition adjustment.* An acquiring utility, upon its own election, may file an original cost plant-in-service study with the Commission to support its requested acquisition adjustment to its rate base. An original cost study is one method of determining the valuation costs of the property of a public utility. It requires the acquiring utility to develop realistic plant balances and accumulates the records and accounting details that support those balances. Disputes regarding the acquiring utility's original cost valuation of the assets of the acquired system will be resolved in the context of a rate proceeding in which all interested parties will have an opportunity to be heard.

(i) *Contents of an original cost plant-in-service study.* The acquiring utility is obligated to exercise due diligence and make reasonable attempts to obtain, from the seller, documents related to original cost. In particular, as part of its exercise of due diligence, the acquiring utility should request from the seller, for purposes of determining the original cost plant-in-service valuation, the original cost of the assets being acquired and records relating to contributions in aid of construction (CIAC), such as the following:

(A) Accounting records and other relevant documentation and agreements of donations or contributions, services, or property from states, municipalities or other government agencies, individuals, and others for construction purposes.

(B) Records of unrefunded balances in customer advances for construction (CAC).

(C) Records of customer tap-in fees and hook-up fees. When booked by the seller as revenue, the plant value should be included in plant-in-service and the related contribution account and not treated as revenue for ratemaking purposes.

(D) Prior original cost studies.

(E) Records of local, State and Federal grants used for construction of utility plant.

(F) Relevant PennVEST or Department of Environmental Protection records.

(G) Any Commission records.

(H) Summary of the depreciation schedules from all filed Federal tax returns.

(I) Other accounting records supporting plant-in-service.

(ii) *Failure of seller to provide cost-related documents.* The failure of a seller to provide cost-related documents, after reasonable attempts to obtain the data, will not be a basis for the Commission's denial of the inclusion of the value of the acquired system's assets in its proposed rate base. Because the documents obtained from the seller may be incomplete and may result in an inaccurate valuation, the

acquiring utility will not be bound by the incomplete documents from the seller in the preparation of its original cost plant-in-service valuation.

(iii) *Procedure for booking CIAC.* The acquiring utility, at a minimum, should book as CIAC contributions that were properly recorded on the books of the system being acquired. If evidence supports other direct or indirect CIAC that was not booked by the acquired utility, the acquiring utility should make a documented effort to determine the actual CIAC and record the contributions for ratemaking purposes, such as lot sale agreements or capitalization vs. expense of plant-in-service on tax returns.

(iv) *Plant retired/not booked/not used and useful.* The acquiring utility should identify all plant retirements and plant no longer used and useful, and complete the appropriate accounting entries.

(v) *Reconciliation with commission records.* The acquiring utility should reconcile and explain any discrepancies between the acquiring utility's original cost plant-in-service valuation and the Commission's record at the same time the supporting documentation for the study is filed.

(e) *Time to submit original cost valuation.* When the acquiring utility wants to request an acquisition adjustment for ratemaking purposes, it should submit a copy of its newly prepared original cost plant-in-service valuation of the acquired system or a statement of reliance of the existing records of the Commission or the seller to the Commission's Secretary's Bureau, the Bureau of Audits, the Bureau of Fixed Utility Services, the Office of Trial Staff, the Office of Consumer Advocate, and the Office of Small Business Advocate 6 months prior to the date that the acquiring utility plans to make its next rate case filing with the Commission.

(1) The Commission staff may conduct an audit of the original cost valuation, but if no staff audit is completed and released at public meeting before the date of the rate case filing, the Commission's determination of the original cost valuation in the rate case will be deemed final action on the original cost valuation and any associated acquisition adjustment, absent subsequently discovered fraud or misrepresentation.

(2) When the acquiring utility makes a rate case filing sooner than the 6-month window, the acquiring utility should not include the acquisition adjustment in its proposed rate base unless it includes the original cost valuation with the rate filing and one of the following circumstances applies:

(i) A compelling reason exists for requesting the acquisition adjustment in the current rate filing.

(ii) The acquisition was requested or otherwise directed by the Commission.

(iii) No statutory party objects to the inclusion of the acquisition adjustment to the proposed rate base of the acquiring utility.

(f) *Purchase price per customer.* The Commission considers the relationship between purchase price per customer and the acquiring utility's average rate base per customer prior to acquisition to be one of many relevant tests to determine the reasonableness of the purchase price for a water or wastewater system. The Commission recognizes

that the use of purchase price per customer may not be appropriate in every situation, but that it is in most situations a practical way to indicate whether an acquisition is in the best interest of the acquiring utility's existing customers and its overall long-term viability (as defined in § 69.701(a)(2) (relating to viability of small water systems)). Other relevant considerations indicating the reasonableness of the purchase price include:

- (1) Promotion of long-term viability.
- (2) Promotion of regionalization.
- (3) Usage per customer.
- (4) Growth rates.
- (5) Cost of improvements.
- (6) Age of the infrastructure.
- (7) Return on equity.
- (8) Existing rates.

(Editor's Note: The following text is new and is printed in regular type to enhance readability.)

ACQUISITIONS OF VIABLE WATER AND WASTEWATER SYSTEM—STATEMENT OF POLICY
§ 69.721. Water and wastewater system acquisitions.

(a) *General.* The Commission believes that further consolidation of water and wastewater systems within this Commonwealth may, with appropriate management, result in greater environmental and economic benefits to customers. The regionalization of water and wastewater systems through mergers and acquisitions will allow the water industry to institute better management practices and achieve greater economies of scale. To further this goal, the Commission sets forth the following guidance regarding the acquisition of water and wastewater systems. Guidance specifically applicable to the acquisition of nonviable systems is set forth in § 69.711 (relating to acquisition incentives).

(b) *Inclusion of acquisition assets in rate base.* After the approval of an acquisition, as evidenced by the receipt of a certificate of public convenience, an acquiring utility may request the inclusion of the value of the used and useful assets of the acquired system in its rate base. A request will be considered during the acquiring utility's next filed rate base proceeding. See 66 Pa.C.S. § 1311(a) (relating to valuation of and return on the property of a public utility).

(c) *Method of valuation of acquisition assets.* The assets of the acquired system should be booked at the original cost of the acquired system when first devoted to the public service less the applicable accrued depreciation and related contributions. See 66 Pa.C.S. § 1311(b).

(d) *Determining original cost of acquisition assets.* An acquiring utility may use various methods to support its valuation of the original cost of the used and useful assets of the acquired water or wastewater system. For example, an acquiring utility may elect to rely in whole or in part upon the original cost records of the seller or the Commission in determining the original cost of the used and useful assets of the acquired system that are to be included in its rate base.

(e) *Preparation of an original cost of plant-in-service valuation.* The Commission will not require an acquiring utility to submit a full original cost plant-in-service study in order to determine the value of the assets of the acquired system. An acquiring utility, upon its own

election, may file an original cost study with the Commission to support its valuation of the assets of the acquired water and wastewater system proposed to be included in its rate base. A full original cost plant-in-service study is one method of determining the valuation costs of the property of a public utility. It requires the acquiring utility to develop realistic plant balances and accumulates the records and accounting details that support those balances. Disputes regarding the acquiring utility's original cost valuation of the acquired assets will be resolved in the context of a rate proceeding in which all interested parties will have an opportunity to be heard.

(1) *Contents of an original cost plant-in-service study.* The acquiring utility is obligated to exercise due diligence and make reasonable attempts to obtain, from the seller, documents related to original cost. In particular, as part of its due diligence, the acquiring utility should request from the seller, for purposes of determining the original cost plant-in-service valuation, the original cost of the assets being acquired and records relating to contributions in aid of construction (CIAC), such as the following:

(i) Accounting records and other related documentation and agreements of donations or contributions, services, or property from states, municipalities or other government agencies, individuals, and others for construction purposes.

(ii) Records of unrefunded balances in customer advances for construction (CAC).

(iii) Records of customer tap-in fees and hook-up fees. If booked by the seller as revenue, the plant value should be included in plant-in-service and the related contribution account and not treated as revenue for ratemaking purposes.

(iv) Prior original cost studies.

(v) Records of local, State and Federal grants used for construction of utility plant.

(vi) Relevant PennVEST or Department of Environmental Protection records.

(vii) Any Commission records.

(viii) Summary of the depreciation schedules from all filed Federal tax returns.

(ix) Other accounting records supporting plant-in-service.

(2) *Failure of seller to provide cost-related documents.* The failure of a seller to provide cost-related documents, after reasonable attempts to obtain the data, will not be a basis for the Commission's denial of the inclusion of the value of the acquired system's assets in its proposed rate base. Because the documents obtained from the seller may be incomplete and may result in an inaccurate valuation, the acquiring utility will not be bound by the incomplete documents from the seller in the preparation of its original cost plant-in-service valuation.

(3) *Procedure for booking CIAC.* The acquiring utility, at a minimum, should book as CIAC contributions that were properly recorded on the books of the system being acquired. If evidence supports other direct or indirect CIAC that was not booked by the acquired utility, the acquiring utility should make a documented effort to determine the actual CIAC and record the contributions for ratemaking purposes, such as lot sale agreements or capitalization vs. expenses of plant-in-service on tax returns.

(4) *Plant retired/not booked/not used and useful.* The acquiring utility should identify all plant retirements and plant no longer used and useful and complete the appropriate accounting entries.

(5) *Reconciliation with commission records.* The acquiring utility should reconcile and explain any discrepancies between the acquiring utility's original cost plant-in-service valuation and the Commission's records at the same time the supporting documentation for the study is filed.

(f) *Time to submit original cost valuation.* When the acquiring utility wants to request inclusion of its acquisition in rate base, it should submit a copy of its newly prepared original cost plant-in-service valuation of the acquired system or a statement of reliance of the existing records of the Commission or the seller to the Commission's Secretary's Bureau, the Bureau of Audits, the Bureau of Fixed Utility Services, the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate 6 months prior to the date that the acquiring utility plans to make its next rate case filing with the Commission.

(1) The Commission staff may conduct an audit of the original cost valuation, but if no staff audit is completed and released at public meeting before the date of the rate case filing, the Commission's determination of the original cost valuation in the rate case will be deemed final action on the original cost valuation, absent subsequently discovered fraud or misrepresentation.

(2) When the acquiring utility makes a rate case filing sooner than the 6-month window, the acquiring utility should not include the acquisition in its proposed rate

base unless it includes the original cost valuation with the rate filing and one of the following circumstances applies:

(i) A compelling reason exists for requesting the acquisition in the current rate filing.

(ii) The acquisition was requested or otherwise directed by the Commission.

(iii) No statutory party objects to the inclusion of the acquisition to the proposed rate base of the acquiring utility.

(g) *Acquisition incentives.* In its efforts to foster the acquisitions of smaller, less viable water and wastewater systems by larger more viable systems, the Commission, under 66 Pa.C.S. § 523 (relating to performance factor consideration), has broad latitude to allow the acquiring utility to request a rate of return premium in a subsequent rate case. The allowance of a rate of return premium, as an acquisition incentive for an acquisition that falls outside of the parameters of 66 Pa.C.S. § 1327 (relating to acquisition of water and sewer utilities), is encouraged for those utilities that have a demonstrated track record of acquiring and improving the service provided to the customers of smaller and less viable water systems. The allowance of additional rate of return basis points may be awarded based on sufficient supporting data submitted by the utility within its rate case filing.

[Pa.B. Doc. No. 06-274. Filed for public inspection February 17, 2006, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, March 1, 2006. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission Office Building, 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:15 a.m. Topics of discussion will include a presentation on the State of Delaware Water Supply; an update on the State of the Basin Report currently under development; a presentation on the Oyster Revitalization Initiative in the Delaware Bay; a status report on the Development of a Long-Term Flow Regime for the New York City Reservoirs; a discussion about a forum to advance coordination among Federal agencies that partner with the Commission; and an update on activities relating to PCBs in the Delaware River.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed below:

1. *DSM Nutritional Products, Inc. D-85-14-3.* An application for renewal of a groundwater and surface water withdrawal project to continue to supply up to 120 mg/30 days of water for industrial process, potable and sanitary uses and groundwater remediation purposes to the applicant's manufacturing facility from six existing wells in the Pleistocene Alluvial Formation and one existing surface water intake located on the main stem of the Delaware River. The project is located in the Delaware River Watershed in White Township, Warren County, NJ.
2. *J. G. Townsend, Jr. & Co. D-89-48-3.* An application for the renewal of a groundwater withdrawal project to continue withdrawal of 15 mg/30 days to supply the applicant's vegetable processing facility from existing Wells Nos. 1 and 5 in the Columbia Formation. The project is located in the Savannah Ditch Watershed in the Town of Georgetown, Sussex County, DE.
3. *Borough of Shoemakersville D-90-7 CP-3.* An application for the renewal of a groundwater withdrawal project to continue withdrawal of 7.5 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 1 and 3—6 in the Hamburg Formation. The project is located in the Schuylkill River Watershed in Shoemakersville Borough and Perry Township, Berks County.
4. *BP Oil Company D-91-32 (G)-2.* An application for the renewal of a groundwater decontamination project to withdraw up to 1 mg/day for treatment and discharge to the Delaware River through an existing outfall in Commission Water Quality Zone 4. The project is located at the former BP Oil Company Refinery located off of Mantua Avenue in Paulsboro Borough, Gloucester County, NJ. Up to 30 mg/30 days of groundwater is withdrawn from existing Wells Nos. R-4A, R-5A, R-6A, R-8, R-9 and R-10 and from new Wells Nos. R-11 and R-12, all located in New Jersey Critical Area 2 of the Potomac-Raritan-Magothy Formation.
5. *E. I. du Pont de Nemours and Company D-93-19-2.* An application for renewal of a surface and groundwater withdrawal project to continue withdrawal of 1,126 mg/30 days to supply the applicant's industrial facility from existing Wells Nos. INT-10B, R-5A, INT-103A, INT-102A, Q13-R01C, Q13-R01D, WS-1, M-259, M-257, CP-2, CP-4, WS-2, R-7, DW-8R, CL-1 CL-2, CL-3, and CP-7 and Salem Canal Surface Water Intake No. III. The project is located in the Glacial/PRM Aquifer and the Salem Canal Watershed in Carneys Point, Mannington and Pennsville Townships, Salem County, NJ.
6. *Township of Lower Municipal Utilities Authority D-94-21 CP-2.* An application to discontinue the withdrawal of water and close Wells Nos. AP-2 and 3 in the applicant's public water supply system, which have become unreliable sources of supply and to withdraw water from replacement Wells Nos. 6 and 7. The total withdrawal from replacement Wells Nos. 6 and 7 and existing Wells Nos. 1, 2 and 4 remains limited to 93 mg/30 days. Well No. 7 is located in the Atlantic Basin. The project is located in the Cohansey Formation in the Delaware River Watershed in Lower Township, Cape May County, NJ.
7. *Meter Services Company D-94-49 CP-2.* An application for renewal of a groundwater withdrawal project to continue to supply up to 3.6 mg/30 days of water to the applicant's public water supply distribution system from existing Wells Nos. 1 and 2 in the Brunswick Formation. The project is located in the Mill Creek Watershed in Buckingham Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.
8. *Rosenberger's Dairies, Inc. D-95-1-2.* An application for the renewal of a groundwater withdrawal project to continue withdrawal of 3.4 mg/30 days to supply the applicant's dairy processing facility from existing Wells Nos. R-1, R-3 and R-4 in the Brunswick Formation. The project is located in the West Branch Neshaminy Creek Watershed in Hatfield Township, Montgomery County and is located in the Southeastern Pennsylvania Ground Water Protected Area.
9. *Clement Pappas & Co., Inc. D-95-37-2.* An application for renewal of a groundwater withdrawal project to continue to supply up to 73.4 mg/30 days of water to the applicant's food processing facility from existing Well No. 6B in the Kirkwood-Cohansey Formation. The project is located in the Cohansey River Watershed in Upper Deerfield Township, Cumberland County, NJ.
10. *Sybron Chemicals, Inc. D-85-5-3.* An application for the renewal of a groundwater withdrawal project to decrease withdrawal from 77 mg/30 days to 34 mg/30 days to supply the applicant's industrial facility from existing Wells Nos. 4, 5 and EQ106 in the Middle Raritan and Mt. Laurel/Wenonah Aquifers. The project is located in the West Branch Rancocas Watershed in Pemberton Township, Burlington County, NJ.
11. *Willingboro Municipal Utilities Authority D-87-42 CP-3.* An application for the renewal of a groundwater withdrawal project and for an increase in withdrawal from 300 mg/30 days to 310 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 6, 9—11 and new replacement Well No. 5A. Replacement Well No. 5A is located in the Potomac-Raritan-Magothy Formation. The project is located in the Rancocas Creek Watershed in Willingboro Township, Burlington County, NJ.

12. *PPL Martins Creek, LLC D-87-56-2*. An application to update the existing docket to reflect operational and structural modifications to Ash Basin No. 4 as a result of an ash slurry spill which occurred from Ash Basin No. 4 due to a wooden stop-log failure. Approximately 100 million gallons of ash slurry was released from Ash Basin No. 4 from August 23-30, 2005. In addition, this project includes emergency remediation activities that PPL conducted in response to the ash slurry spill. Emergency approval was granted by letter dated October 12, 2005 for this project. The project discharges to the Delaware River in DRBC Water Quality Zone 1D, which is designated Special Protection Waters. The facility is located in Lower Mount Bethel Township, Northampton County.

13. *E. I. du Pont de Nemours and Company D-88-85-2*. An application to update and renew an existing industrial waste treatment plant (IWTP) discharge docket, which includes clarifying the Area Served and granting preliminary approval for the installation of a new outfall extension and diffuser. The IWTP discharges to Zone 5 of the Delaware River. DuPont Chambers Works is a large multi-product chemical manufacturing plant. The facility has an IWTP that is classified by EPA as a Centralized Waste Treatment system. The facility is located in Pennsville and Carneys Point, Salem County, NJ. The application does not request the Commission's approval to accept VX hydrolysate for treatment and discharge at the DuPont Chambers Works IWTP.

14. *Hamburg Municipal Authority D-92-73 CP-2*. An application to expand a 1.0 mgd wastewater treatment plant (WWTP) to treat 1.5 mgd, while continuing to provide advanced treatment by means of activated sludge and chemical addition processes. The WWTP will continue to serve the Borough of Hamburg and portions of Tilden and Windsor Townships, all in Berks County. The proposed expansion will enable the docket holder to serve the Borough of Port Clinton in Schuylkill County as well. The WWTP is located in Hamburg Borough, just east of SR 61 on the east bank of the Schuylkill River, to which the plant will continue to discharge. At the WWTP outfall, the Schuylkill River is conditionally designated as "Modified Recreational" in the Commission's Comprehensive Plan.

15. *Purex Industries, Inc. D-93-34 (G)-2*. An application for the renewal of a groundwater withdrawal project to decrease withdrawal from 11.23 mg/30 days to 7.78 mg/30 days to supply the applicant's groundwater remediation project from existing Wells RW-2, RW-7, RW-9, RW-10, and RW-13 and new Wells MP-7, MP-19 and MP-30 in the Kirkwood-Cohansey Aquifer. The project is located in the Maurice River Watershed in the City of Millville, Cumberland County, NJ.

16. *Jackson Township Municipal Utilities Authority D-94-18 CP-2*. An application for the renewal of a groundwater withdrawal project and increase in the applicant's withdrawal from 26.42 mg/30 days to 30 mg/30 days to supply the Six Flags Great Adventure Hurricane Harbor water amusement park from existing Wells Nos. 7, 10 and ASR-12 in the Upper Potomac-Raritan-Magothy Formation. The project is located in the Crosswicks Creek Watershed in Jackson Township, Ocean County, NJ.

17. *Sunny Dell Foods, Inc. D-2000-23-2*. An application to increase the discharge from the applicant's industrial waste treatment plant (IWTP) from 0.05 mgd to 0.072 mgd; modify effluent limits associated with the Christina River total maximum daily loads for CBOD₅, ammonia, phosphorus and total nitrogen; and modify an existing contact cooling water system discharge of 0.09 mgd. Both

the IWTP effluent and contact cooling water are discharged to the West Branch Red Clay Creek. The facility is located in Kennett Township, Chester County.

18. *Swedesboro, Inc. t/a Beckett Golf Club D-87-77-1*. An application for a surface water withdrawal project to supply up to 4.0 mg/30 days of water for supplemental irrigation of the applicant's golf course from existing intakes Nos. 1 and 2. The surface water intakes are located on two onsite ponds. The project is located in the Oldmans Creek Watershed in Woolwich Township, Gloucester County, NJ. A Notice of Application Received (NAR) for this project was previously published on November 5, 1987 under docket number D-87-77. The current NAR reflects project revisions made since the 1987 application.

19. *Mercer County Correction Center D-2002-50 CP*. An application for approval of a groundwater withdrawal project to supply up to 4.333 mg/30 days of water to the applicant's correctional facility from existing Wells Nos. 1, 3 and 4 and new Well No. 5, all in the Passaic Formation. The project is located in the Delaware River Watershed in the northwest corner of Hopewell Township, Mercer County, NJ.

20. *Holman Enterprises—RMP Facility D-2004-25 1*. An application for approval of a groundwater withdrawal project to pump up to 7.45 million gallons per 30 days (mg/30 days) of water to be treated by the applicant's groundwater remediation project from Wells Nos. MW-7D, MW-19D, MW-23D, R-77D, R-78D, R-79D, R-80D and R-81D in the Potomac-Raritan-Magothy Formation. The project is located in the Pennsauken Creek Watershed in Pennsauken Township, Camden County, NJ.

21. *Town of Bethel D-2005-19 CP-1*. An application to construct a groundwater/leachate seep collection and treatment system to serve the Town of Bethel Landfill, an inactive and officially closed domestic waste landfill located on a 10-acre parcel of municipal property off Old White Lake Turnpike, about 0.25 miles east of its intersection with SR 55 in the Town of Bethel, Sullivan County, NY. Following aeration and sedimentation, up to 0.035 mgd of wastewater will be applied to a subsurface absorption bed for final processing and disposal. In addition to proposed Discharge Monitoring Reports, the existing groundwater monitoring well network will be used to assure that the proposed treatment system does not impair groundwater quality. The project is located in the Mongaup River Watershed upstream from Swinging Bridge Reservoir and in the drainage area of Commission Special Protection Waters. Although the Town of Bethel Landfill is capped with impervious materials, it is an unlined facility with residual leachate seepage that currently flows overland to the West Branch Mongaup River without any prior treatment.

22. *Chadds Ford Township D-2005-22 CP-1*. An application to construct a 0.15 mgd WWTP to serve existing residents in a portion of Chadds Ford Township, Delaware County and future residents of the proposed subdivision at Camp Sunset Hill (Turner's Mill), also in Chadds Ford Township. The WWTP is proposed to provide advanced treatment by means of extended aeration and tertiary filtration prior to ultraviolet light disinfection and discharge to Harvey Run, a tributary of Brandywine Creek in the Christina River Watershed. Its proposed location is the intersection of US 1 (Baltimore Pike) and Ring Road, across from the Brandywine Battlefield State Park. The Pantos WWTP that currently serves Chadds Ford Village and the Painter's Crossing Condo-

miniums is proposed to be converted to a pumping station, which will route up to 35,000 gallons per day of flow to the new WWTP.

23. *Motiva Enterprises, LLC D-2005-23-1*. An application for approval of a groundwater withdrawal project to supply up to 6.7 mg/30 days of water to the applicant's groundwater remediation project from new Wells Nos. 1—9 in the Kirkwood-Cohansey Formation. The project is located in the Maurice River Watershed in Franklin Township, Gloucester County, NJ.

24. *Congoleum Corporation D-2005-25-1*. An application to discharge an average of 168,000 gallons per day of noncontact cooling water from the applicant's tile floor manufacturing facility. The discharge is to a Hamilton Township municipal storm sewer, which discharges to Pond Run, a tributary to the Assunpink Creek. The facility is located in Hamilton Township, Mercer County, NJ.

25. *Tidewater Utilities, Inc. D-2005-26 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 1.427, 1.22 and 1.22 mg/30 days of water to the applicant's North Dover District public water supply distribution system from new Wells Nos. SF-01, SF-02 and KWE-02, respectively. The wells are all located in the Federalsburg and Cheswold aquifers. The total withdrawal from all wells will be limited to 3.85 mg/30 days. The project is located in the Leipsic River Watershed in Kent County, DE.

26. *Tidewater Utilities, Inc. D-2005-27 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 0.13, 3.51 and 0.065 mg/30 days of water to the applicant's Wild Quail District public water supply distribution system from new Wells Nos. WQ-01, WQ-02 and WQ-04, respectively. Wells Nos. WQ-01 and WQ-04 are located in the Frederica Formation and Well No. WQ-02 is located in the Piney Point Aquifer. The total withdrawal from all wells will be limited to 3.51 mg/30 days. The project is located in the St. Jones River Watershed in Kent County, DE.

27. *Penns Grove Sewerage Authority D-2005-29 CP-1*. An application to upgrade, but not expand, a 0.75 mg/day WWTP which serves Penns Grove Borough, Salem County, NJ. The WWTP upgrade will provide two new final clarifiers with appurtenances. The existing final clarifiers require costly chemical additives to meet NJPDES permit limits, particularly during surge flow conditions. The two new final clarifiers should reduce or eliminate the need to add costly chemicals to meet permit limits. Penns Grove Sewerage Authority requested and was granted emergency approval by the Commission on January 12, 2006, to implement the WWTP improvements expeditiously to meet a construction grant deadline. The WWTP will continue to discharge to the Delaware River in Commission Water Quality Zone 5 through the existing outfall.

28. *Camp Ramah in the Poconos D-2005-30-1*. An application to upgrade an existing seasonally operated WWTP by the addition of a new primary clarification process and a new aeration system. Seasonally, the WWTP discharges approximately 30,000 gallons per day to an unnamed tributary of Equinunk Creek, a tributary to the West Branch Delaware River. The facility is located in Buckingham Township, Wayne County.

29. *United States Army Corps of Engineers, Philadelphia District D-2005-32 CP-1*. An application to modify the Prompton Dam to safely pass the Probable Maximum Flood (PMF) of 111,000 cubic feet per second (cfs), based

upon revised estimates of flow regimes for the 60-square mile drainage area. The original PMF flow of 81,500 cfs was calculated in the year 1949, prior to advancements in mathematical modeling. Primarily a flood control facility, Prompton Dam is located in Prompton Borough, Wayne County. The lake that it forms on the West Branch Lackawaxen River extends into Clinton Township, also in Wayne County. The project involves the widening of the spillway from 50 to 85 feet, constructing a fuse-plug in the spillway, upgrading the outlet works rip-rap and constructing an embankment with material that will be excavated from the spillway. The project is located in the drainage area of Commission Special Protection Waters and the Upper Delaware Scenic and Recreational River.

In addition to the public hearing on the dockets listed previously, the Commission's 1:30 p.m. business meeting will include a public hearing on a resolution to approve the Commission's FY 2006-2007 budget and work plan. The Commission also will consider a resolution amending the *Basin Regulations—Water Supply Charges* regarding certificates of entitlement; a resolution establishing the PMP Peer Review Advisory Committee; and a resolution authorizing the Executive Director to extend the Commission's contract with the Northeast-Midwest Institute on a month-to-month basis through December 31, 2006.

The meeting will also include: adoption of the Minutes of the December 7, 2005, business meeting; announcements; a report on basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; and an opportunity for public dialogue. Draft dockets and the resolutions scheduled for public hearing on March 1, 2006, will be posted on the Commission's website, www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 06-275. Filed for public inspection February 17, 2006, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Peach and Nectarine Research Program

Under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a referendum was held from December 19, 2005, to January 3, 2006, to determine if the producers affected by the Pennsylvania Peach and Nectarine Research Program (Program) want to have the Program increase the assessment fee per acre from \$5 to \$8. To pass, a simple majority of eligible producers voting had to vote in favor of the assessment

fee increase. In addition, voters in favor of the increase had to represent the majority of production acreage among all eligible voters who participated in the referendum.

An impartial Teller Committee met on January 13, 2006, to count the ballots. The following results were submitted by the Teller Committee: a total of 49 eligible votes were cast, with 25 producers voting in favor of and 24 producers voting against the proposed assessment increase. Eligible votes favoring the assessment increase represented 51% of eligible votes cast and those against represented 49% of eligible votes cast. (Two additional, ineligible ballots were cast.) The program members voting

in favor of the assessment increase represented 1,136 acres of peach and nectarine production in this Commonwealth and those voting against represented 414 acres of production. Because a majority of the votes representing a majority of production were cast in favor of the assessment increase, the Pennsylvania Peach and Nectarine Research Program's assessment fee will increase to \$8 per acre, effective immediately.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 06-276. Filed for public inspection February 17, 2006, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending February 7, 2006.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-6-06	Hyperion Bank Philadelphia Philadelphia County <i>Correspondent:</i> Jonathan L. Levin, Esq. Reed Smith, LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103-7301	1201-09 North 2nd Street Philadelphia Philadelphia County	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-1-06	Northwest Savings Bank Warren Warren County	2600 Old Washington Road Upper St. Clair Township Allegheny County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-27-06	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 2014 Cottman Avenue Philadelphia Philadelphia County <i>From:</i> 7935 Bustleton Avenue Philadelphia Philadelphia County # 6037	Effective
1-30-06	PeoplesBank, a Codorus Valley Company York York County	<i>To:</i> 48 East Market Street York York County <i>From:</i> 118 East Market Street York York County	Effective
2-1-06	Northwest Savings Bank Warren Warren County	<i>To:</i> 1000 Market Place Drive Washington Township Erie County <i>From:</i> 108 Washington Towne Boulevard Washington Township Erie County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-1-06	Leesport Bank Wyomissing Berks County	100 West Main Street Lansdale Montgomery County	Approved
2-1-06	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Four branches located at: 3890 Bigelow Boulevard Pittsburgh Allegheny County 1122 Seventh Avenue Beaver Falls Beaver County 392 Franklin Avenue Aliquippa Beaver County 419 North 7th Street Altoona Blair County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-30-05	K of C Federal Credit Union Philadelphia Philadelphia County	Philadelphia	Filed
	<i>To:</i> K of C Credit Union Philadelphia Philadelphia County		
	Application represents conversion from a Federal credit union to a State-chartered credit union as well as conversion from an occupational-based credit union to a community charter with a proposed field to include: (a) all persons who live, work, worship, volunteer or attend school in Bucks, Delaware, Montgomery and Philadelphia Counties; (b) businesses and other legal entities located in Bucks, Delaware, Montgomery and Philadelphia Counties; (c) persons within the immediate family or household of a member; (d) spouses of persons who died while within the field of membership of this credit union; (e) organizations of such persons; (f) employees of this credit union; and (g) members of record.		
2-3-06	American Pride Credit Union Altoona Blair County	Altoona	Approved

Application represents conversion from occupational-based credit union to a community charter with a proposed field of membership consisting of "those persons who live, work, worship, attend school, perform volunteer service, or participate in associations, and businesses and other legal entities, including wholly owned subsidiaries of businesses, located in Blair County, Pennsylvania or Bedford County, Pennsylvania; members of their immediate families."

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-2-06	Greater Greensburg Industrial Credit Union, Greensburg, and Westmoreland Community Federal Credit Union, Greensburg—Surviving Institution—Westmoreland Community Federal Credit Union, Greensburg	Greensburg	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-277. Filed for public inspection February 17, 2006. 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

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

<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>
PA0031887	Green Hill MHC WWTP P. O. Box 677 Morgantown, PA 19543-0677	Montgomery County Marlborough Township	Green Lane Reservoir	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084506 (Sewage)	David Kitch Starlite Camping Resort 1500 Furnace Hill Road Stevens, PA 17578	Lancaster County Clay Township	Dry Swale to Middle Creek 7-J	Y
PA0247979 (Sewage)	Gary and Judith Cryder 101 Fleisher Road Marysville, PA 17053	Perry County Rye Township	UNT Fishing Creek 7-A	Y
PA0087912 (IW)	Arnold Fuel Oil Company P. O. Box 2621 Harrisburg, PA 17105	Cumberland County Silver Spring Township	Trindle Spring Run/Hogestown Run 7-B	Y
PA0080501 (SEW)	Tuscarora School District—Montgomery Elementary School 118 East Seminary Street Mercersburg, PA 17236-1698	Franklin County Montgomery Township	UNT West Branch Conococheague Creek 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113051 IW	City of DuBois 16 West Scribner Avenue DuBois, PA 15801	Clearfield County Sandy Township	Laborde Branch 17C	Y
PA0032514 (Sewage)	Department of Conservation and Natural Resources Denton Hill State Park 5661 US 6 West Coudersport, PA 16915	Ulysses Township Potter County	Elm Hollow Run and Nine Mile Run HQ-CWF	Y
PA0111911	Construction Specialties, Inc. 6696 Route 405 Highway Muncy, PA 17756	Lycoming County Clinton Township	Turkey Run 10C	Y
PA0032361 (Sewage)	Williamsport Area School District 1400 West Third Street Williamsport, PA 17701-7898	Woodward Township Lycoming County	West Branch Susquehanna River WWF	Y

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

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

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

Description of Proposed Activity: The applicant proposes to discharge treated sewage from a facility known as Stony Creek Farms WWTF. The facility is located near Township Line Road and North Wales Road. This is a revised notice.

The receiving stream, a pond discharging to Stony Creek, is in the State Water Plan Watershed 3F and is classified for TSF and MF. The nearest downstream public water supply intake for City of Norristown is located on Schuylkill River at Norristown, PA.

The proposed effluent limits for Outfall 001 are based on a design flow of 42,863 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 (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0
Nitrite + Nitrate an N	Monitor and Report			Monitor and Report
Phosphorus, Total	0.5			1.0
Fecal Coliform				50/100 ml as a geometric mean

<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>
pH	between 6.0 and 9.0 standard units at all times			
Dissolved Oxygen	minimum of 6 mg/l at all times			
Temperature (°F)				Monitor and Report

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

1. Notification of Responsible Operator.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Sewage Sludge Disposal.
8. Submit Data for TMDL/WLA Analysis.
9. I-Max Limits.
10. No Discharge Report.
11. 2/Month Monitoring.
12. UV Disinfection.
13. Laboratory Certification.

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

PA0039861, Industrial, **Altadis USA, Inc.**, 1000 Tresckow Road, McAdoo, PA 18237-2599. This proposed facility is located in Banks Township, **Carbon County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, Catawissa Creek, is in the State Water Plan Watershed 5E and is classified for CWF. The nearest downstream public water supply intake for Danville Borough Water Authority is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.086 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
CBOD ₅	8.9			
TSS	6.5			
Dissolved Oxygen			Minimum of 6.0	
pH	6 to 9 standard units			

The proposed effluent limits for Outfall 101 based on a design flow of 0.041 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>
CBOD ₅	In no case shall the arithmetic means of the effluent values of the CBOD ₅ and TSS discharged during a period of 30 consecutive days exceed 15% of respective arithmetic means of the influent values for these parameters during the same time period, except as specifically authorized by the permitting authority.
Total Suspended Solids	

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

Application No. PA 0080314, Sewage, **Hampden Township**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050-3097. This facility is located in Hampden Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek and Sears Run, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 15.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 0001 for a design flow of 4.65 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	67
Total Suspended Solids	30	45	81

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<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	6.9		18
(11-1 to 4-30)	15		40
Total Phosphorus	2		5.4
Total Nitrogen	Monitor and Report		
Total Residual Chlorine	0.35		1.2
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	10,000/100 ml as a geometric average		

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

Total nitrogen and total phosphorus: Monitor and report total annual pounds and total monthly pounds. TKN and NO₃-NO₂ as N: Monitor and report total monthly pounds and monthly average concentration.

The proposed final effluent limits for Outfall 001 for a design flow of 4.82 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	15	27
Total Suspended Solids	30	45	81
NH ₃ -N (5-1 to 10-31)	1.8		4.8
(11-1 to 4-30)	5.4		14
Total Phosphorus	2		5.4
Total Nitrogen	Monitor and Report		
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		

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

Total nitrogen: Total annual limit of 98,872 pounds, monitor and report total monthly pounds.

Total phosphorus: Total annual limit of 12,359 pounds, monitor and report total monthly pounds.

TKN and NO₃-NO₂ as N: Monitor and report total monthly pounds and monthly average concentration.

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

The EPA waiver is not in effect.

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

PA0024490-A1. Sewage. **Rockwood Borough**, 358 Market Street, Rockwood, PA 15557. This application is for amendment of an NPDES permit to discharge combined sewage from the Rockwood Borough Sewer System located in Paint Township, **Somerset County**.

Outfalls 003 and 008 are being permitted to discharge combined sewage to the Casselman River and Coxes Creek respectively.

The EPA waiver is in effect.

PA0026328, Sewage, **Township of Hopewell**, 1700 Clark Boulevard, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Creek Water Pollution Control Plant in Hopewell Township, **Beaver County**.

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

Outfall 011: existing discharge, design flow of 2.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.0	6.0		8.0
(11-1 to 4-30)	12.0	18.0		24.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0093408, Sewage, **Cumberland Township Supervisors**, 100 Municipal Road, Carmichaels, PA 15320. This application is for renewal of an NPDES permit to discharge treated sewage from Crucible Water Pollution Control Facility in Cumberland Township, **Greene County**.

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

Outfall 001: existing discharge, design flow of 0.0995 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5 1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096466, Sewage, **Pennsylvania Services Corporation**, 158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from Administration Building STP in Franklin Township, **Greene County**.

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

Outfall 005: existing discharge, design flow of 0.025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0097632, Sewage, **Valley Tire Company, Inc.**, P. O. Box 367, Windber, PA 15963. This application is for renewal of an NPDES permit to discharge treated sewage from Valley Tire Company STP in Paint Township, **Somerset County**.

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

Outfall 001: existing discharge, design flow of 0.00049 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204625, Sewage, **Robert Feather**, 1510 Darkshade Drive, Windber, PA 15963. This application is for renewal of an NPDES permit to discharge treated sewage from Feather Nest Mobile Home Park STP in Paint Township, **Somerset County**.

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

Outfall 001: existing discharge, design flow of 0.02 mgd.

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

The EPA waiver is in effect.

PA0218651, Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Armagh STP in East Wheatfield Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving water, known as Mardis Run, which is classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.11 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		60
(11-1 to 4-30)	8.5	12.8		17.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 as a geometric mean			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 4606402, Sewerage, **Lower Pottsgrove Township Authority**, 2199 Buchert Road, Pottstown, PA 19464. This proposed facility is located in Lower Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary sewer pump station.

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

WQM Permit No. 1306401, **Borough of Weatherly**, 10 Wilbur Street, Weatherly, PA 18255-1437. This proposed facility is located in Weatherly Borough, **Carbon County**.

Description of Proposed Action/Activity: This project involves upgrades to Weatherly's sewage pump station, including three new 25 HP pumps, new plug and valves and two new hoists for removing and installing the pumps.

WQM Permit No. 5406401, **Cressona Borough Authority**, 58 Sillyman Street, Cressona, PA 17929. This proposed facility is located in North Manheim Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project involves replacement of the existing Chestnut Hill Sewage Pumping Station.

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

WQM Permit No. 3606401, Sewerage, **East Cocalico Township Authority**, 102 Hill Road, Denver, PA 17517-9148. This proposed facility is located in East Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation for a new sewer diversion line will be installed at the entrance to the Adamstown Wastewater Treatment Plant and will divert a portion of wastewater flow from entering the Adamstown facility and then extend across a portion of the Adamstown Wastewater Treatment Plant and existing pasture. The diversion line will cross under the small stream and connect into an existing interceptor which runs to the Ephrata Wastewater Treatment Plant by means of the Gehman pumping station.

WQM Permit No. 2906402, Sewerage, **Belfast Township Supervisors**, 121 Homestead Lane, Needmore, PA 17238. This proposed facility is located in Belfast Township, **Fulton County**.

Description of Proposed Action/Activity: Construction/Operation of sewage treatment facilities to serve the Village of Needmore.

WQM Permit No. 3606402, CAFO, **Meadow Vista Farms**, 166 Risser Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Proposed Action/Activity: Application to construct a 118-foot by 412-foot free stall barn, 45-foot by 173-foot milking parlor with holding area, 100-foot by 122-foot special needs area, 66-foot by 300-foot sand settling and stacking area, two 90-foot by 390-foot earthen HDPE-lined waste storages with concrete floors and entrance ramps, 155-foot by 415-foot earthen HDPE-lined waste storage and 14.5-foot high earthen freshwater pond dam.

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

WQM Permit No. 1705409, Sewerage, **Burnside Borough Council**, P. O. Box 208, Burnside, PA 15721. This proposed facility is located in Burnside Borough, **Clearfield County**.

Description of Proposed Action/Activity: The proposed project includes a collection system and an extended aeration treatment facility. The collection system will serve 120 EDUs and be comprised of 13,000 linear feet of gravity sewer main, 6,000 linear feet of pressure sewer, 3,000 linear feet of force main and a wastewater pump station. The 0.040 mgd wastewater treatment facility will include a sewage grinder in the headworks with a bypass barscreen, a surge tank, extended aeration tanks, clarifiers, contact tank, dechlorination and postchlorination settling.

WQM Permit No. 1805404, Sewerage, **Castanea Township**, 347 Nittany Road, Castanea, PA 17745. This proposed facility is located in Castanea Township, **Clinton County**.

Description of Proposed Action/Activity: The Township is proposing to upgrade the existing pump station that serves to connect them to the Lock Haven Sewer System. New pumps, wet well and force main are to be installed.

WQM Permit No. 1406401, Sewerage, **Roy B. Reeve**, Ammerman Road, Bellefonte, PA 16823. This proposed facility is located in Union Township, **Centre County**.

Description of Proposed Action/Activity: Single residence small flow treatment facility consisting of a septic tank, sand filter and chlorination disinfection.

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

WQM Permit No. 1171403-A3, Sewerage, **Cambria Township Sewer Authority**, P. O. Box 247, Municipal Road, Revloc, PA 15948. This proposed facility is located in Cambria Township, **Cambria County**.

Description of Proposed Action/Activity: Application for pump station modifications.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQG Permit No. WQG016123, Sewerage, **Glenn E. Myers**, 128 Briwood Drive, Canonsburg, PA 15137. This proposed facility is located in Cecil Township, **Washington County**.

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

Southwest Region: Oil and Gas Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4015.

WQM Permit No. 3005201, Industrial Waste, SIC 4925, **CNX Gas Company**, 1800 Washington Road, Pittsburgh, PA 15241. This proposed facility is located in Jackson Township, **Greene County**.

Description of Proposed Action/Activity: Discharge of treated groundwater associated with the dewatering of coal seams during methane gas extraction.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505080	Main Line Health Paoli Hospital—Phase III Lancaster Pike Willistown, PA 19345	Chester	Willistown Township	Valley Creek (EV)
PAI011506009	Education Carousel, Inc. The Malvern School 20 Creek Road Glen Mills, PA 19342	Chester	Willistown Township	Crum Creek (HQ-CWF)
PAI011506010	Immaculate University Immaculata University Stadium P. O. Box 503 Immaculata, PA 19345	Chester	East Whiteland Township	Ridley Creek (HQ-TSF) Valley Creek (EV)

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

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206002	Municipal Authority of the Borough of Milford P. O. Box 459 120 Pear Alley Milford, PA 18337	Pike	Milford Borough and Milford Township	Vantinebrook HQ-CWF Vandermark Creek HQ-CWF Crawford Branch HQ-CWF, MF

Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032806001	Carlino Development Group 875 Berkshire Boulevard Suite 102 Wyomissing, PA 19610	Franklin	Washington Township	East Branch Antietam Creek and Red Run CWF

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

Beaver County Conservation District: 156 Cowpath Road, Aliquippa, PA 15001, (724) 378-1701.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050405002	Doug Campbell The Corporation for Owner Operator Projects 2750 Constitution Blvd. Beaver Falls, PA 15010	Beaver	Chippewa Township	UNT to North Fork Little Beaver Creek (HQ-CWF)

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>
PAI052605005	Joseph E. Thurby, Jr. 11 Ashley Avenue Uniontown, PA 15401	Fayette	Henry Clay Township	Noahs Glade (HQ-CWF)
PAI052606001	National Pike Water Authority P. O. Box 10 Markleysburg, PA 15459	Fayette	Wharton Township	UNT to Deadman's Run and Meadow Run (HQ-CWF)
PAI052606002	Department of Transportation District 12-0 P. O. Box 459 North Gallatin Avenue Ext. Uniontown, PA 15401	Fayette	Wharton Township	UNT to Big Sandy Creek (HQ-CWF)

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0906503, Public Water Supply

Applicant	Warrington Township Water And Sewer Department
Township	Warrington
County	Bucks
Responsible Official	Fred Achenback
Type of Facility	PWS
Consulting Engineer	CKS Engineers, Inc.
Application Received Date	February 3, 2006
Description of Action	Installation of a polyphosphate feed system at Wells 1, 2 and 6 and Well 4 for Sequestering Iron and Manganese.

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

Permit Application No. 4006501, Public Water Supply

Applicant	Conyngham Borough Authority
Borough	Conyngham
County	Luzerne
Responsible Official	Benjamin Stangenburg President Conyngham Borough 90 Butler Avenue Conyngham, PA 18219
Type of Facility	Public Water Supply
Consulting Engineer	David J. Kavitski, P. E. RDK Engineering, Inc. 705 Ingham Street Freeland, PA 18224
Application Received Date	January 24, 2006

Description of Action The Conyngham Borough Authority proposes the construction of a new well (Well No. 7), control/treatment building and distribution system piping with associated appurtenances.

Permit Application No. 3505502, Public Water Supply

Applicant **Pennsylvania American Water**

Township Fell

County **Lackawanna**

Responsible Official William Kelvington
Pennsylvania American Water
800 West Hersheypark Drive
Hershey, PA

Type of Facility Public Water Supply

Consulting Engineer Quad 3
37 North Washington Street
Wilkes-Barre, PA

Application Received Date October 18, 2005

Description of Action The installation of a booster pump station and 1,300 feet of 12-inch water main to connect the Forest City and Brownell water systems.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0606501, Public Water Supply.

Applicant **New Morgan Properties, LP**

Municipality New Morgan Borough

County **Berks**

Responsible Official W. Joseph Duckworth, President
100 W. Lancaster Avenue
Suite 102
Wayne, PA 19087

Type of Facility Public Water Supply

Consulting Engineer R. Scott Hughes, P. E.
Gannett Fleming, Inc.
P. O. Box 80794
Valley Forge, PA 19484-0794

Application Received Date 1/12/2006

Description of Action System upgrades to allow existing system to become a community water system.

Permit No. 6706501, Public Water Supply.

Applicant **Dover Borough**

Municipality Dover Borough

County **York**

Responsible Official Bradley Lentz
Dover Borough Manager
46 Butter Road
Dover, PA 17315

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew, II, P. E.
James R. Holley & Assoc., Inc.
18 South George St.
York, PA 17401

Application Received Date 1/26/2006

Description of Action Addition of disinfection facilities at well house No. 3 to boost chlorine residuals for interconnection with Dover Township at interconnection point No. 1.

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

Permit No. 1406501—Construction, Public Water Supply.

Applicant **Port Matilda Waterworks**

Township or Borough Worth Township

County **Centre**

Responsible Official Richard Turner
Borough President
Port Matilda Waterworks
400 South High Street
Port Matilda, PA 16870

Type of Facility Public Water Supply—Construction

Consulting Engineer Brian L. Book, P. E.
Herbert, Rowland & Grubic, Inc.
474 Windmere Drive
Suite 100
State College, PA 16801

Application Received Date February 1, 2006

Description of Action Reconstruction and/or retesting of Wells 2, 3 and 5.

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

Application No. 2074501-MA2, Public Water Supply

Applicant **Conneautville Borough**

Township or Borough Conneautville Borough
Crawford County

Responsible Official Charlene Prince
Borough President

Consulting Engineer Jed A. Fiscus, EIT
Project Consultant
Northwest Engineering, Inc.
P. O. Box Q
Tidioute, PA 16351

Application Received Date 02/03/2006

Description of Action Replacement of water lines and potable water storage tank.

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.

Permit No. 0206501MA, Minor Amendment.

Applicant	Western Allegheny County Municipal Authority 403 Virginia Drive Oakdale, PA 15071
Township or Borough	North Fayette Township
Responsible Official	Raymond Owens, Manager Western Allegheny County Municipal Authority 403 Virginia Drive Oakdale, PA 15071
Type of Facility	Water storage tank
Consulting Engineer	Nichols & Slagle Engineering, Inc. 333 Rouser Road Airport Office Park Building 4, Suite 600 Moon Township, PA 15108
Application Received Date	January 23, 2006
Description of Action	Performing abrasive preparation of interior tank and high pressure preparation of the exterior of the tank prior to applying protective coating systems, providing minor repairs to tank, providing filler/surfacer as required, replacing existing cathodic protection system and performing disinfection activities prior to accepting the work.

WATER ALLOCATIONS

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

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 06-1024, Water Allocations. **New Morgan Borough, Berks County**. Application to withdraw 288,000 gpd on a peak daily basis from the Back Creek/Mill Pond. Consulting Engineer: R. Scott Hughes, Gannett Fleming, Inc. Date Application Received: 1/12/2006.

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

WA4-739A, Water Allocations. **Borough of Baden, 149 State Street, Baden, PA 15005, Beaver County**. The applicant is requesting the right to purchase 500,000 gpd, peak month, from the Borough of Ambridge Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

IFS Industries formerly Prizer Painter Stove Works, Inc., City of Reading, **Berks County**. Golder Associates, Inc., 1951 Old Cuthbert Road, Suite 301, Cherry Hill, NJ 08034 on behalf of IFS Industries, Inc., 400 Orrton Avenue, Reading, PA 19603 and Prizer Painter Stove Works, Inc., 600 Arlington Street, Reading, PA 19603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals, naphthalene and VOCs. The site will be remediated to a

combination of Statewide Health and Site-Specific Standards. The site will continue as an industrial property.

Fehl's Home & Garden, Muhlenberg Township, **Berks County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Agway Liquidating Trust, LLC, 5790 Widewaters Parkway, Dewitt, NY 13214 and Fehl's Home & Garden, 5369 Allentown Pike, Temple, PA 19560, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The applicant seeks to remediate the site to a Statewide Health Standard. The property will continue to operate as a home and garden retail operation.

Olszewski Property, Freedom Township, **Adams County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 on behalf of Michael A. Olszewski, 620 McGlaughlin Road, Fairfield, PA 17320 and McDannell Oil, 322 Oak Drive, Orrtanna, PA 17353, submitted a Notice of Intent to Remediate site soils contaminated with kerosene. The applicant indicates that the site will be remediated to a Statewide Health Standard.

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

Allied Chemical Dump Site, Newell Borough, **Fayette County**. Chad Coy, Cummings/Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 on behalf of Jeff Jakoncuk, GenTek Inc., 90 East Halsey Road, Parsippany, NJ 07054 has submitted a Notice of Intent to Remediate wastes and soils contaminated with alum sludge, vanadium pentoxide, iron sulfate and miscellaneous solid wastes to attain a Site-Specific Standard. Remediation will include regrading and installation of an engineered soil cover. There is no planned future use for the disposal area.

Reichhold Property, South Fayette Township, Borough of Bridgeville, and Collier Township, **Allegheny County**. Robert Anderson, BB&L, 600 Waterfront Drive, Pittsburgh, PA 15222 on behalf of Michael Slenska, Beazer East Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate soils contaminated with xylene, styrene, toluene, naphthalene, maleic anhydride, phthalic anhydride, formaldehyde and vanadium pentoxide to meet a Site Specific Standard. Remediation of the site will include removal of all process structures, regrading, covering with engineered soil covers and paving to eliminate direct contact pathways and reduce migration to groundwater. Future planned use of the property is commercial retail for the areas where manufacturing processes were conducted and residential in the unaffected areas.

Markovich Property, North Huntingdon Township, **Westmoreland County**. Steven Gerritsen, SE Technologies, Inc., 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Thomas Markovich, 64 Arona Road, North Huntingdon, PA 15642 and David Schwarzwaelder, Columbia Gas of Pennsylvania, a NiSource Company, 501 Technology Drive, Canonsburg, PA 15317 has submitted a Notice of Intent to Remediate site soils contaminated with volatile and semi-volatile organic constituents as well as PCBs. Columbia Gas of Pennsylvania operates a pipeline that services the contaminated property. Pipeline condensate liquid accumulated in the natural gas meter that serviced the property. During maintenance activities, the natural gas line was cleared of condensate liquids,

which resulted in the release of liquid to the yard area. A Statewide Health Standard is proposed for the affected area. Future plans for the property remain residential.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Application 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 municipal waste regulations for a general permit to operate infectious and chemotherapeutic waste processing facilities

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Renewal Application No. WMGI005. Merck & Co., Inc., 1 Merck Drive, Whitehouse Station, NJ 08889-0100. General Permit No. WMGI005 authorizes processing of infectious waste through chemical and thermal inactivation. The application was received by Central Office on February 3, 2006.

The application covers the following four Merck & Co., Inc. facilities:

West Point, 770 Sumneytown Pike, West Point, PA 19486-0004 (WMGI005A)

Cherokee, 100 Avenue C, Riverside, PA 17868 (WMGI005B)

Wayne, 466 Devon Park Drive, Wayne, PA 19087 (WMGI005C)

MRL North Wales, 502 and 503 Louise Lane, 140 Wissahickon Avenue, North Wales, PA 19545 (WMGI005D)

Persons interested in reviewing the application may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 100945. Community Refuse Service, Inc., Hopewell and North Newtown Township, **Cumberland County**. Major permit modification to Solid Waste Permit No. 101538 for the operation of Cumberland County Landfill, issued in accordance with Article V of the Solid Waste Management Act (35 P. S. §§ 6018.501—6018.508). This modification approves the construction and operation of the Northern (Martin) Borrow Area. Compliance with the terms and conditions set forth in the permit are mandatory. Persons have the right to file an appeal as to these terms and conditions.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300720. Orion Power Midwest, LP, 121 Champion Way, Suite 200, Canonsburg, PA 15317. Cheswick Ash Disposal Site (Cheswick Power Plant), Lefever Road (SR 1016), Cheswick, PA 15024. A permit renewal for a residual waste disposal site in Indiana Township, **Allegheny County** was received in the Regional Office on February 7, 2006.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

39-309-064: Larfarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for construction of a mixing fan in the Kiln No. 2 system to increase combustion efficiency in Whitehall, **Lehigh County**.

45-320-005: United Huxley Envelope (P. O. Box 37, Mount Pocono, PA 18344) for construction of an envelope manufacturing process in Coolbaugh Township, **Monroe County**.

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

22-05035A: Eastern Industries, Inc. (220 Park Road, P. O. Box 177, Winfield, PA 17889) to replace the existing primary jaw crusher, the existing grizzly and blacktop screens and to refurbish the dust collector that controls the blacktop plant at the Elizabethtown quarry in Washington Township, **Dauphin County**.

36-05142A: Masterfoods USA—Division of Mars, Inc. (295 Brown Street, Elizabethtown, PA 17022) for installation of a new roasting system at their candy manufacturing facility in Elizabethtown Borough, **Lancaster County**.

67-05106A: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368) for replacement of a baghouse emission control system at their iron foundry in Wrightsville Borough, **York County**.

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

41-318-045C: High Steel Structures, Inc. (1853 William Penn Way, Lancaster, PA 17605) for modification of a structural steel surface coating operation by revising the applicable coating VOC content limitations in the City of Williamsport, **Lycoming County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.

23-0091A: Union Packaging, LLC (6250 Baltimore Avenue, Yeadon, PA 19050) for installation of a seven-color, 32.25-inch wide flexographic printing press at the Union Packaging facility which is a minor facility in Yeadon Borough, **Delaware County**. The press will be equipped with seven natural gas fired dryers. This installation will result in a VOC emission increase of 4.1 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restric-

tions designed to keep the facility operating within all applicable air quality requirements.

23-0073: Alan McIlvain Co. (501 Market Street, Marcus Hook, PA 19061) for installation of a wood planer and dust collector at their Marcus Hook wood molding manufacturing facility in Marcus Hook Borough, **Delaware County**. The facility currently operates under a State-only Operating Permit (23-00073). 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.

09-0117B: Heucotech, LTD (99 Newbold Road, Fairless Hills, PA 19030) for expansion and modification of the pigment mixing operations in Falls Township, **Bucks County**. This expansion and modification of the pigment mixing operations may result in the emissions of 1.7 tons per year of PM₁₀, 4.97 tons per year of ammonia and 2.7 tons per year of VOCs. 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.

09-0024E: Waste Management Disposal Services of Pennsylvania, Inc.—Tullytown Landfill (1121 Bordentown Road, Morrisville, PA 19067) a plan approval for installation of an enlaced flare in Tullytown Borough, **Bucks County**. The Plan Approval was submitted for the installation of an enlaced flare. The permittee shall comply with 40 CFR Part 60 Subpart WWW. The permit is for a Title V facility. The permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-0007B: Waste Management Disposal Services of Pennsylvania, Inc.—G.R.O.W.S. Landfill (1121 Bordentown Road, Morrisville, PA 19067) a plan approval for installation of an enlaced flare in Falls Township, **Bucks County**. The permittee shall comply with 40 CFR Part 60, Subpart WWW. The permit is for a Title V facility. The permit will include monitoring, testing, 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, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-303-025: Barletta Materials and Construction, Inc. (P. O. Box 550, Tamaqua, PA 18252) for reactivation of a batch asphalt plant utilizing recycled asphalt pavement at their Harwood facility in Hazle Township, **Luzerne County**. This facility is not a Title V facility. The company has elected to take a voluntary production restriction of 495,000 tons of asphalt per year. Annual emissions resulting from the reactivation of the plant include 10.4 tons of particulate, 17.2 tons of SO_x, 99.0 tons of CO, 29.7 tons of NO_x and 2.0 tons of VOCs. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

39-318-114: Apollo Metals, LTD (1001 Fourteenth Avenue, Bethlehem, PA 18018) for construction and operation of a chrome plating tank, and installation and operation of three air cleaning devices (scrubbers) on

existing plating operations in the City of Bethlehem, **Lehigh County**. The facility is a non-Title V facility. PM emissions from the air cleaning devices will be less than 0.02 grain/dscf. The plan approval will include monitoring, reporting and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements.

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

36-05001D: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) for modification of perlite expanders in East Donegal Township, **Lancaster County**. The modifications will increase production capacity. There should not be any increase in emissions as a result of new controls that will be installed. The perlite expanders have a potential to emit 33 tons per year of NO_x, 13 tons per year of CO and 31 tons per year of PM. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

67-05005D: PPL Brunner Island, LLC (2 North Ninth Street, Allentown, PA 18101) for installation of two flue gas desulfurization systems for the three bituminous coal-fired electric utility boilers (Units 1—3) and the construction of two 500 horsepower diesel-fired engines at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The proposed flue gas desulfurization systems will have the ability to remove 70% to 97% of the SO_x generated by the respective boilers. The SO₂ emissions from the facility are expected to decrease by about 100,000 tons per year, while all other air contaminants are expected to remain unchanged. The air contaminant emissions from the proposed 500 horsepower diesel-fired engines are not expected to exceed 6.47 tons of NO_x, 1.87 tons of CO, 0.93 ton of total hydrocarbons, 0.71 ton of SO₂ and 0.37 ton of PM. The plan approval will include emission limits, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The plan approval will be incorporated into the facility's Title V permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

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

62-162B: Elkhorn Field Services, Zimmerman Hill Road, Clarendon PA 16365 for construction of a new refrigeration compressor (800 HP Ajax Lean Burn engine), dehydration unit (0.5 mmBtu/hr) and flash tank for their Keystone natural gas processing facility in Pleasant Township, **Warren County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a new refrigeration compressor (800 HP Ajax Lean Burn engine), dehydration unit (0.5 mmBtu/hr), and flash tank in Pleasant Township, Warren County. This plan approval will restrict the existing refrigeration compressor to 438 hours of operation based on a 12-month rolling total. The plan approval will include emission restrictions for the new engine and will require emission testing for NO_x, CO, VOC and formaldehyde. The facility-wide NO_x emission increases will be approximately 0.82 tpy. CO emissions from the facility will decrease by approximately 5.37 tpy because of the lower emission rate from the new

engine. VOC emissions will increase by approximately 0.13 tpy. Other emissions will remain approximately the same. The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121–143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

AMS 05125: Sunoco Chemicals—Frankford Plant (Margaret and Bermuda Streets, Philadelphia, PA 19137) to increase the phenol pumping capacity to the barge loading operations from 1,800 gal/min to 2,500 gal/min, to increase the emission limit from the Barge Scrubber Vent from 0.0024 lb/hr to 0.257 lb/hr and remove the 96% control efficiency requirement for the scrubber, and to change the scrubbing solution for the Odor Control Scrubber from an 8-10% caustic solution to water in the City of Philadelphia, **Philadelphia County**. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

06-05045: Department of Public Welfare (P. O. Box 1000, Hamburg, PA 19526-1000) for operation of a State hospital (Hamburg Center) in Windsor Township, **Berks County**. This will be a minor modification of the permit. The modification will involve the limiting of the emissions of HAPs from the facility by limiting the amount of coal fired in the two main coal fired boilers. The modified permit will include monitoring, work practices, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

03-00023: Allegheny Energy (800 Cabin Hill Drive, Greensburg, PA 15601) for Armstrong Power Station in Washington Township, **Armstrong County**. This is a Title V Operating Permit Renewal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

25-00025: General Electric Transportation—Erie (2901 East Lake Road, Erie, PA 16531) for renewal their Title V Operating Permit in Lawrence Park Township, **Erie County**. The initial permit was originally issued on November 2, 2000. General Electric Transportation own three coal-fired boilers, combustion furnace, fly ash handling system, bottom ash handling system, drying oven and powder paint booth, plasma metal spray booth,

armature burn off oven, pyrolysis oven, cab prep and painting, VPI paint booth, 18 paint booths, welding booth, gasoline tanks, four VPI ovens, four vanish dip and curing, coal crusher, two engine test cells, coal pile handling, coal silo handling, miscellaneous machining and grinding and 20 generators. As a result of potential emissions of NOx, the facility is a major source, and is therefore subject to Reasonable Available Control Technology. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. Boilers Nos. 1, 5 and 9 are subject to Compliance Assurance Monitoring under 40 CFR Part 64. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

24-00083: Cabone of America Industries Corp. (215 Stackpole Street, Saint Marys, PA 15857-1401) for reissuance of their Title V Operating Permit in the City of Saint Marys, **Elk County**. The facility manufactures Carbon and Graphite Products. The facility's major emission sources include crushers, coke and graphite mills, screening operation, pulverizers, blenders, mixers, curing ovens, CBH kilns, carbottom kilns, dryers, jet mill, graphite machining lathes, extrusion press, pit oven, batch graphitizers, excess air ovens and graphite machining saw grinders. The facility is a major facility due to its potential to emit of PM10. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule found in 40 CFR Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00004: Tolas Health Care Packaging (905 Pennsylvania Boulevard, Feasterville, PA 19053) for a non-Title V (State-only) facility in Lower South Hampton Township, **Bucks County**. The facility's sources include a two rotogravure presses, six lithographic presses and two cold degreasers. The permittee has elected to take an emission restriction of 24.9 ton/year for VOCs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00164: H and K Materials, Inc.—Chalfont Quarry (300 Skunk Hollow Road, Chalfont, PA) for operation of a rock crushing plant at the Blooming Glen Quarry located in Hilltown Township, **Bucks County**. The permit is for a non-Title V (State-only, Natural Minor) facility. The permit incorporates Plan Approval PA-09-0164 for the NSECO High-Pressure Water Suppression System. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

45-00003: Reliant Energy—Shawnee CT Facility (121 Champion Way, Suite 200, Canonsburg, PA 15317) a renewal State-only (Synthetic Minor) Operating Permit

for a combustion turbine in Middle Smithfield Township, **Monroe County**. The source has the potential to emit major quantities of regulated pollutants (NO_x, VOCs and SO_x) above Title V thresholds. The facility is proposing a limitation on NO_x and operating hours to keep pollutants below Title V emission thresholds. Records shall be kept for fuel oil throughput, operating hours and calculated NO_x emissions, all on a 12-month rolling sum basis. The proposed State-only (Synthetic Minor) Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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

22-03025: John R. Shultz Funeral Home (406 Market Street, Lykens, PA 17048) for operation of a human crematorium in Lykens Borough, **Dauphin County**. This is a renewal of the facility's State-only operating permit issued in 2001. All requirements from the previous permit remain in place.

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

49-00041: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) for operation of a stone crushing and screening and asphalt pavement production facility (Shamokin Plant) in Coal Township, **Northumberland County**.

The facility incorporates a 150 ton per hour batch mix asphalt plant and associated aggregate, liquid asphalt and fuel oil handling and/or storage equipment as well as a stone crushing and screening plant and a solvent parts cleaner. The PM emissions including PM₁₀ from the asphalt plant are controlled by a knockout box and a fabric collector operating in series. The PM/PM₁₀ emissions from the stone crushing and screening plant are controlled by a water spray dust suppression system. The CO and SO_x emissions from the facility will be limited to less than 100 tons per year of each and the emission of PM, PM₁₀, NO_x, VOCs and HAPs are not expected to exceed 76.05, 52.26, 27.83, 11.83 and 1.73 tons per year, respectively.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 49-303-001, issued on September 29, 1993, and Operating Permit 49-310-0004A, issued on September 23, 1993.

These previously established conditions include:

1. A condition limiting the fuel fired in the asphalt plant to gas (natural or liquefied petroleum), virgin No. 2 fuel oil and recycled/reprocessed oil.
2. A condition limiting the sulfur content of all oil fired in the asphalt plant to 1.0%, by weight.
3. A condition limiting the content of certain contaminants in the recycled/reprocessed oil fired in the asphalt plant to:

- Arsenic—five parts per million (by weight)

- Cadmium—two parts per million (by weight)
- Chromium—10 parts per million (by weight)
- Total halogens—1,000 parts per million (by weight)

4. A condition requiring the permittee to take a representative sample of each shipment of recycled/reprocessed oil received and save it for at least 2 years for possible analysis.

5. A condition requiring spare fabric collector bags to be kept onsite.

6. A condition prohibiting the manufacture of asbestos-containing asphalt paving material.

The Department additionally proposes to incorporate into the operating permit to be issued a number of new conditions including:

1. A condition limiting the content of certain contaminants in the recycled/reprocessed oil used in the asphalt plant to more stringent limitations than previously required by Operating Permit 49-303-001:

- Lead—100 parts per million (by weight)
- polychlorinated bithenyls—none detectable (detection limit no greater than two parts per million)

2. A condition prohibiting the recycled/reprocessed oil used in the asphalt plant from having a flash point less than 100°F.

3. A condition limiting the asphalt plant's production to no more than 450,000 tons of product during any 12-consecutive month period.

4. A condition requiring the performance of PM stack testing on the asphalt plant with 2.5 years of operating permit issuance.

5. A condition prohibiting the facility from accepting any shipment of recycled/reprocessed oil which contains contaminant contents in excess of those specified in the permit or for which contaminant contents are unknown.

6. A condition specifying the specific analytical procedures to be employed in determining the contaminant contents in recycled/reprocessed oil.

7. Conditions requiring the permittee to test each shipment of recycled/reprocessed oil received for total halogen content and to perform a complete analysis for all regulated contaminants on at least one out of every 15 shipments of the oil.

8. A condition specifying the conditions which must be met to take a "representative sample" of recycled/reprocessed oil.

9. A condition requiring the maintenance and periodic submission, of records of the results of all recycled/reprocessed oil analyses performed, the total quantity of asphalt concrete produced each month, the quantity of each type of fuel used each month and the delivery date, quantity, supplier identification and contaminant contents for each shipment of recycled/reprocessed oil received.

10. A condition prohibiting the permittee from putting any waste oil or other waste materials into any storage tank used for the storage of fuel.

11. A condition requiring the maintenance of records of the vapor pressure of the contents of the liquid asphalt storage tank.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson Facilities Permitting Chief, (814) 332-6940.

10-00288: Bear Metallurgical Co. (679 East Butler Road, Butler, PA 16002) for the manufacture of ferromolybdenum and ferrovandium in the City of Butler, **Butler County**.

43-00321: Northeast Industrial Manufacturing, Inc. (640 Keystone Road, Greenville, PA 16125) for reissuance of a Natural Minor Permit for surface coating operations at their roll off container manufacturing plant in Hempfield Township, **Mercer County**.

42-00187: Resting Acres Pet Cemetery Inc. (1353 South Avenue, Bradford, PA 16701) for operation of an animal crematorium outside the town of Bradford, **McKean County**.

25-00940: Animal Friends Cremation Service, Inc. (11711 Sharp Road, Waterford, PA 16441) for operation of an animal cremation service outside the town of Waterford, **Erie County**.

61-00183: Venango County Humane Society (2724 Deep Hollow Road, Franklin, PA 16323) for operation of an animal crematorium outside the Town of Franklin, **Venango County**.

**COAL AND NONCOAL MINING
ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particu-

lar proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0;	less than 9.0
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

03991301 and NPDES Permit No. PA0235407, Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to revise the permit for the Logansport Mine in Bethel Township, **Armstrong County** and related NPDES permit to construct coal storage yard and rail load-out facility. Receiving stream: UNT A to Allegheny

River, classified for the following use: WWF. Application received January 9, 2006.

11743703 and NPDES Permit No. PA0214671, RNS Services, Inc. (P. O. Box 38, 7 Riverside Plaza, Blossburg, PA 16912), to renew the permit for the Lancashire No. 25 Refuse Site in Barr and West Carroll Townships, **Cambria County** and related NPDES Permit. No additional discharges. Application received November 28, 2005.

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to change 122.48 underground permit acres from development mining to longwall mining and perform stream remediation activity to South Fork of Dunkard Fork that may be impacted by the longwall mining activity. No additional discharges. Application received December 22, 2005.

56841605 and NPDES Permit No. PA0214761, Croner, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Goodtown Preparation Plant in Brothersvalley Township, **Somerset County** and related NPDES permit for reclamation only. No additional discharges. Application received January 19, 2006

Cambria District Mining Office: 286 Industrial Road, Ebensburg, PA 15931, (824) 472-1900.

Permit No. 32020106 and NPDES Permit No. 0249271. Britt Energies Inc., 2450 Philadelphia Street, Indiana, PA 15701, permit revision—land use change on Mystic Brooke Development LP property from Forestland to Pastureland in Center Township, **Indiana County**, affecting 114.4 acres. Receiving streams: UNTs to Yellow Creek and UNTs to Tearing Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on January 26, 2006.

56060101 and NPDES No. PA0249904. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563-8164, commencement, operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 194.6 acres. Receiving streams: UNT to Buck Run; UNT to Schrock Run; and UNT to Stonycreek River classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. Application received January 26, 2006.

Greensburg District Mining Office: Armbrust Professional Center, 8205 SR 819, Greensburg, PA 15601, (724) 925-5500.

65060101 and NPDES Permit No. PA0250856. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Application for commencement, operation and reclamation of a bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 23.2 acres. Receiving stream: UNT to Youghiogheny River, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 30, 2006.

65950111 and NPDES Permit No. PA0201511. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717-7961). Renewal application for continued operation and reclamation of a bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 84.7 acres. Receiving streams: UNT to Miller Run, classified

for the following use: CWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 1, 2006.

Knox District Mining Office: White Memorial Building, P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

10030101 and NPDES Permit No. PA0242331. Quality Aggregates, Inc. (200 Neville Road, Neville island, PA 15225). Revision to an existing bituminous surface strip, auger, and beneficial use coal ash operation in Venango Township, **Butler County** affecting 108.0 acres. Receiving streams: three UNTs to Seaton Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revisions to add 13 acres to the permit area and to add Subchapter F protection for the discharge. Application received: January 27, 2006.

61020102 and NPDES Permit No. PA0242101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: UNTs to the Allegheny River, classified for the following use: CWF. The first downstream potable water supply intakes from the point of discharge are Emlenton Water Company and the Parker Area Water Authority. Application received: February 1, 2006

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17950113 and NPDES No. PA0220159. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830), permit renewal for the continued operation and restoration of a bituminous surface mine in Greenwood Township, **Clearfield County**, affecting 40.5 acres. Receiving streams: UNTs Nos. 1 and 2 to Watts Creek to Watts Creek to Clearfield Creek to West Branch of the Susquehanna River, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 25, 2006.

17990111 and NPDES No. PA0238341. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849), revision of an existing bituminous surface mine for an insignificant permit boundary correction to add 3.8 acres, in Decatur Township, **Clearfield County**, affecting 95.2 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River. Application received January 19, 2006.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

40663028R4. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 474.0 acres. Receiving stream: none. Application received January 24, 2006.

40663029R4. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Foster Township, **Luzerne County** 521.0 acres. Receiving stream: none. Application received January 24, 2006.

40663029T. Northampton Fuel Supply Co., Inc. (1 Horweth Drive, Northampton, PA 18067), transfer and correction of an existing anthracite surface mine and coal

refuse reprocessing operation from Pagnotti Enterprises, Inc. in Foster Township, **Luzerne County** 521.0 acres. Receiving stream: none. Application received January 26, 2006.

54850108R4. Jett Contracting Company (P. O. Box 243, Brockton, PA 17925), renewal of an existing anthracite surface mine operation in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 56.9 acres. Receiving stream: none. Application received January 27, 2006.

22851602R4. Meadowbrook Coal Co., Inc. (6690 SR 209, Lykens, PA 17048), renewal of an existing anthracite coal preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.4 acres. Receiving stream: none. Application received January 27, 2006.

54020201C. Stoudt's Ferry Preparation Co., Inc. (P. O. Box 279, St. Clair, PA 17970), correction to an existing anthracite surface mine to include a coal preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 66.0 acres. Receiving stream: none. Application received January 30, 2006.

40663033R4. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Foster and Butler Townships, **Luzerne County** affecting 1,515.0 acres. Receiving stream: none. Application received January 31, 2006.

Coal Applications Returned

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17050105 and NPDES No. PA0256218. Southwest Reclamation, Inc. (P. O. Box 1419, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Lawrence Township, **Clearfield County**, affecting 10.0 acres. Application received: May 5, 2005. Application returned January 24, 2006.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference

concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E45-482. C & M Shawnee Land Holdings, LP, 2421 Bristol Road, Warrington, PA 18976, in Smithfield and Middle Smithfield Townships, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain 15 road crossings and various utility line stream crossings in tributaries to Shawnee Creek (HQ-CWF) and in 0.14 acre of PFO wetlands to provide access and utility services to the remainder of a planned residential development known as Shawnee Valley Development—Phase 1B through 4. The project is located on the north and south sides of Hollow Road between Mount Nebo Road and Mosier Knob Road (Bushkill, PA-NJ Quadrangle N: 4.9 inches; W: 12.4 inches).

E58-269. Village of Four Seasons Association, Inc., R. R. 2, Box 3350, Uniondale, PA 18470, in Herrick Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To regrade and construct facilities associated with the expansion of an existing sewage treatment plant, impacting a de minimis area of wetlands equal to 0.05 acre, within the watershed of East Branch Tunhannock Creek (CWF). The project is located on the west side of T-470, approximately 800 feet south of the intersection of T-470 and SR 0374. (Clifford, PA Quadrangle N: 18.6 inches; W: 6.5 inches).

E45-484. Hirshland & Company, 1055 West Lakes Drive, Suite 300, Berwyn, PA 19312, in Mount Pocono Borough, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.07 acre of PEM wetlands for the purpose of constructing an entrance road for a proposed commercial development. The project is located on the south side of SR 0940, approximately 0.8 mile east of SR 0314 (Pocono Pines, PA Quadrangle N: 21.8 inches; W: 0.3 inch).

E45-483. S.I.D.E. Corporation, P. O. Box 1050, Blakeslee, PA 18610, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a riprap stormwater outfall channel in the floodway of Tobyhanna Creek (HQ-CWF)

for the purpose of conveying stormwater runoff from a proposed 5-lot residential development known as Stream's Edge Subdivision. The project is located on the south side of Tobyhanna Creek adjacent to New Ventures Business Park (Blakeslee, PA Quadrangle N: 15.5 inches; W: 11.0 inches).

E40-658. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Sugarloaf Township and Conyngham Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structures and to construct and maintain two road crossings of tributaries to Little Nescopeck Creek (CWF), utilizing a 48-inch RCP culvert and a 54-inch RCP culvert. The limits of channel impact are approximately 285 feet and 370 feet, respectively, including riprap channel lining extending upstream and downstream of the culverts and relocation of approximately 280 feet of channel in the vicinity of the 54-inch culvert. The project will permanently impact 0.17 acre of wetlands associated with roadway widening and will temporarily impact 0.04 acre of wetlands. The project is located along SR 0093, section 308, segment 0190, offset 0056 to segment 0210, offset 2460 (Conyngham, PA Quadrangle N: 22.1 inches; W: 9.8 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E67-795: Windy Brae Manor Mobile Home Park, 14871 Mount Olivet Road, Stewartstown, PA 17363 in North Hopewell Township, **York County**, ACOE Baltimore District.

To construct and maintain a 36-inch culvert pipe 16-foot long and two 6-inch water lines in a UNT to the East Branch Codorus Creek (HQ-CWF) and in associated wetlands (Glen Rock, PA Quadrangle Latitude: 76° 38' 8"; Longitude: 39° 47' 34"; N: 7.7 inches; W: 1.5 inches) in North Hopewell Township, York County. The project will permanently impact 0.002 acre and temporarily impact 0.007 acre of palustrine emergent wetlands, no mitigation is required.

E36-805: Sertoma Club of Lancaster, P. O. Box 1061, Lancaster, PA 17603 in Manheim Township, City of Lancaster, **Lancaster County**, ACOE Baltimore District.

The Sertoma Club of Lancaster proposes to construct an interpretative trail on an approximately 3-acre parcel south of Long's Park near the intersection of Route 30 and Harrisburg Pike in Manheim Township and Lancaster City (center of project located on Lancaster USGS Quadrangle, North 1 inch, West 1 inch). The project will involve approximately 900 feet of stream bank stabilization work along a UNT of Little Conestoga Creek, three footbridges, one wetland crossing and one intake pipe on an existing dam. There would be approximately 5,000 square feet of wetland enhancement work, 30 feet of stream channel impacts, and 950 feet of wetland impacts.

E36-802: Martin Brothers Builders, 119 Furlow Road, Reinholds, PA 17569-9143, Brecknock Township, **Lancaster County**, ACOE Baltimore District.

To relocate 642 feet of a UNT to Muddy Creek (TSF) (reducing the proposed channel to 486 feet onsite), to construct and maintain one new 1.0-foot depressed, 12-foot wide by 4.5-foot deep by 60-foot long concrete box culvert, one sanitary sewer line crossing, and three stormwater outfalls in and along the relocated stream channel as part of a proposed residential development known as Millstone

Village (Terre Hill, PA Quadrangle N: 13.3"; W: 1.6"; Latitude: 40° 11' 57" N; Longitude: 76° 00' 41" W) in Brecknock Township, Lancaster County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E59-474. Phoenix Resources, Inc., 782 Antrim Road, Wellsboro, PA 16901. Construction and demolition landfill expansion project, in Duncan Township, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 2.5 inches; W: 2.7 inches).

Proposed project is to place and maintain fill in 4.16 acres of wetlands for the purpose of expanding an existing construction and demolition landfill. The wetlands are located within the Babb Creek and Wilson Creek watersheds. Title 25, Chapter 93 of the *Pennsylvania Code* classifies each stream as a CWF stream. The site is located approximately 1 mile northeast of the small town of Antrim, PA and can be accessed off of SR 3009. Proposed permanent wetland impacts will be mitigated on site with a 5.16 acre constructed wetland complex.

E55-207. Penn Valley Airport Authority, 100 Airport Road, Selinsgrove, PA 17870. Project is an extension of Runway 17 at Penn Valley Airport in Monroe Township, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle N: 14.2 inches; W: 16.0 inches).

The applicant proposes a 760-foot extension of Runway 17 and its parallel taxiway. Purpose of the extension is to allow heavier aircraft to use the runway. The project will require the filling of a 0.05 acre isolated emergent wetland. This wetland is classified as "other wetlands" by the Department of and is located adjacent to the existing taxiway. The affected wetland acreage meets the Department's "de minimis" definition and will not be replaced by the applicant.

E08-436: Water Obstruction and Encroachment. Valley Youth Hunter Education, Inc., P. O. Box 191, Athens, PA. 18810. United States Army Corps of Engineers, Baltimore District. Rome, PA. 7.5' Quadrangle N: 16.1" W: 13.8") Rome Township, **Bradford County**.

To place and maintain fill in 0.24 acre of a palustrine emergent wetland system for the purpose of expanding and improving the existing outdoor shooting range and for future development of an indoor shooting range; 0.34 acre of replacement wetlands are proposed. The site is located approximately 0.56 mile north of the SR 187 and 467 intersection, on the west side of SR 187.

E53-410. Potter County Conservation District, 107 Market Street, Coudersport, PA 16915, Genesee River Stabilization Project (Perry-Cornell-Slawson Site) in Genesee Township, **Potter County**, ACOE Pittsburgh District (Ulysses, PA Quadrangle N: 18.5 inches; W: 15.0 inches).

To restore a reach of the Genesee River (CWF) by constructing, operating and maintaining a minimum of four rock straight vanes, four root-wads and 175 feet of rock toe protection for the stabilization of 480 feet of eroded stream bank. All in-stream activity and structures shall be constructed in minimum stream flow conditions needed to establish stream centerline, as well as from the stream bank to the fullest extent possible. Since the Genesee River is a STF, no construction of future repair work shall be done in or along the stream channel between March 1 and June 15 without the prior written approval of the Fish and Boat Commission. The project will not impact wetlands while temporarily impacting 480 feet of

the Genesee River that is located along the eastern right-of-way of SR 0449 approximately 1,200 feet north of Township Road 411 and SR 0449 intersection near the Village of Hickox.

E17-417. Osceola Mills, Rush and Decatur (ORD) Sewer Authority, P. O. Box 215, Osceola Mills, PA 16666-0215. ORD Sewer Authority Wastewater Treatment Facility and Collection System, Osceola Mills Borough and Decatur Township, **Clearfield County**, ACOE Baltimore District (Houtzdale, PA Quadrangle N: 19.0 inches; W: 2.7 inches).

To construct, operate and maintain a wastewater treatment facility, a treated wastewater effluent outfall, and 160,000 linear feet of wastewater collection and conveyance lines within a 30-foot right-of-way for the treatment of municipal wastewater. Construction of the new treatment facility, outfall, and wastewater collection/conveyance system will result in 12 and 5 wetland crossings that are as follows:

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Moshannon Creek	STF	40° 51' 17.80"	78° 15' 35.6"
Moshannon Creek	CWF	40° 51' 19.39"	78° 15' 30.50"
UN—Moshannon	CWF	40° 01' 32.32"	78° 15' 39.71"
UNT—Moshannon	CWF	40° 01' 43.97"	78° 15' 44.79"
UNT—Moshannon	CWF	40° 01' 45.67"	78° 15' 43.29"
UNT—Moshannon	CWF	40° 01' 30.32"	78° 15' 35.25"
UNT—Moshannon	CWF	40° 01' 46.33"	78° 15' 29.01"
UNT—Moshannon	CWF	40° 01' 48.91"	78° 15' 26.08"
UNT—Moshannon	CWF	40° 01' 45.67"	78° 15' 43.29"
Big Run	CWF	40° 01' 10.36"	78° 15' 43.29"
UNT—Moshannon	CWF	40° 01' 07.91"	78° 15' 47.70"
Wetland A	CWF	40° 01' 17.43"	78° 15' 15.50"
Wetland B	CWF	40° 01' 19.93"	78° 15' 16.50"
Wetland C	CWF	40° 01' 19.50"	78° 15' 16.00"
Wetland D	CWF	40° 01' 19.36"	78° 15' 09.94"
Wetland F	CWF	40° 01' 17.36"	78° 24' 16.32"

Wastewater collection and conveyance lines shall be installed beneath streambeds so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or concrete encased. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project will permanently impact 0.04 acre of wetland and 171 feet of waterway that is located along the eastern and western right-of-way of SR 0053 upstream and downstream of SR 0970 and SR 0053 intersection in Osceola Mills Borough.

E14-485. Osceola Mills, Rush and Decatur (ORD) Sewer Authority, P. O. Box 215, Osceola Mills, PA 16666-0215. ORD Sewer Authority Wastewater Treatment Facility and Collection System, Rush Township, **Centre County**, ACOE Baltimore District (Sandy Ridge, PA Quadrangle N: 11.1 inches; W: 14.7 inches).

To construct, operate and maintain a wastewater treatment facility, a treated wastewater effluent outfall, and 160,000 linear feet of wastewater collection and conveyance lines within a 30-foot right-of-way for the treatment of municipal wastewater. Construction of the new treatment facility, outfall, and wastewater collection/conveyance system will result in 33 and 10 wetland crossings that are as follows:

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
UNT—Moshannon	CWF	40° 01' 09.07"	78° 15' 16.73"
UNT—Moshannon	CWF	40° 01' 09.07"	78° 15' 16.73"
UNT—Moshannon	CWF	40° 01' 04.97"	78° 15' 25.07"
UNT—Moshannon	CWF	40° 01' 04.50"	78° 15' 25.00"
UNT—Moshannon	CWF	40° 01' 04.00"	78° 15' 24.80"
Trout Run	CWF	40° 01' 51.95"	78° 15' 39.96"
Trout Run	CWF	40° 00' 36.27"	78° 15' 40.19"
UNT—Trout Run	CWF	40° 00' 26.02"	78° 15' 45.19"
UNT—Trout Run	CWF	40° 00' 20.28"	78° 15' 44.48"
UNT—Trout Run	CWF	40° 00' 05.48"	78° 15' 25.75"
UNT—Trout Run	CWF	40° 00' 03.88"	78° 15' 24.47"
UNT—Trout Run	CWF	39° 59' 48.51"	78° 14' 59.04"
UNT—Moshannon	CWF	40° 01' 03.67"	78° 15' 22.04"
UNT—Moshannon	CWF	39° 24' 02.84"	78° 15' 09.84"
UNT—Moshannon	CWF	40° 00' 57.03"	78° 15' 30.80"
UNT—Moshannon	CWF	40° 00' 57.68"	78° 15' 15.23"
UNT—Moshannon	CWF	40° 00' 54.64"	78° 15' 10.33"
UNT—Moshannon	CWF	40° 00' 52.50"	78° 15' 04.19"
UNT—Moshannon	CWF	40° 00' 57.62"	78° 16' 49.24"
UNT—Moshannon	CWF	40° 00' 53.38"	78° 16' 55.79"
UNT—Moshannon	CWF	40° 00' 51.85"	78° 16' 50.72"
UNT—Trout Run	CWF	40° 00' 36.27"	78° 15' 40.19"

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Trout Run	CWF	40° 00' 11.47"	78° 15' 41.97"
UNT—Trout Run	CWF	40° 00' 32.12"	78° 15' 38.89"
UNT—Trout Run	CWF	39° 59' 35.16"	78° 14' 12.40"
UNT—Trout Run	CWF	39° 59' 26.67"	78° 13' 58.90"
UNT—Trout Run	CWF	39° 59' 25.80"	78° 13' 58.30"
UNT—Trout Run	CWF	39° 59' 14.91"	78° 13' 56.15"
UNT—Trout Run	CWF	39° 58' 53.08"	78° 13' 50.12"
UNT—Trout Run	CWF	39° 58' 25.50"	78° 13' 15.87"
UNT—Trout Run	CWF	39° 58' 23.81"	78° 13' 12.28"
UNT—Trout Run	CWF	39° 59' 25.01"	78° 13' 11.26"
Wetland A	CWF	40° 01' 15.20"	78° 15' 14.09"
Wetland G	CWF	40° 00' 53.38"	78° 16' 55.79"
Wetland H	CWF	40° 00' 51.85"	78° 16' 56.72"
Wetland I	CWF	40° 00' 51.95"	78° 15' 39.96"
Wetland J	CWF	40° 00' 36.27"	78° 15' 40.19"
Wetland K	CWF	40° 00' 03.88"	78° 15' 24.47"
Wetland L	CWF	39° 59' 57.44"	78° 15' 18.50"
Wetland AA	HQ-CWF	39° 39' 02.95"	78° 03' 52.86"
Wetland BB	HQ-CWF	39° 58' 42.63"	78° 13' 34.73"
Wetland BB	HQ-CWF	39° 58' 42.63"	78° 13' 34.73"

Wastewater collection and conveyance lines shall be installed beneath streambeds so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or concrete encased. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project will permanently impact 0.04 acre of wetland and 171 feet of waterway that is located along the eastern and western right-of-way of SR 970 1 mile north of SR 0350 and SR 0970 intersection at the Village of Sandy Ridge.

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

E02-1524. The McCandless Township Sanitary Authority, 418 Arcadia Drive, Pittsburgh, PA 15237-5597. To place fill in wetlands in McCandless Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle N: 11.25 inches; W: 1.5 inches and Latitude: 40° 33' 39"—Longitude: 80° 01' 39"). The applicant proposes to place fill in 0.67 acre of wetlands, construct and maintain three outfall structures on the left bank of Little Pine Creek (TSF), and to construct and maintain three sequencing batch reactors, a headworks grit bar screen and a UV tank/post equalization flow control valve vault on the left bank and in the floodway of Little Pine Creek (TSF) for the purpose of upgrading the existing Longvue No. 1 Wastewater Treatment Facility located approximately 800.0 feet north from the intersection of Hazlett Road and Remington Drive. The project will impact 0.68 acre of wetlands.

E32-339. Reliant Energy Northeast Management Company, 121 Champion Way, Suite 200, Canonsburg, PA 15317-5817. To construct a new rail track in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District. The project begins at (New Florence, PA Quadrangle N: 2.2 inches; W: 7.1 inches and Latitude: 40° 23' 16"—Longitude: 79° 04' 24" and ends at New Florence, PA Quadrangle N: 1.9 inches; W: 9.5 inches and Latitude: 40° 23' 07"—Longitude: 79° 03' 27"). The applicant proposes to amend Permit E32-339 to construct a new rail track to facilitate coal rail car operations at the Conemaugh Power Station: 1) Place and maintain fill in three wetlands for a total wetland impact of 0.03 acre; 2) Place and maintain fill along the right bank floodway

of the Conemaugh River for a total length of approximately 2,000 feet; 3) Extend and maintain the height of an existing endwall by 1 foot on a UNT to the Conemaugh River (WWF), and extend the length of an existing culvert by 6 feet on another UNT to the Conemaugh River both located in watersheds under 100 acres.

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

E10-416, TSC/Cranberry, LLC, 250 Grandview Drive, Fort Mitchell, KY 41017. TSC/Cranberry Commercial Development, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 43' 8.4"; W: 80° 06' 15.6").

To conduct the following activities for the construction of a Tractor Supply Company commercial retail facility along the east side of SR 19 Perry Highway approximately 0.25 mile south of North boundary Road:

1. To fill a total of 0.56 acre of two wetland areas.
2. To realign two sections for a total of 145 feet of the channel of a tributary to Brush Creek.
3. To construct and maintain a retaining wall and fill within the right floodway of a tributary to Brush Creek for a total distance of approximately 500 feet.
4. To install and maintain a sanitary sewer line crossing of wetlands adjoining the tributary to Brush Creek to connect to the existing Cranberry Township sewer line.

Project proposes creation of 0.65 acre of replacement wetland off site within the floodplain of Brush Creek on property within Thorn Hill Industrial Park located between Commonwealth Drive and I-76 south of Freedom Road.

E42-319, James J. Macfarlane, Double J Resources, Inc. 11 Boylston Street, Bradford, PA 16701. Duffy Estate Lease, in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Cyclone, PA Quadrangle Latitude: 41° 48' 26"; Longitude: 78° 36' 9.6").

To place and maintain fill in 0.04 acre of PEM wetlands and to install and maintain four wetland crossings consisting of three 2-inch diameter plastic pipelines having a temporary impact of 0.07 acre of PEM wetlands and to install and maintain three minor stream crossings im-

pacting approximately 40 linear feet of a UNT to Kinzua Creek (CWF) located approximately 1,400 feet north and east of the intersection of SR 0059 and SR 4003 (Bingham Road). The permittee is required to provide 1.21 acres of replacement wetlands.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D44-066EA. James Hackenberg, 432 Strodes Run Road, Lewistown, PA 17044, Granville and Oliver Townships, Mifflin County, ACOE Baltimore District.

Project proposes to remove a breached unnamed dam across Strodes Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream

to a free flowing condition. The dam is located approximately 300 feet north of the intersection of Rough Road and Strodes Run Road (Belleville, PA Quadrangle N: 10.4 inches; W: 8.2 inches).

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D15-396. Culbertson Realty Associates, LP, P. O. Box 1906, West Chester, PA 19380-0133. To modify, operate and maintain Culbertson Village Dam across Culbertson Run (HQ-CWF) for the purpose of converting an existing farm pond into a stormwater management facility for a proposed townhouse development (Wagontown, PA Quadrangle N: 9.4 inches; W: 6.2 inches) in West Brandywine Township, **Chester County**.

ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209201 (Nonmunicipal)	Terrace Hills Mobile Home Park R. R. 1, Box 44A Sugar Run, PA	Wyalusing Township Bradford County	Wyalusing Creek (SWP 4D)	Y
PA0209368 (Nonmunicipal)	Benton Foundry, Inc. 5297 SR 487 Benton, PA 17814-9550	Sugarloaf Township Columbia County	UNT to Coles Creek (SWP 5C)	Y
PA0101290 SP	Sandy Township P. O. Box 267 Dubois, PA 15801	Clearfield Sandy Township	Wolf Run 17C	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>
PA0002275 Sewage	Keystone Coal Mining Corporation P. O. Box 219 Shelocta, PA 15774	Armstrong County Plumcreek Township	UNT of Crooked Creek	Y
PA0094536 Sewage	Forest Hills School District P. O. Box 158 Sidman, PA 15955-0158	Cambria County Croyle Township	UNT of South Fork Little Conemaugh	Y
PA0095681 Sewage	Casciola Homes Sewage Treatment Plant	Washington County Cecil Township	Miller Run	Y
PA0097781 Sewage	NBI Properties, Inc. 850 23rd Avenue, Suite D Longmont, CO 80501	Westmoreland County Rostraver Township	Cedar Creek	Y
PA0204951 Sewage	Advanced Commerce Group, Inc. 100 Legacy Drive Sewickley, PA 15143	Allegheny County Sewickley Hills Borough	UNT of Kilbuck Run	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. PA0011533, Industrial Waste, **Sunoco, Inc. (R & M) Girard Point Processing Area**, 3144, Philadelphia, PA 19145-5299. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge industrial wastewater and stormwater from the facility into the Schuylkill River in Watershed 3F.

NPDES Permit No. PA0052728, Sewage, **Turkey Hill Minit Market**, 257 Centerville Road, Lancaster, PA 17603. This proposed facility is located in City of Coatesville, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT to West Branch of Brandywine Creek in Watershed 3H-Brandywine.

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

NPDES Permit No. PA0247979, Sewage, **Mr. and Mrs. Gary Cryder**, 101 Fleisher Road, Marysville, PA 17053. This proposed facility is located in Rye Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Fishing Creek in Watershed 7-A.

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

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

WQM Permit No. WQG02230602, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewer extension and pump station.

WQM Permit No. WQG02150509, Sewerage, **Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. This proposed facility is located in Oxford Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a sewer extension and pump station.

WQM Permit No. 4605417, Sewerage, **Upper Montgomery Joint Authority**, 1100 Mensch Dam Road, P. O. Box 6, Pennsburg, PA 18073. This proposed facility is located in Pennsburg Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of removing existing sewage pump and control to install new pumps and controls.

WQM Permit No. WQG02150515, Sewerage, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station.

WQM Permit No. 0999416, Sewerage, Amendment, **Warrington Township**, 1585 Turk Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Upgrading the capacity of the Bradford Greene Pump Station to 0.673 mgd via the replacement of the three existing pumps.

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

WQM Permit No. 5405403, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in North Union Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. 6705415, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331. This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: The construction/operation of a gravity sewer main beginning at Manhole No. 8-95 located in Westminster Avenue and proceeding south to a point approximately 1,200 feet south of Grandview Road.

WQM Permit No. 0105409, Sewerage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17731. This proposed facility is located in Conewago Township, **Adams County**.

Description of Proposed Action/Activity: Replacement of pump stations and motors, discharge lines and controls. Installation of a second 12" force main and second relief trunk line.

WQM Permit No. 5005401, Sewerage, **Gary and Judy Cryder**, 101 Fleisher Road, Marysville, PA 17053. This proposed facility is located in Rye Township, **Perry County**.

Description of Proposed Action/Activity: Construction/Operation of a residential small flow treatment facility using a septic tank, Ecoflo STB-650 peat filter and chlorine tablet chlorination.

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

WQM Permit No. 4905404, Sewerage (SIC 4952), **Mount Carmel Municipal Authority**, P. O. Box 365, Mount Carmel, PA 17851-0365. This proposed facility will be located in Mount Carmel Township and the Borough of Mount Carmel, **Northumberland County**.

Description of Proposed Action/Activity: Issuance of a permit, authorizing the construction of Phase I of the 3-phase combined sewer separation project, consistent with the approved Act 537 Plan Update. Phase I will include the replacement of approximately 8,150 linear feet of 24-inch and 30-inch gravity sewer with a 36-inch gravity sewer between CSO No. 13 and the treatment plant and eliminating CSO Nos. 13 and 14. Also included in Phase I is the replacement of an 18-inch gravity interceptor from Beech Street to CSO No. 13 and the installation of new stormwater pipes and associated sanitary sewer repairs for partial separation in Mount Carmel Borough.

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

WQM Permit No. 6505405, Sewerage, **Rostraver Township Sewage Authority**, 202 Port Royal Road, Belle Vernon, PA 15012. This proposed facility is located in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Issuance for the construction of about 76,100 LF of sanitary sewer ranging in size from 8" to 24" in diameter, force main and two pump stations.

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

WQM Permit No. 1005406, Sewerage, **Collins Reffner**, 406 Keck Road, Butler, PA 16001. This proposed facility is located in Summit Township, **Butler County**.

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

WQM Permit No. 2506402, Sewerage, **Robert L. Smith**, 13478 Old Lake Road, East Springfield, PA 16411. This proposed facility is located in Springfield Township, **Erie County**.

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

WQM Permit No. WQG018436, Sewerage, **Stacey E. and Terry L. Walbridge**, 5045 Neyland Road, Edinboro, PA 16412. This proposed facility is located in McKean Township, **Erie County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Northeast Region: Water 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>	<i>DEP Protocol (Y/N)</i>
PAI132243	Mayfield Borough 739 Penn Avenue Mayfield, PA 18433	Lackawanna	Mayfield Borough	Lackawanna River HQ-CWF Powdery Creek CWF Hoise Creek CWF	Y

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

Northeast Region: Water 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>
PAI024805012	Patriot Builders & Excavators 1611 Delabole Rd. Pen Argyl, PA 18072	Northampton	Forks Township	Tributary to Bushkill Creek HQ-CWF
PAI024505014	Joseph L. Mackey 1667 Robinhood Rd. Mt. Bethel, PA 18343	Monroe	Chestnuthill Township	McMichaels Creek EV
PAI023905028	Lower Macungie Assoc., LP 810 7th Ave., 28th Floor New York, NY 10019	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI024505011	Jeffrey A. Snyder Stroud Commons 7400 Route 611, Suite 8 Stroudsburg, PA 18360	Monroe	Pocono Township	Scot Run HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032105005	Yanek Custom Homes, Inc. Eight South Ridge Road Boiling Springs, PA 17007	Cumberland	South Middleton Township	UNT Yellow Breeches HQ/CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045505001	Middleburg Municipal Authority 13 N. Main St. Middleburg, PA 17842	Snyder	Franklin Township	Erb Run E/W Branch Bowersox Run HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
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-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Phoenixville Borough Chester County	PAG2001505093	Northridge Village, LP Northridge Village—Phase 5 1890 Rose Cottage Lane Malvern, PA 19355	French Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105029	Once Upon A Nation Franklin Square Revitalization Free Quaker Meeting House 500 Arch Street Philadelphia, PA 19106	PWD Municipal Sewers	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105046	Westrum Byberry, LP Byberry State Hospital Demolition 370 Commerce Drive Fort Washington, PA 19034	Poquessing Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sugarloaf Township Conyngham Borough Luzerne County	PAG2004005048	Department of Transportation Engineering District 4-0 Attn: Robert T. Doble 55 Keystone Industrial Park Dunmore, PA 18512	Nescopeck Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Bethlehem Township Northampton County	PAG2004805022	Diocese of Allentown 4029 W. Tilghman St. P. O. Box F Allentown, PA 18105	Nancy Run (Source to SR 3007 Bridge) CWF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Pringle Borough Luzerne County	PAG2004005051	Michael Jannuzzi 1000 Roosevelt St. Edwardsville, PA 18704	Toby Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Luzerne County	PAG2004005053	Department of Transportation District 4-0 Attn: Denise Youorski 55 Keystone Industrial Park Dunmore, PA 18512	Stony Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Fairview Township York County	PAG2006705096	Wayne Smith PA School Boards Assoc., Inc. 774 Limekiln Rd. New Cumberland PA	Yellow Breeches CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hanover Borough York County	PAG2006705097	GVH Greg Hurley 323 Union St., Suite 300 Nashville, TN 37201	South Branch Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Windsor Township York County	PAG2006705073	Inazio Argento 3110 Wheatlyn Road York, PA 17402	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Annville Township Lebanon County	PAG2003805043	Robert E. Hamilton Lebanon Valley College 101 North College Avenue Annville, PA 17003	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Jackson Township Lebanon County	PAG2003805045	Dennis Martin Martin Water 746 E. Lincoln Ave. Myerstown, PA 17067	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
North Lebanon Township Lebanon County	PAG20038050029	Isaac Martin P. O. Box 508 Lebec, CA 93243	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Annville Township Lebanon County	PAG2003805043	Robert E. Hamilton Lebanon Valley College 101 North College Avenue Annville, PA 17003	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Jackson Township Lebanon County	PAG2003805045	Dennis Martin Martin Water 746 E. Lincoln Ave. Myerstown, PA 17067	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
North Lebanon Township Lebanon County	PAG20038050029	Isaac Martin P. O. Box 508 Lebec, CA 93243	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Scott Township Columbia County	PAG2001906002	Tenny St. Elderly Housing, LP 700 Sawmill Rd. Bloomsburg, PA 17815	Susquehanna River Tributaries WWF	Columbia Co. Conserv. Dist. 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Town of Bloomsburg Columbia County	PAG2001905018	Bloomsburg University 400 E. Second St. Bloomsburg, PA 17815	Fishing Creek WWF	Columbia Co. Conserv. Dist. 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Allegheny County North Fayette Township	PAG2000203015	Irongate Ventures, LLC 210 Bird Park Road Pittsburgh, PA 15228	Robinson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAG2000204123-1	Glimcher Group One Mellon Center Suite 2000 Pittsburgh, PA 15219	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County North Versailles Township	PAG2000205042	J & J Holdings P. O. Box 545 Monroeville, PA 15146	Turtle Creek (WWF)	Allegheny County CD (412) 241-7645

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Oakdale Borough North Fayette Township	PAG2000205104	American AAA Properties LP 500 Glass Road Pittsburgh, PA 15205	Robinson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000205116	Pine Richland Area School District 702 Warrendale Road Gibsonia, PA 15044	Pine Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000205120	Kacin Brothers, Inc. 795 Pine Valley Drive Pittsburgh, PA 15239	Little Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000205121	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Ohio River (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Elizabeth Township	PAG2000205122	Rock Ridge Development, LLC 2338 Southampton Drive Pittsburgh, PA 15241	Youghiogheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ross Township	PAG2000205124	Reformed Presbyterian Church of North Hills 606 Thompson Run Road Pittsburgh, PA 15237	Little Pine Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County West Deer Township	PAG2000205125	Chase Development Co. 13 Dewey Lane Gibsonia, PA 15044	Little Deer Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Aleppo Township	PAG2000205127	National Development Co. 340 Mansfield Avenue Pittsburgh, PA 15220	Kilbuck Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Pittsburgh	PAG2000205128	Walnut Neville Commons, LP 5500 Walnut Street Suite 300 Pittsburgh, PA 15232	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000205129	Win Development, LLC 320 Heizler Drive Hookstown, PA 15050	Potato Garden Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG2000205132	H2O Auto Wash, LLC P. O. Box 66 Bakerstown, PA 15007	Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Washington County Somerset Twp.	PAG2006306002	J. Colin Gallaway Gallaway Safety & Supply 207 Carlton Drive Eighty-Four, PA 15330	Pigeon Creek (WWF)	Washington County CD (724) 228-6774
Butler County Adams Township	PAG2001005027	Adams Development Group 117 Ridge Road Valencia, PA 16059	UNT Breakneck Creek WWF	Butler Conservation District (724) 284-5270
Butler County Adams Township	PAG2001005033	Shoppes at Heritage Creek Eric J. Lamm Kaclik Development Assoc., LP Cranberry Township, PA 16066	Kaufman Run WWF	Butler Conservation District (724) 284-5270
Butler County Slippery Rock Township	PAG2001005036	Weathervane Hill West Gary McKnight P. O. Box 773 Slippery Rock, PA 16057	UNT Slippery Rock Creek CWF	Butler Conservation District (724) 284-5270

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Crawford County City of Titusville	PAG2002005007	Lutheran Society of PA Elderly Apartment Complex Hudson Holding 2450 Shenango Valley Freeway Hermitage, PA 16148	UNT Oil Creek CWF	Crawford Conservation District (814) 763-5269
Crawford County Vernon Township	PAG2002005008	Palmiero Realty, LP 16165 Conneaut Lake Road Meadville, PA 16335	Watson Run WWF	Crawford Conservation District (814) 763-5269
Crawford County Cambridge Township	PAG2002005009	Peggy Lewis Cambridge Springs Borough 161 Carringer Street Cambridge Springs, PA 16403	UNT French Creek WWF	Crawford Conservation District (814) 763-5269
East Union Township Schuylkill County	PAG2115406001	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790	UNT to Catawissa Creek (CWF)	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
White Deer Township Union County	PAR144801	NGC Industries, Inc. P. O. Box 338 Milton, PA 17848	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Boggs Township Centre County	PAR804837	Bestway Travel Centre Inc. P. O. Box 256 Milesburg, PA 16853	Bald Eagle Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
North Towanda Township Bradford County	PAR804863	Williams Oil Company Inc. P. O. Box 207 York Avenue North Towanda, PA 18848-0207	Storm Drain to Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Ward Township Tioga County	PAR504806 (Stormwater)	Pine Hill, Inc. Landfill & Reclamation Operation P. O. Box 62 Blossburg, PA 16912-0062	UNT to Fall Brook CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams Township Butler County	PAR808357	USF Holland, Inc. 100 Marland Road Mars, PA 16046	Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Greenwich Township	PAG043675	Dawn Oneill and Jerry Seaser P. O. Box 145 Lenhartsville, PA 19534	UNT Maiden Creek CWF/3-B	DEP—SCRO 909 Elmert Ave. Harrisburg PA 17110 (717) 705-4707
Bedford County West Providence Township	PAG043676	Zane Weicht 1138 N. Milk and Water Road Everett PA 15537	UNT Clear Creek TSF/11-C	DEP—SCRO 909 Elmerton Ave. Harrisburg PA 17110 (717) 705-4707
Bradford Township Clearfield County	PAG045158 Sewerage	Tammy L. Royer 367 Main Street P. O. Box 166 Woodland, PA 16881	UNT Moravian Run CWF	Water Management Program 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Summit Township Butler County	PA0239763	Collins Feffner 406 Keck Road Butler, PA 16001	UNT to Bonnie Brook	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Springfield Township Erie County	PA0239691	Robert L. Smith 13478 Old Lake Road East Springfield, PA 16411	UNT to Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
McKean Township Erie County	PAG049225	Stacey E. and Terry L. Walbridge 5045 Neyland Road Edinboro, PA 16412	UNT to Elk Creek 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Broad Top City Borough Huntingdon County	PAG083593	Broad Top City Borough P. O. Box 220 Broad Top, PA 16621	Broad Top City Wastewater Treatment Plant Broad Top City Borough Huntingdon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Conemaugh Township Indiana County	PAG086106A1	Redevelopment Authority of the City of Johnstown Public Safety Building 4th Floor 401 Washington Street Johnstown, PA 15901	Ewing Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the

Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Operations Permit issued to **Shrewsbury Borough**, 7670088, Shrewsbury Borough, **York County** on 1/18/2006 for the operation of facilities approved under Construction Permit No. 6705505.

Operations Permit issued to **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on 1/23/2006 for the operation of facilities approved under Construction Permit No. 4405501 MA.

Transferred Operations Permit issued to **Littlestown Borough Authority**, 7010022, Littlestown Borough, **Adams County** on 1/23/2006 for the operation of facilities approved under Operation Permit No. 0105502.

Permit No. 0105503, Public Water Supply.

Applicant	Lexington Land Development Corporation
Municipality	Reading Township
County	Adams
Type of Facility	Construction of a new community water system to be called Hampton Heights.
Consulting Engineer	Christopher S. Pecora, P. E. KPI Technology 143 Carlisle Street Gettysburg, PA 17325
Permit to Construct Issued:	1/27/2006

Permit No. 0105508, Public Water Supply.

Applicant	Bonneauville Borough Municipal Authority
Municipality	Bonneauville Borough
County	Adams
Type of Facility	The construction of the Meadows Wells A and B.
Consulting Engineer	Mark S. Snyder, P. E. Buchart-Horn, Inc. 445 West Philadelphia Street York, PA 17405-7040
Permit to Construct Issued:	1/25/2006

Permit No. 2205508 MA, Minor Amendment, Public Water Supply.

Applicant	United Water Pennsylvania
Municipality	Susquehanna Township
County	Dauphin
Type of Facility	Rehabilitation of Filter Nos. 2 and 3 at the 6th Street filter plant.
Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct Issued:	1/18/2006

Permit No. 2204505 MA, Minor Amendment, Public Water Supply.

Applicant	United Water Pennsylvania
Municipality	Susquehanna Township
County	Dauphin
Type of Facility	Construction of a pretreatment caustic soda injection.
Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct Issued:	1/17/2006

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	BCI Municipal Authority
Township or Borough	Beccaria Township
County	Clearfield
Responsible Official	Steven G. Fletcher, Supervisor BCI Municipal Authority Cressview Street P. O. Box 388 Irvona, PA 16656
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	2/3/06
Description of Action	Utahville Waterline Extension

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Laporte Borough**
 Township or Borough Laporte Borough
 County **Sullivan**
 Responsible Official Winifred Ferguson
 Borough Council President
 Laporte Borough
 P. O. Box 125, Main Street
 Laporte, PA 18626-0125

Type of Facility Public Water Supply—Operation
 Consulting Engineer James J. Rhoades, Jr., P. E.
 Alfred Benesch & Company
 400 One Norwegian Plaza
 P. O. Box 1090
 Pottsville, PA 17901

Permit Issued Date 2/3/06
 Description of Action One mile of transmission line
 and distribution from the tank to
 the Lake area.

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

Permit No. 0405502, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
 1425 8th Avenue
 P. O. Box 400
 Beaver Falls, PA 15010

Borough or Township Big Beaver Borough
 County **Beaver**

Type of Facility Penndale Road Booster Station
 and Water Tank

Consulting Engineer Michael Baker Jr., Inc.
 4301 Dutch Ridge Road
 Beaver, PA 15009

Permit to Construct February 1, 2006
 Issued

Operations Permit issued to **New Sewickley Township Municipal Authority**, 233 Miller Road, Rochester, PA 15047, (PWS ID 5040085) New Sewickley Township, **Beaver County** on January 23, 2006, for the operation of facilities approved under Construction Permit No. 0405503MA.

Operations Permit issued to **New Sewickley Township Municipal Authority**, 233 Miller Road, Rochester, PA 15047, (PWS ID 5040085) New Sewickley Township, **Beaver County** on February 2, 2006, for the operation of facilities approved under Construction Permit No. 0403503.

Operations Permit issued to **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717, (PWS ID 5650069) East Wheatfield Township, **Indiana County** on January 30, 2006, for the operation of facilities approved under Construction Permit No. 6599501.

Permit No. 366W004-T2, Minor Amendment. Public Water Supply.

Applicant **Sardello, Inc.**
 1000 Corporation Drive
 Aliquippa, PA 15001

Borough or Township Darlington Township
 County **Beaver**
 Type of Facility Sardello Darlington Water
 System

Permit to Operate January 30, 2006
 Issued

WATER ALLOCATIONS**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth**

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

WA 67-708A, Water Allocations. West Manheim Township Water Authority, York County. The applicant is requesting the right to purchase up to 1.25 mgd, based on a 30-day average, from the Borough of Hanover Municipal Water Works. Consulting Engineer: John F Leen IV, P. E., C S Davidson Inc. Permit Application Returned: 1/25/2006.

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

WA32-782D, Water Allocations. Return. Indiana County Municipal Services Authority, 827 Water Street, Indiana, PA 15701, Indiana County. Return of the subsidiary water allocation application submitted March 9, 2001, for the increase from Pennsylvania-American Water Company—Indiana District, from 108,000 gallons per day to 243,000 gallons per day and the extension of the Indiana County Municipal Services Authority's Shelocta water system to service the proposed Dominion Energy facility to be located in South Bend Township, Armstrong County.

WA11-779A, Water Allocations. Jackson Township Water Authority, 2949 William Penn Avenue, Johnstown, PA 15909, Cambria County. Granting the right to purchase 18,200 gallons of water per day, as a peak month, 30-day average, from the Ebensburg Borough Municipal Authority.

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Biglerville	P. O. Box 631 Biglerville, PA 17307	Adams

Plan Description: Categorical Exclusion

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Authority proposes improvements to the sanitary sewer system and wastewater treatment facility. The improvements to the WWTF are designed to upgrade the existing equipment through rehabilitation and functional replacement in order to improve effluent quality

and operational reliability. The improvements to the sanitary sewer collection system are designed to correct I/I. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Castanea Township	347 Nittany Road Castanea, PA 17726	Clinton

Plan Description: The approved plan provides for upgrading the existing pump station and replacing the force main and the replacement/rehabilitation of approximately 2,275 lineal feet of sewer line on Fleming Street, Logan Avenue and Sherwood Street. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Ellwood City Borough	525 Lawrence Avenue Ellwood City, PA 16117	Lawrence

Plan Description: The approved plan provides for the construction of a sewer extension to serve 15 existing dwellings on Bridge Street in the Borough of Ellwood City, Lawrence County. The project will be privately funded and constructed. The facilities will be dedicated to Ellwood City for operation and maintenance after construction is complete.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Investigation

Everglade Junkyard Site, Hempfield Township, Westmoreland County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an investigation of the Everglade Junkyard Site (Site), Hempfield Township, Westmoreland County. The Site is located on Everglade Road about 1 mile south of Route 30 in Hempfield Township, Westmoreland County. The Site encompasses approximately 15 acres and is the location of the former Everglade Iron and Steel Company. Preliminary analyses of contaminants at this Site indicate that concentrations of PCBs, lead, mercury and dioxin and/or furan compounds exceed Statewide Health Standards for both residential and nonresidential areas under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908). The Department proposes to conduct a further investigation of this Site to determine the location, types and volume of waste present and determine the appropriate response.

This notice is being provided under section 506(b) of the HSCA (35 P. S. §§ 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response is available for public review and comment. The administrative record is located at 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review Monday through Friday from 8 a.m. to 4 p.m. Call (412) 442-4000 to schedule an appointment.

The administrative record will be open for comment from February 18, 2006, until April 14, 2006. Persons may submit written comments into the record during this time only by sending them to Dawna Saunders at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on March 28, 2006, at 6 p.m. at the Hempfield Township Municipal Building, 1132 Woodward Drive.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Dauphin Oil Company—Station No. 3, Carlisle Borough, **Cumberland County**. Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Dauphin Oil Company, 815 Newville Road, Carlisle, PA 17013, submitted a combined remedial investigation and final report concerning remediation of site soils contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

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

Franklin Mills Site, Borough of Franklin, **Cambria County**. Mark Urbassik, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of John Toth, EMF Development Corp., 365 Bassett Road, Hooversville, PA 15936, and Richard McNulty, Borough of Franklin, 1125 Main Street, Johnstown, PA 15909 has submitted Remedial Investigation Report and a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with oils, solvents, lead, acids and PCBs. All previous structures have been demolished and removed, no further remediation is proposed. Proposed future use of the site is either commercial or industrial. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Markovich Property, North Huntingdon Township, **Westmoreland County**. Steven Gerritsen, SE Technologies, Inc., 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Thomas Markovich, 64 Arona Road, North Huntingdon, PA 15642 and David Schwarzwaelder, Columbia Gas of Pennsylvania, a NiSource Company, 501 Technology Drive, Canonsburg, PA 15317 has submitted Final Report site soils contaminated with volatile and semi-volatile organic constituents as well as PCBs. Columbia Gas of Pennsylvania operates a pipeline that services the contaminated property. Pipeline condensate liquid accumulated in the natural gas meter that serviced the property. During maintenance activities, the natural gas line was cleared of condensate liquids, which resulted in the release of liquid to the yard area. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Frankford Candy & Chocolate Co., City of Philadelphia, **Philadelphia County**. Michael Christie, Penn E & R, Inc., 2755 Bergery Rd., Hatfield, PA 19440 on behalf of Norman Milan, Stormim Warehousing, LP, 3248 Stonegate Dr., Huntingdon, Valley, PA has submitted a Final Report concerning the remediation of site soil contaminated with Nos. 4 and 6 fuel soil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 19, 2006.

Devon Self-Storage, City of Philadelphia, **Philadelphia County**. Charlene Drake, REACT Env. Svc., Inc., 6901 Kingsessing Ave., Philadelphia, PA 19122 on behalf of Kim Johnson, Devon Self-Storage, 2000 Powell St.,

Suite, 1240, Emeryville, CA 94608 has submitted a Final Report concerning the remediation of site soil contaminated with Nos. 4 and 6 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 21, 2005.

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

PPL Carlisle Manufactured Gas Plant, Carlisle Borough, **Cumberland County**. Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 18101, on behalf of PPL Corporation, GENA2-4, Two North Ninth Street, Allentown, PA 18101-1179 and UGI Utilities, 100 Kachel Boulevard, Reading, PA 19612, submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead, heavy metals, solvents, BTEX and PAHs. The Final Report demonstrated attainment of a combination of the Site-Specific and nonresidential Statewide Health Standards and was approved by the Department on February 1, 2006.

Glidden Site, City of Reading, **Berks County**. Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Road, West Chester, PA 19380, on behalf of Group 2 Properties, Cross Roads Corporate Centre, 4641 Pottsville Pike, Suite E, Reading, PA 19605 and Dwight Allison, GRI Reading, 24 Goos Road, North Hampton, NH 03862, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs and metals. The Final Report demonstrated attainment of the residential Statewide Health Standards and was approved by the Department on February 3, 2006.

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

Eckerd Drug Store, Loyalsock Township, **Lycoming County**. Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Glimcher Development Corp., 150 East Gay St., Columbus, OH 43215 has submitted a Final Report concerning the remediation of site groundwater contaminated with leaded gasoline, gasoline and diesel fuel. Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on February 2, 2006.

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

The Buncher Company 43rd through 46th Street Property, City of Pittsburgh, **Allegheny County**. Frank W. Benacquista, P. G., KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Joseph M. Jackovic, The Buncher Company, 5600 Forward Avenue, Pittsburgh, PA 15217-0930) has submitted a Remedial Investigation Report and a Final Report concerning remediation of site soil and groundwater contaminated with lead, chromium and organics. The Remedial Investigation Report and the Final Report demonstrated attainment of the Site-Specific Standard and were approved by the Department on January 19, 2006.

Westinghouse Electric Company Specialty Metals Plant, Derry Township, **Westmoreland County**. William A. Baughman, Cummings/Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh PA 15235 (on behalf of Dan Wesolowski, Westinghouse Electric Company, R. D. 4, Box 333, Westinghouse Road, Blairsville, PA 15717) has submitted a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with lead,

heavy metals, BTEX and solvents. The Risk Assessment Report was disapproved by the Department on December 15, 2005.

Wilkinsburg Save-A-Lot, Wilkinsburg Borough, **Allegheny County**. Dennis Guthrie, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Wesley Johnson, Wilkinsburg Borough Manager, 713 South Avenue, Wilkinsburg, PA 15221 and Fred Ralston, Allegheny County Department of Economic Development, 425 Sixth Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation Report and a Cleanup Plan site soils contaminated with lead and arsenic and site groundwater contaminated with petroleum compounds (benzene, ethyl-benzene, toluene and xylenes). The Remedial Investigation Report and the Cleanup Plan were approved by the Department on December 12, 2005

Beazer Adelaide Site/Former Koppers Wood Treating Facility, Dunbar Township, **Fayette County**. James S. Zubrow, P. G., Key Environmental Inc., 1200 Arch Street, Suite 200, Carnegie, PA 15106 (on behalf of Kurt Paschl, Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219) has submitted a Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics, other organics and PAHs. The Risk Assessment Report was approved by the Department on July 27, 2005 and the Cleanup Plan on November 17, 2005.

LTV Southside Works (Parcel A1), City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and South Pittsburgh LLC 150 East Broad Street Suite 200, Columbus Ohio 43215) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and Inorganics. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on July 22, 2005.

LTV South Side Parcel B2a, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of 2600 Block B2 Associates, LP, 400 Penn Center Blvd., Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning remediation of site soil contaminated with PCBs, heavy metals, PHCs and PAHs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on December 27, 2005.

LTV South Side Parcel D2b, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Soffer Quantum II Associates, LP, 400 Penn Center Blvd., Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning remediation of site soil contaminated with PCBs, Heavy Metals, PHCs and PAHs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on December 27, 2005.

Liberty Park Development Site, City of Pittsburgh, **Allegheny County**. Joseph M. Harrick, Penn Environmental and Remediation, Inc., 359 Northgate Drive, Warrendale, PA 15066 (on behalf of John Coyne, P. E. Director of Engineering and Construction, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Remedial Investigation

Report concerning remediation of site soils contaminated with metals including antimony, arsenic, boron, lead, thallium, silver and PAH. The Remedial Investigation Report was approved by the Department on August 25, 2005.

Liberty Park Development Site, City of Pittsburgh, **Allegheny County**. Joseph M. Harrick, Penn Environmental and Remediation, Inc., 359 Northgate Drive, Warrendale, PA 15066 (on behalf of John Coyne, P. E. Director of Engineering and Construction, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Soils Cleanup Plan concerning remediation of site soils contaminated with metals including antimony, arsenic, boron, lead, thallium, silver and PAH. The Soils Cleanup Plan was approved by the Department on September 20, 2005.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste storage facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. PA0890090004. United States Department of Energy, Pittsburgh Naval Reactors Office, Bettis Atomic Power Laboratory, I-14 Pittsburgh-McKeesport Boulevard, West Mifflin, PA 15122. Operation of hazardous and mixed hazardous and radioactive waste storage facilities in West Mifflin Borough, **Allegheny County**. Permit issued in the Regional Office on February 2, 2006.

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; Thomas McGinley, New Source Review Chief, (484) 250-5920.

AQ-SE-0014: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 3, 2006, to operate a portable crushing plant in Hilltown Township, **Bucks County**.

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

39-323-004GP4: Albarell Electric, Inc. (P. O. Box 799, Bethlehem, PA 18018) on January 30, 2006, to construct and operate a burn-off oven and associated air cleaning device at 1000C West Lehigh Street, Bethlehem, **Lehigh County**.

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

GP3-12-07-03014: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on January 31, 2006, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Taylor Township, **Blair County**.

GP3-38-03050: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on January 27, 2006, for a Portable Nonmetallic Mineral Processing Plant under GP3 in North Annville Township, **Lebanon County**.

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

GP5-26-00549: Phillips Production Company (502 Keystone Drive, Warrendale, PA 15085) on January 25, 2006, to operate a replacement natural gas fired engine at the Adams Compressor Station located in Dunbar Township, **Fayette County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

22-05034D: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105) on January 30, 2006, to modify existing hot mix asphalt plant at Hummelstown Quarry, South Hanover Township, **Dauphin County**.

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

18-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on January 18, 2006, to modify a fugitive volatile organic compound emission limitation at a natural gas compressor station (Finnefrock Compressor Station) by increasing the respective limitation from 4.4 tons in any 12-consecutive month period to 15.41 tons in any 12-consecutive month period in Leidy Township, **Clinton County**.

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

65-00851A: Newcomer Products, Inc. (P. O. Box 272, Latrobe, PA 15650) on February 1, 2006, to manufacture cemented carbide products for the metal cutting tools, wear parts, drilling and hard-facing industries at Latrobe Plant in Derry Township located in **Westmoreland County**.

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

10-027E: Penreco (138 Petrolia Street Karns City, PA 16041) on January 31, 2006, to construct a new gas/oil fired boiler rated at 91 mmBtu/hr to replace the existing coal fired boiler in Karns City Boro, **Butler County**. The new boiler is subject to the New Source Performance Standards (NSPS) for boilers greater than 10 mmBtu and less than 100 mmBtu. The facility is a Title V Facility.

37-306B: Atlantic States Materials (Taylor Run, Mercer PA 16137) on January 23, 2006, to modify Plan Approval 37-306A to increase CO emission limit from the diesel engine from 0.68 lb/hr to 0.90 lb/hr for the Taylor Run Plant in Scott Township, **Lawrence County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

09-0037E: CMS Gilbreth Packaging Systems, Inc. (3001 State Road, Croydon, PA 19021) on January 31, 2006, to operate a manual dip tank in Bristol Township, **Bucks County**.

15-0090A: National Service Industries (1420 Peachtree Steet NE, Atlanta, GA 30309) on January 27, 2006, to operate flexographic and offset presses in Uwchlan Township, **Chester County**.

23-0038B: DELCORA (100 East Fifth Street, P. O. Box 999, Chester, PA 19016) on January 31, 2006, to operate venturi scrubbers, sewage sludge incinerators, quench chambers and scrubber weirs in City Of Chester, **Delaware County**.

46-0005V: Merck and Co., Inc. (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on January 30, 2006, to operate a biological manufacturing building in Upper Gwynedd Township, **Montgomery County**.

46-0027A: Johnson and Johnson Pharmaceutical Research and Development, LLC (Welsh and McKean Roads, Spring House, PA 19477) on January 30, 2006, to operate a selective catalytic reduction (SCR) in Lower Gwynedd Township, **Montgomery County**.

09-0156: Jolly Gardener Products, Inc. (500 East Pumping Station Road, Quakertown, PA 18951) on January 31, 2006, to operate two diesel engines and wood processing equipment in Richland Township, **Bucks County**.

09-0156A: Jolly Gardener Products, Inc. (500 East Pumping Station Road, Quakertown, PA 18951) on January 31, 2006, to operate three diesel fired engines in Richland Township, **Bucks County**.

46-0005Y: Merck and Co., Inc. (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on January 31, 2006, to operate a low-VOC alternate operating scenario of the pharmaceutical manufacturing processes in Building 69, in Upper Gwynedd Township, **Montgomery County**.

46-0155: Sermatech International, Inc. (159 South Limerick Road, Royersford, PA 19468) on January 31, 2006, to operate three paint spray booths in Limerick Township, **Montgomery County**.

46-0155C: Sermatech International, Inc. (159 South Limerick Road, Royersford, PA 19468) on January 31, 2006, to operate a binder mix tank in Limerick Township, **Montgomery County**.

46-0155D: Sermatech International, Inc. (159 South Limerick Road, Royersford, PA 19468) on January 31, 2006, to operate a spray booth in Limerick Township, **Montgomery County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on January 31, 2006, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

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

18-315-002A: First Quality Products, Inc. (P. O. Box 270, McElhattan, PA 17748) on February 3, 2006, to construct one absorbent products manufacturing line and to operate three additional lines on a temporary basis, until June 3, 2006, in Wayne Township, **Clinton County**. The plan approval has been extended.

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

62-017J: United Refining (Bradley and Dobson Streets, Warren PA 16365) on January 31, 2006, to modify plan approval 62-302-010A to reflect the CO emission limits based on stack tests rather than AP-42 emission factor estimates at the Warren Refinery in Warren, **Warren County**. The refinery is a Title V Facility.

24-083E: Carbone of America—Graphite Materials Division (1032 Trout Run Road, St. Marys, PA 15857) on January 30, 2006, to install a scrubber in Benzinger Township, **Elk County**.

37-306A: Atlantic States Materials of PA, Inc.—Taylor Run Mine (Route 108, Mercer, PA 16137) on December 31, 2005, for a sand and gravel processing facility in Scott Township, **Lawrence County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

46-00141: TSG Inc. (1400 Welsh Road, North Wales, PA 19454) on January 13, 2006, to operate two boilers, spray line, can line and a processor to the facility Title V Operating Permit in North Wales Borough, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05002: Armstrong World Industries, Inc. (1067 Dillerville Road, P. O. Box 3001, Lancaster, PA 17603) on February 3, 2006, to renew the Title V operating permit for their flooring manufacturing plant in the City of Lancaster, **Lancaster County**.

36-05140: Valley Proteins, Inc. (P. O. Box 3588, Winchester, VA 22604-2586) on February 1, 2006, to operate the rendering operation to processes raw inedible animal byproducts in East Earl Township, **Lancaster County**.

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

56-00100: Highland Tank and Manufacturing Company (1 Highland road, Stoystown, PA 15563) on February 1, 2006, for their tank manufacturing and coating facility in Stoystown Borough, **Somerset County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

42-00011: International Waxes, Inc. (45 Route 446, Intersection Route 46 and 446, Smethport, PA 16749) on December 30, 2005, to re-issue the Title V Operating Permit to operate their petroleum and coal product plan in Keating Township, **McKean County**. As a result of potential emissions of NOx, the facility is a major source and is therefore subject to Reasonable Available Control

Technology. The issued renewal Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

06-03032: Hamburg Manufacturing, Inc. (221 South 4th Street, P. O. Box 147, Hamburg, PA 19526) on January 31, 2006, to operate their castings manufacturing facility in Hamburg Borough, **Berks County**.

06-03053: Hamburg Manufacturing, Inc. (221 South 4th Street, P. O. Box 147, Hamburg, PA 19526) on January 31, 2006, to operate their castings finishing facility in Hamburg Borough, **Berks County**.

36-03098: Powell Steel Corp. (625 Baumgardner Road, Lancaster, PA 17603-9649) on January 31, 2006, to operate their steel fabricating facility in Pequea Township, **Lancaster County**.

67-03070: Lower Allen Township Authority (120 Limekiln Road, New Cumberland, PA 17070-2428) on February 2, 2006, to operate their waste water treatment facility in Fairview Township, **York County**. This is a renewal of their state-only operating permit.

67-05092: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402-8035) on February 2, 2006, to operate their York Roasting Plant in East Manchester Township, **York County**.

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

41-00068: Keystone Leather Distributors, LLC (2100 Reach Road, Williamsport, PA 17701) on January 3, 2006, to operate a leather shoe sole waterproofing facility in the City of Williamsport, **Lycoming County**.

41-00044: Smurfit Stone Container Enterprises, Inc. (2940 Reach Road, Williamsport, PA 17701) on January 9, 2006, to operate a corrugated paper box manufacturing facility in the City of Williamsport, **Lycoming County**.

55-00022: Schreck's Painting (P. O. Box 6, Mt. Pleasant Mills, PA 17853) on January 17, 2006, to operate a modular/mobile home wooden parts surface coating facility in Perry Township, **Snyder County**.

08-00014: Eastern Industries, Inc. (4401 Camp Meeting Road, Centre Valley, PA 18034) on January 24, 2006, to operate an asphalt pavement production facility in Wysox Township, **Bradford County**.

08-00026: Eastern Industries, Inc. (4401 Camp Meeting Road, Centre Valley, PA 18034) on January 24, 2006, to operate a sand and gravel processing facility in Sheshequin Township, **Bradford County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

16-00131: Allegheny Wood Products—Marble Hardwood Dimension Lumber (Highway 208, Marble, PA)

on February 1, 2006, the Department re-issued Synthetic Minor Operating Permit Number to operate a hardwood sawmill and kiln operation located in Washington Township, **Clarion County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

49-00009: Masonite Corp. (980 Point Township Drive, Northumberland, PA 17857) on January 30, 2006, via administrative amendment, to transfer the operating permit for the operation of a door finishing facility from Mohawk Flush Doors, Inc. to Masonite Corporation in Point Township, **Northumberland County**.

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

TV-65-00693: USA Valley Facility Inc. (Waste Management, Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108) for their USA Valley landfill in Penn Township, **Westmoreland County**.

The Department has administratively amended the Operating Permit to incorporate the names of the new responsible official, change of address, and, permit contact. Through a minor permit modification the Department has revised the permit to incorporate specific alternatives to the collection and control system operation. The proposed methods are acceptable and conform with language allowing such a change in the Operating Permits and also mirror language found in 40 CFR 60.752(b)(2)(i)(B) and 60.753 that allow for alternatives to operational standards for collection and control systems. In addition, two permit conditions were revised to remove the redundancy.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

17851501 and NPDES Permit No. PA0215694, Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), to renew the permit for Clearfield Siding in Boggs Township, **Clearfield County** and related NPDES permit. No additional discharges. Permit issued February 1, 2006.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

Permit No. 4075SM12 and NPDES Permit No. PA0248860, Penn Pocahontas Coal Company, P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Summit Township, **Somerset County**. Receiving stream: UNT to Casselman River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005. Permit issued January 27, 2006.

Permit No. 3366BSM84 and NPDES Permit No. PA0248797, Penn Pocahontas Coal Company, P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Brothersvalley Township, **Somerset County**. Receiving streams: Buffalo Creek and Tubs Run classified for the following uses: CWF and CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005. Permit issued January 27, 2006.

Permit No. 4072SM22 and NPDES Permit No. PA0248894, Penn Coal Land, Inc., P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Somerset Township, **Somerset County**. Receiving stream: UNT to Kimberly Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005. Permit issued January 27, 2006.

Permit No. 4072SM11 and NPDES Permit No. PA0248886, Penn Coal Land, Inc., P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Summit Township, **Somerset County**. Receiving stream: UNT to Miller Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received December 5, 2005. Permit issued January 27, 2006.

Permit No. 4072SM2 and NPDES Permit No. PA0248878, Penn Coal Land, Inc., P. O. Box 68, Boswell, PA 15531, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving stream: UNT to Meadow Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. NPDES renewal application received December 5, 2005. Permit issued January 27, 2006.

Greensburg District Mining Office: Armbust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

26040102 and NPDES Permit No. PA0250571, Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Commencement, operation and reclamation of a bituminous surface mine, located in Springfield Township, **Fayette County**, affecting 103 acres. Receiving streams: Stoney Run and UNT to Indian Creek. Application received: June 15, 2004. Permit issued: February 3, 2006.

Noncoal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

58052809, Douglas G. Kilmer (R. R. 1 Box 85K, Union Dale, PA 18470), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received September 2, 2005. Permit issued February 2, 2006.

58050837, Thomas C. Cramer, Sr. (R. R. 1 Box 36, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in New Milford and Harford Townships, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received August 2, 2005. Permit issued February 2, 2006.

58050844, Thomas G. Moore, Sr. (P. O. Box 102, Masonville, NY 13804), commencement, operation and restoration of a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received September 9, 2005. Permit issued February 2, 2006.

58050845, Pompey Stone (R. R. 2, Box 2626, Nicholson, PA 18466), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received September 9, 2005. Permit issued February 2, 2006.

48050801, Livengood Excavators, Inc. (4661 Lehigh Drive, Walnutport, PA 18088), commencement, operation and restoration of a quarry operation in Lehigh Township, **Northampton County** affecting 5.0 acres. Receiving stream: none. Application received September 19, 2005. Permit issued February 2, 2006.

58050850, Richard D. Phillips (R. R. 3 Box 324A3, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received October 11, 2005. Permit issued February 3, 2006.

58050852, Fred Storey (R. R. 1 Box 1738, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received October 14, 2005. Permit issued February 3, 2006.

58050853, John E. Freitag (240 Pine Street, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Jackson Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received October 21, 2005. Permit issued February 3, 2006.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) 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.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

25064001, Hal D. Lilley (8323 Ox Bow Road, North East, PA 16428). Blasting activity permit to demolish the Koehler Brewery Smokestack in the City of Erie, **Erie**

County. This blasting activity permit will expire on March 7, 2006. Application received: January 31, 2006. Application issued: February 2, 2006.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

21064103. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Silver Spring Square in Hampden and Silver Spring Townships, **Cumberland County** with an expiration date of June 30, 2007. Permit issued January 30, 2006.

21064105. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Silver Spring Square in Hampden and Silver Spring Townships, **Cumberland County** with an expiration date of January 31, 2007. Permit issued January 30, 2006.

21064107. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Prologis Warehouse in Southampton Township, **Cumberland County** with an expiration date of June 15, 2006. Permit issued January 30, 2006.

21064108. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Keystone Arms in Middlesex and North Middleton Township, **Cumberland County** with an expiration date of September 15, 2006. Permit issued January 30, 2006.

23064101. Allan A. Myers, Inc. d/b/a Independence Construction Materials (P. O. Box 98, Worcester, PA 19490), construction blasting for Camp Sunset Hill in Chadds Ford Township, **Delaware County** with an expiration date of June 30, 2007. Permit issued January 30, 2006.

28064106. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Foremost Warehouse in Montgomery Township, **Franklin County** with an expiration date of January 31, 2007. Permit issued January 30, 2006.

36064108. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Longwood Square in East Donegal Township, **Lancaster County** with an expiration date of January 30, 2007. Permit issued January 30, 2006.

38064104. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Tri-Valley Development in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2006. Permit issued January 30, 2006.

21064104. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Westwood Hills in East Pennsboro Township, **Cumberland County** with an expiration date of January 30, 2007. Permit issued February 1, 2006.

21064106. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Silver Creek Development in Hampden Township, **Cumberland County** with an expiration date of January 30, 2007. Permit issued February 1, 2006.

28064108. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Egolf Farm in Quincy Township, **Franklin County** with an expiration date of January 31, 2007. Permit issued February 1, 2006.

36064110. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Cheltenham Court in Manheim Township,

Lancaster County with an expiration date of February 1, 2007. Permit issued February 1, 2006.

36064111. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Westwood Green in Manor Township, **Lancaster County** with an expiration date of February 1, 2007. Permit issued February 1, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-731. Willow Creek, LLC, 214A Willow Valley Lakes Drive, Willow Street, PA 17584, London Grove Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities within and along a UNT to the Middle Branch of the White Clay Creek (TSF-MF) associated with the Foxchase Subdivision:

1. To remove twin 36-inch CMP culverts and to construct and maintain a road crossing at Paddock Way consisting of an approximately 32-foot long 6-foot by 28-foot open bottom culvert and associated utilities. The culvert will span the restored watercourse and associated wetlands. An 8-inch PVC sewer line and an 8-inch water line will be directionally bored under the culvert at Paddock Way.

2. To construct and maintain an approximately 72-foot long 8-foot wide pedestrian boardwalk shading 8 linear feet of watercourse and 0.01 acre of wetland.

3. To construct and maintain a 20-foot long 8-foot wide pedestrian bridge providing a complete span of the watercourse.

4. To install and maintain an 8-inch water utility line crossing via directional drill method beneath the watercourse and wetlands adjacent to the culvert at Porter Road.

The site is located approximately 300 feet east of the intersection of New London and West Avondale Roads (West Grove USGS Quadrangle N: 8.0 inches, W: 12.7 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E59-471. Brian Keck, Keck's Food Service, R. R. 1, Box 70, Millerton, PA 16936. Water Obstruction and Encroachment Permit for wetland impact and crosspipe construction, in Jackson Township, **Tioga County**, ACOE Susquehanna River Basin District (Jackson Summit, PA Quadrangle N: 12.5 inches; W: 15.0 inches).

The applicant proposes to remove two existing HDPE culverts (30-inch and 18-inch) and construct and maintain two 48-inch dia. HDPE pipes measuring 32 feet long, 220 cubic yards of fill to provide cover material over the two aforementioned culvert pipes within the impoundment area of an existing dam D59-041 (C-3) and permanently impact approximately 0.037 acre of wetlands. The proposed project will directly affect approximately 850 square feet of the permitted dam and 0.037 acre of wetlands, located at the headwaters of Hammond Creek,

500 feet south of the intersection of SR 0328 and SR 1020, which is classified as a CWF.

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

E02-1496. Borough of Verona, 736 East Railroad Avenue, Verona, PA 15147. To construct and maintain an expansion to an existing boat dock in Verona Borough and the Municipality of Penn Hills, **Allegheny County**, Pittsburgh ACOE District. (Braddock, PA Quadrangle N: 22.0 inches; W: 13.6 inches and Latitude: 40° 29' 45"—Longitude: 79° 50' 52"). To construct and maintain an expansion to an existing boat dock and to operate and maintain the existing boat ramp wall, located along the left bank of the Allegheny River (WWF) near River Mile 10.5. This permit replaces General Permit Nos. GP020204203 and GP030204206 and cancels the Submerged Lands License Agreement for the General Permit for the boat dock.

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

E43-327, Department of Transportation, District 1-0, 255 Elm Street P. O. Box 398, Oil City, PA 16301. SR 2025, Section B00, Segment 0020, Offset 0000 Across Barmore Run, in Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 3.6 inches; W: 14.3 inches).

To remove the existing bridge and to construct and maintain a 30-foot long concrete twin cell box culvert having a 15-foot wide by 6-foot high waterway opening across Barmore Run (CWF) on SR 2025, Section B00, Segment 0020, Offset 0000 less than 1 mile southwest of Grove City.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D60-060EA. Bureau of Waterways Engineering, P. O. Box 8460, Harrisburg, PA 17105-8460. Lewis Township, **Union County**, ACOE Baltimore District.

Project proposes to breach and remove Milmont Dam located across Penns Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 700 linear feet of stream channel. The dam is located approximately 1,700 feet southeast of the intersection of Creek Road (SR 3004) and SR 3003 (Hartleton, PA Quadrangle N: 0.70 inch; W: 1.4 inches).

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
0626002	Hunter Panels, LLC P. O. Box 7000 Carlisle, PA 17013 Attn: Christopher Sager	Fayette	Georges Township	Two ASTs storing Diphenylmethane Diisocyanate	54,000 gallons total

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of January 2006, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
David Barnes	6433 Fir Road Allentown, PA 18104	Testing
Joseph Cline	P. O. Box 4422 Harrisburg, PA 17111	Testing
Robert Ellis	39 Blaine Avenue Leola, PA 17540	Testing
Roger Emery	P. O. Box 1749 6 Burnshaw Lane Albrightsville, PA 18210	Testing and Mitigation
H. B. McClure Company	P. O. Box 1745 Harrisburg, PA 17105	Mitigation
Joel Hart	2155 Stopper Drive Montoursville, PA 17754	Testing
Gregg Harwood Professional Home Inspection Service	1278 Vestal Avenue Binghamton, NY 13903	Testing and Mitigation
Harold Henry	622 Japan Street Erie, PA 16502	Testing
Edward Johnston	1902 Concord Road Ambridge, PA 15003	Testing
Daniel Jones	98 Porter Avenue Scottsdale, PA 15683	Testing
Daniel Linski	100 North Wilkes-Barre Blvd. Wilkes-Barre, PA 18702	Testing
Timothy McDaniel	330 South Saint Elmo Street Allentown, PA 18104	Testing
Stephen Notwick	27 Jasmine Road Levittown, PA 19056	Mitigation
Susan Nowicki	414 Manordale Road Pittsburgh, PA 15241	Testing
Dwayne Ott	667 Park Avenue (Rear) Tyrone, PA 16686	Testing
Anna Rashid	215 Hillsville Road Bessemer, PA 16112	Testing
Frederick Ruziecki	9870 Hilltop Drive Bangor, PA 18013	Testing
David Scholtz	Route 115 & State Road Effort, PA 18330	Laboratory
Bruce Thomas A-Z Tech Home Inspections, Inc.	17 Fosterville Road Greensburg, PA 15601	Testing
James Weber	56 Bentwood Road Drums, PA 18222	Testing
Frederick Wedman Moyer & Son, Inc.	113 East Reliance Road Souderton, PA 18964	Mitigation

Categorical Exclusion

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Towanda Borough	P. O. Box 188 Towanda, PA 18848	Bradford

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Towanda Municipal Authority proposes the conversion of the existing treatment units to achieve biological nutrient reduction of nitrogen and chemical precipitation of phosphorus as well as other improvements to complete the plant upgrade. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

[Pa.B. Doc. No. 06-278. Filed for public inspection February 17, 2006, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Change

The February 28, 2006, meeting of the Air Quality Technical Advisory Committee has been rescheduled to March 17, 2006, from 9 a.m. to 3 p.m. in the Susquehanna Conference Room, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Questions concerning the change of meeting should be directed to Terry L. Black at (717) 787-2030 or tblack@state.pa.us. The agenda and meeting materials for the March 17, 2006, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Susan Ferree at (717) 787-9495 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-279. Filed for public inspection February 17, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are

posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 362-4000-003. Title: Act 537 Program Guidance; Local Agency/Municipality Evaluation and Compliance Activity. Description: This document provides guidance concerning the implementation and execution of compliance and enforcement activities related to the Sewage Facilities Act (Act 537). Specifically, the guidance provides general strategy and procedures to Department staff for evaluating municipal and local agency performance when implementing the Act 537 program. It also provides potential compliance actions available to municipalities and local agencies to correct deficient performance. The document was developed in conformance with the Department's policy on "Standards and Guidelines For Identifying, Tracking, and Resolving Violations" and is issued under the authority of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a) and 25 Pa. Code Chapters 71—73 (relating to administration of Sewage Facilities Planning Program; administration of Sewage Facilities Permitting Program; and standards for onlot sewage treatment facilities). Notice of the draft guidance document was published at 35 Pa.B. 3601 (June 25, 2005) with provision for a 30-day public comment period that concluded on July 25, 2005. The Department did not receive any written comments on the draft document during the public comment period. Contact: James Novinger, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637, jnovinger@state.pa.us. Effective Date: February 18, 2006.

DEP ID: 362-4000-004. Title: Act 537 Program Guidance; Sewage Enforcement Officer Evaluation and Compliance Activity. Description: This document identifies general strategy and procedures used by Department staff when evaluating the performance of a sewage enforcement officer (SEO) relative to their responsibilities specified in Act 537. The document also provides potential compliance actions available to SEOs to correct deficient performance. The document was developed in conformance with the Department's policy on "Standards and Guidelines For Identifying, Tracking, and Resolving Violations" and is issued under the authority of the Pennsylvania Sewage Facilities Act and 25 Pa. Code Chapters 72 and 73. Notice of the draft guidance document was published at 35 Pa.B. 3601 with provision for a

30-day public comment period that concluded on July 25, 2005. The Department received comments on the draft document, which were addressed in a Department-prepared Comment and Response document. Contact: James Novinger, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637, jnovinger@state.pa.us. Effective Date: February 18, 2006.

DEP ID: 362-4000-005. Title: Act 537 Program Guidance; Enforcement—Identifying, Tracking and Resolving of Sewage Facilities Act Violations. Description: This document identifies general strategy and procedures used by Department staff for pursuing enforcement activity against municipalities, local agencies and sewage enforcement officers found to be sufficiently deficient in their responsibilities under Act 537 to warrant formal action. The document was developed in conformance with the Department's policy on "Standards and Guidelines For Identifying, Tracking, and Resolving Violations" and is issued under the authority of the Pennsylvania Sewage Facilities Act and 25 Pa. Code Chapters 71—73. Notice of the draft guidance document was published at 35 Pa.B. 3601 with provision for a 30-day public comment period that concluded on July 25, 2005. The Department did not receive any written comments on the draft document during the public comment period. Contact: James Novinger, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637, jnovinger@state.pa.us. Effective Date: February 18, 2006.

DEP ID: 362-4180-004. Title: Act 537 Program Guidance; Calculating Civil Penalty Assessment Amounts. Description: This document establishes procedures for the calculation and assessment of civil penalties under Act 537. The document was developed in conformance with the Department's policy on "Standards and Guidelines For Identifying, Tracking, and Resolving Violations" and is issued under the authority of the Pennsylvania Sewage Facilities Act. Notice of the draft guidance document was published at 35 Pa.B. 3601 with provision for a 30-day public comment period that concluded on July 25, 2005. The Department did not receive any written comments on the draft document during the public comment period. Contact: James Novinger, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637, jnovinger@state.pa.us. Effective Date: February 18, 2006.

DEP ID: 362-4180-005. Title: Act 537 Program Guidance; Civil Penalty Assessment Processing. Description: This document establishes procedures to ensure the consistent application and processing of civil penalty assessment authority, as provided to the Department by section 13.1 of Act 537. The document was developed in conformance with the Department's policy on "Standards and Guidelines For Identifying, Tracking, and Resolving Violations" and is issued under the authority of the Pennsylvania Sewage Facilities Act. Notice of the draft guidance document was published at 35 Pa.B. 3601, with provision for a 30-day public comment period that concluded on July 25, 2005. The Department did not receive any written comments during the public comment period. Contact: James Novinger, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637, jnovinger@state.pa.us. Effective Date: February 18, 2006.

Draft Technical Guidance—Substantive Revision

DEP ID: 362-0300-002. Title: Small Flow Treatment Facilities Manual. Description: This manual proposes major amendments to the existing guidance at 33 Pa.B. 5783 (November 22, 2003) regarding the design, permitting, installation, operation and maintenance of small flow treatment facilities. Specific amendments proposed to the guidance include changes to the grade of a building sewer, filter design loading rates, sand and underdrain piping specifications, accessible sand filter design and septic tank design. A change to the Annual Maintenance Report submission date is also proposed. The guidance is issued under the authority of the Pennsylvania Sewage Facilities Act, The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and Title 25 Pa. Code Chapter 91 (relating to general provisions). Written Comments: The Department is seeking comments on the substantive revisions to draft technical guidance #362-0300-002. Interested persons may submit written comments on this draft technical guidance document by March 20, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Tom Franklin, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, thfranklin@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Tom Franklin, (717) 783-1820, thfranklin@state.pa.us.

Draft Technical Guidance

DEP ID: 563-2112-101. Title: Aboveground Storage Tanks on Coal Mining Permits. Description: This draft technical guidance document describes the permitting and monitoring requirements for aboveground storage tanks on coal mine sites. It applies to all coal mining and reclamation activities approved under the Surface Mining Conservation and Reclamation Act, including Government Financed Construction Contracts. The guidance does not apply to storage tanks on Noncoal Mining Sites. The guidance is issued under the authority of the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a), The Clean Streams Law and the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104). Written Comments: The Department is seeking comments on draft technical guidance #563-2112-101. Interested persons may submit written comments on this draft technical guidance document by March 20, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William S. Allen, Jr., Department of Environmental Protection, P. O. Box 8461, Rachel Carson State Office Building, 5th Floor, Harrisburg, PA 17105-8461, wallen@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to William Allen, (717) 787-5103, wallen@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-280. Filed for public inspection February 17, 2006, 9:00 a.m.]

Citizens Advisory Council, Air Quality Technical Advisory Committee and the Mercury Rule Workgroup Joint Meeting

A briefing for members of the Citizens Advisory Council, Air Quality Technical Advisory Committee and the Mercury Rule Workgroup will be held to discuss concepts and options for the development of regulations to control mercury emissions from coal-fired electric utility generating units in this Commonwealth. The meeting will be held on February 22, 2005, at 2 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Dean Van Orden, Bureau of Air Quality, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1455, dvanorden@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-281. Filed for public inspection February 17, 2006, 9:00 a.m.]

Coastal Resources 309 Assessment and Strategy

The Coastal Resources Management Program (program) has developed a draft program Assessment and Strategy in accordance with section 309 of the Coastal Zone Management Act. This assessment is part of a voluntary coastal zone enhancement grants program that encourages states and territories to develop program changes in one or more of nine coastal enhancement areas: Special Area Management Planning, Cumulative and Secondary Impacts, Ocean and Great Lakes Resources, Public Access, Coastal Hazards, Wetlands, Marine Debris, Energy and Government Facility Siting, and Aquaculture. Under this program, the United States Secretary of Commerce is authorized to make awards to states and territories to develop and submit for Federal approval program changes that support attainment of the objectives of one or more of the enhancement areas.

The Assessment and Strategy document is available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Coastal Zone Management Program/Coastal Zones) or can be obtained by contacting the Water Planning Office at (717) 772-4785. Comments may be submitted until March 20, 2006.

Comments may be mailed to Kevin Hess, Coastal Resource Specialist, Department of Environmental Protection, Water Planning Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, khess@state.pa.us.

Following the 30-day public comment period, the Department will review submitted comments, prepare a written comments and response document and prepare a final Assessment and Strategy, which will be submitted to the United States Commerce Department. The availability of the final Assessment and Strategy will be announced in a future edition of the *Pennsylvania Bulletin*.

Questions concerning the document should be directed to Kevin Hess at (717) 772-4785 or khess@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-282. Filed for public inspection February 17, 2006, 9:00 a.m.]

Radiation Protection Advisory Committee Meeting Change

The March 15, 2006, meeting of the Radiation Protection Advisory Committee has been rescheduled to June 15, 2006, from 9 a.m. to 3 p.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the change of meeting should be directed to Ray Urciuolo at (717) 783-9730 or lurciuolo@state.pa.us. The agenda and meeting materials for the June 15, 2006, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Donielle Skelton at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-283. Filed for public inspection February 17, 2006, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, February 21, 2006, at 10 a.m. in the 3rd Floor Conference Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

The ADA contact is Gina Meckley, (717) 783-9424.

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 06-284. Filed for public inspection February 17, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Diamond White Riches 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 Diamond White Riches.

2. *Price:* The price of a Pennsylvania Diamond White Riches instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Diamond White Riches instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Balloon symbol (BALLOON), Cabbage symbol (CABAGE), Cake symbol (CAKE), Candy symbol (CANDY), Car symbol (CAR), Cash symbol (CASH), Chest symbol (CHEST), Coins symbol (COINS), Cookie symbol (COOKIE), Crown symbol (CROWN), Emerald symbol (EMERALD), Gift symbol (GIFT), Gold Bar symbol (GOLD), Heart symbol (HEART), House symbol (HOUSE), Money Bag symbol (MNYBAG), Money symbol (MONEY), Moon symbol (MOON), Necklace symbol (NCKLACE), Piggy Bank symbol (PIGBNK), Pot of Gold symbol (PTGOLD), Rabbit's Foot symbol (RBTFT), Ring symbol (RING), Rainbow symbol (RNBOW), Rose symbol (ROSE), 7 symbol (SEVEN), Horse Shoe (SHOE), Shamrock (SHROCK), Star symbol (STAR), Sun symbol (SUN), Wish Bone (WBONE) and 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions, located in the 15 "prize" areas are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$250,000 (TWHNFYTH) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$250,000 and \$500,000. The player can win up to 15 times on the ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Diamond White Riches instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$500,000 (FIVHUNTHO) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$250,000 (TWHNFYTH) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$1,000 (ONE THO) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Necklace (NCKLACE) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a 10X (10TIMES) play symbol, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 10X (10TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$500 (FIV HUN) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Necklace (NCKLACE) play symbol, and a prize symbol of \$25\$ (TWY FIV) appears in ten of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a 10X (10TIMES) play symbol, and a prize symbol of \$50\$ (FIFTY) appearing in the "prize" area to the right of that 10X (10TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$200 (TWO HUN) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets with a Necklace (NCKLACE) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the "prize" areas, and a prize symbol of \$15\$ (FIFTN) appears in ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets with a 10X (10TIMES) play symbol, and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" area to the right of that 10X (10TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets with a Necklace (NCKLACE) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10.00 (TEN DOL) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets with a 10X (10TIMES) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "prize" area to the right of that 10X (10TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$50 (FIFTY) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets with a 10X (10TIMES) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "prize" area to the right of that 10X (10TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$25 (TWY FIV) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$20 (TWENTY) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$15 (FIFTEEN) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$10 (TEN) appearing in the

"prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$5 (FIVE) appearing in the "prize" area to the right of that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A Ring Symbol, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$5 × 2	\$10	28.57	252,000
\$10	\$10	14.63	492,000
\$5 × 3	\$15	100	72,000
\$15	\$15	42.86	168,000
\$5 × 4	\$20	150	48,000
\$10 × 2	\$20	60	120,000
\$20	\$20	30	240,000
\$5 × 5	\$25	150	48,000
\$5 × 3 + \$10	\$25	150	48,000
\$15 + \$10	\$25	150	48,000
\$25	\$25	75	96,000
\$5 × 10	\$50	300	24,000
\$10 × 5	\$50	600	12,000
\$25 × 2	\$50	600	12,000
\$5 w/10X	\$50	200	36,000
\$50	\$50	200	36,000
\$10 × 10	\$100	480	15,000
\$50 × 2	\$100	480	15,000
\$10 w/10X	\$100	480	15,000
NECKLACE w/(\$5 × 10) + (\$10 × 5)	\$100	480	15,000
\$100	\$100	240	30,000
\$20 × 10	\$200	2,400	3,000
\$20 W/10X	\$200	2,400	3,000
NECKLACE w/(\$10 × 5) + (\$15 × 10)	\$200	2,400	3,000
\$200	\$200	1,200	6,000
\$50 × 10	\$500	12,000	600
\$100 × 5	\$500	12,000	600
\$50 w/10X	\$500	12,000	600
\$500	\$500	6,000	1,200
NECKLACE w/(\$25 × 10) + (\$50 × 5)	\$500	12,000	600
\$100 × 10	\$1,000	240,000	30
\$200 × 5	\$1,000	240,000	30
\$500 × 2	\$1,000	240,000	30
NECKLACE w/(\$50 × 10) + (\$100 × 5)	\$1,000	240,000	30
\$100 w/10X	\$1,000	240,000	30
\$1,000	\$1,000	240,000	30
\$250,000	\$250,000	1,200,000	6
\$500,000	\$500,000	1,200,000	6

10X (10TIMES) = Win 10 times the prize automatically.
NECKLACE (NCKLACE) = Win all 15 prizes 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 Diamond White Riches instant lottery game

tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Diamond White Riches, prize money from winning Pennsylvania Diamond White Riches 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 Diamond White Riches 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, 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 Diamond White Riches or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-285. Filed for public inspection February 17, 2006, 9:00 a.m.]

Pennsylvania \$100,000 Supercash 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 \$100,000 Supercash.

2. *Price:* The price of a Pennsylvania \$100,000 Supercash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania \$100,000 Supercash instant lottery game ticket will contain one play area featuring a "SUPERCASH NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "SUPERCASH 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) and 24 (TWYFOR). 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) and a SUPER symbol (CASH).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$2,500 (TWYFIVHUN), and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$10, \$15, \$25, \$50, \$100, \$250, \$2,500 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania \$100,000 Supercash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$250 (TWOHUNFTY) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$250.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$100 (ONE HUN) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$50\$ (FIFTY) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$25\$ (TWY FIV) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$15\$ (FIFTN) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$6⁰⁰ (SIX DOL) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$6⁰⁰ (SIX DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a SUPER symbol (CASH), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the SUPER symbol (CASH) on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "SUPERCASH NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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 Any of the Supercash Numbers, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$5	\$5	30	240,000
\$5 w/SUPER	\$5	19.35	372,000
\$6	\$6	30	240,000
\$6 w/SUPER	\$6	30	240,000
\$2 x 5	\$10	150	48,000
\$5 x 2	\$10	150	48,000
\$10	\$10	150	48,000
\$10 w/SUPER	\$10	100	72,000
\$5 x 3	\$15	600	12,000
\$10 + \$5	\$15	600	12,000
\$15	\$15	600	12,000
\$15 w/SUPER	\$15	300	24,000
\$5 x 5	\$25	85.71	84,000
\$25	\$25	85.71	84,000
\$25 w/SUPER	\$25	100	72,000
\$25 x 2	\$50	300	24,000
\$15 x 3 + \$5	\$50	600	12,000
\$5 x 10	\$50	300	24,000
\$10 x 5	\$50	300	24,000
\$50	\$50	300	24,000
\$50 w/SUPER	\$50	600	12,000
\$10 x 10	\$100	1,200	6,000
\$50 x 2	\$100	1,200	6,000
\$100	\$100	1,200	6,000
\$100 w/SUPER	\$100	1,200	6,000
\$25 x 10	\$250	13,333	540
\$50 x 5	\$250	13,333	540
\$250	\$250	13,333	540
\$250 w/SUPER	\$250	13,333	540
\$250 x 10	\$2,500	600,000	12
\$2,500	\$2,500	600,000	12
\$100,000	\$100,000	600,000	12

SUPER (CASH) = Win prize under it automatically.

Prizes, including the 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 \$100,000 Supercash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100,000 Supercash, prize money from winning Pennsylvania \$100,000 Supercash 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 \$100,000 Supercash 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, 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 \$100,000 Supercash or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-286. Filed for public inspection February 17, 2006, 9:00 a.m.]

Pennsylvania Quick \$50 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 Quick \$50.
2. *Price:* The price of a Pennsylvania Quick \$50 instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania Quick \$50 instant lottery game ticket will contain one play area containing six prize play symbols and a "BONUS BOX." The prize play symbols and their captions located in the play area are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$5,000 (FIV THO). The play symbols located in the "BONUS

BOX" are: FREE (TICKET) symbol, Star symbol (STAR), Coin symbol (COIN), Moneybag symbol (MNYBAG), Diamond symbol (DMND), Gold Bar symbol (GOLD) and a Bill symbol (WIN \$50).

4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$2, \$4, \$5, \$10, \$20, \$50, \$100 and \$5,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 16,800,000 tickets will be printed for the Pennsylvania Quick \$50 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$5,000 (FIV THO) in the play area on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with a Bill symbol (WIN \$50) in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the play area on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area on a single ticket, shall be entitled to a prize of one Pennsylvania Quick \$50 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(k) Holders of tickets with a FREE (TICKET) Symbol in the "BONUS BOX," on a single ticket, shall be entitled to a prize of one Pennsylvania Quick \$50 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 16,800,000 Tickets</i>
3—FREE's	TICKET	20	840,000
FREE (BONUS BOX)	TICKET	20	840,000
3—\$2's	\$2	16.67	1,008,000
3—\$4's	\$4	37.50	448,000
3—\$5's	\$5	75	224,000
3—\$10's	\$10	300	56,000
3—\$20's	\$20	300	56,000

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 16,800,000 Tickets</i>
3—\$50's	\$50	800	21,000
BILL (BONUS BOX)	\$50	800	21,000
3—\$100's	\$100	120,000	140
3—\$5,000's	\$5,000	1,680,000	10

BILL = In BONUS BOX win \$50 automatically.

FREE = In BONUS BOX win FREE TICKET.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Quick \$50 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Quick \$50, prize money from winning Pennsylvania Quick \$50 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 Quick \$50 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Quick \$50 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-287. Filed for public inspection February 17, 2006, 9:00 a.m.]

Pennsylvania Wizard of Odds '06 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 Wizard of Odds '06.

2. *Price:* The price of a Pennsylvania Wizard of Odds '06 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Wizard of Odds '06 instant lottery game ticket will contain one play area featuring a "WIZARD NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WIZARD NUMBERS" area are: 1 (ONE), 2

(TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), a Wand symbol (WAND) and a Crystal Ball symbol (CRYSBL).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$500 and \$20,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Wizard of Odds '06 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 "WIZARD 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 "WIZARD NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBL), and a prize symbol of \$100 (ONE HUN) appears under the Crystal Ball symbol (CRYSBL) on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBL), and a prize symbol of \$50\$ (FIFTY) appears under the Crystal Ball symbol (CRYSBL) on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wand symbol

(WAND), and a prize symbol of \$100 (ONE HUN) appears under the Wand symbol (WAND) on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wand symbol (WAND), and a prize symbol of \$50\$ (FIFTY) appears under the Wand symbol (WAND) on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBL), and a prize symbol of \$20\$ (TWENTY) appears under the Crystal Ball symbol (CRYSBL) on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBL), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Crystal Ball symbol (CRYSBL) on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wand symbol (WAND), and a prize symbol of \$20\$ (TWENTY) appears under the Wand symbol (WAND) on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBL), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Crystal Ball symbol (CRYSBL) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wand symbol (WAND), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Wand symbol (WAND) on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol

of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wand symbol (WAND), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Wand symbol (WAND) on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBL), and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the Crystal Ball symbol (CRYSBL) on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wand symbol (WAND), and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the Wand symbol (WAND) on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBL), and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the Crystal Ball symbol (CRYSBL) on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wand symbol (WAND), and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the Wand symbol (WAND) on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WIZARD NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Either of the Wizard Numbers, Win With Prize(s) of:

\$2
\$1 x 2
\$2 w/WAND
\$1 w/CRYSTAL BALL

Win:
\$2
\$2
\$2
\$2

Approximate Odds of 1 In:
33.33
37.50
37.50
37.50

Approximate No. of Winners Per 8,400,000 Tickets
252,000
224,000
224,000
224,000

*When Any of Your
Numbers Match Either
of the Wizard Numbers,
Win With Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 8,400,000 Tickets</i>
\$4	\$4	75	112,000
\$2 × 2	\$4	75	112,000
\$4 w/WAND	\$4	75	112,000
\$2 w/CRYSTAL BALL	\$4	75	112,000
\$5	\$5	75	112,000
\$1 × 5	\$5	75	112,000
\$5 w/WAND	\$5	150	56,000
\$10	\$10	250	33,600
\$5 × 2	\$10	250	33,600
\$2 × 5	\$10	250	33,600
\$10 w/WAND	\$10	250	33,600
\$5 w/CRYSTAL BALL	\$10	250	33,600
\$20	\$20	375	22,400
\$5 × 4	\$20	375	22,400
\$4 × 5	\$20	375	22,400
\$10 × 2	\$20	750	11,200
\$20 w/WAND	\$20	500	16,800
\$10 w/CRYSTAL BALL	\$20	500	16,800
\$50	\$50	1,500	5,600
\$5 × 10	\$50	1,500	5,600
\$10 × 5	\$50	1,500	5,600
\$50 w/WAND	\$50	1,500	5,600
\$20 w/CRYSTAL BALL + \$10	\$50	1,500	5,600
\$100	\$100	20,000	420
\$20 × 5	\$100	20,000	420
\$100 w/WAND	\$100	20,000	420
\$50 w/CRYSTAL BALL	\$100	17,143	490
\$500	\$500	840,000	10
\$100 × 5	\$500	840,000	10
\$100 w/CRYSTAL BALL	\$500	840,000	10
× 2 + \$100			
\$20,000	\$20,000	840,000	10

WAND (WAND) = Win prize shown under it automatically.
CRYSTAL BALL (CRYSBL) = Win double the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wizard of Odds '06 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Wizard of Odds '06, prize money from winning Pennsylvania Wizard of Odds '06 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 Wizard of Odds '06 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, 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 Wizard of Odds '06 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-288. Filed for public inspection February 17, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) and Allegheny County are planning to remove the Chartiers Creek Bridge No. 15 (bridge). The bridge carries Turner Road over Chartiers Creek between the Borough of Rosslyn Farms and the City of Pittsburgh in Allegheny County. The bridge has been closed since 1987.

The bridge is eligible for listing on the National Register of Historic Places and, therefore, qualifies as a Section 2002 resource. The State Historic Preservation Officer (SHPO) has concurred in a determination of "Adverse Effect" upon the resource.

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 Environmental Document, the Section 2002 Evaluation and the associated Memorandum of Understanding including documentation of the bridge to Historic American Engineering Record (HAER) standards.

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.

GARY L. HOFFMAN, P. E.,
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 06-289. Filed for public inspection February 17, 2006, 9:00 a.m.]

FISH AND BOAT COMMISSION

Removal of Special Regulation Designation; Powell Creek, Dauphin County

The Fish and Boat Commission (Commission) has removed Powell Creek, Dauphin County from the upper bridge on Back Road (T-551) downstream to the confluence of an unnamed tributary along Taylor School Road (T-358), a distance of 2.5 miles, from the list of Delayed Harvest Artificial Lures Only Areas regulated and managed under 58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas). The removal will be effective upon publication of this notice in the *Pennsylvania Bulletin*.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 06-290. Filed for public inspection February 17, 2006, 9:00 a.m.]

2006 Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the additions to the list of Class A Wild Trout Streams as set forth at 35 Pa.B. 6716 (December 10, 2005), with the exception of sections of Plum Creek and Halter Creek in Blair County. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 06-291. Filed for public inspection February 17, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, February 2, 2006, and announced the following:

Regulation Approved:

Department of Revenue #15-431: Proof Required to Establish Credit (amends 61 Pa. Code § 111.5)

Approval Order

Public Meeting held
February 2, 2006

Commissioners Voting: Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli, Acting Chairperson; John F. Mizner, Esq.; Murray Ufberg, Esq.

Department of Revenue—Proof Required to Establish Credit; Regulation No. 15-431

On December 13, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code § 111.5. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This amendment brings an existing regulation into consistency with the Department policy of not requiring a signed copy of an out-of-state tax return to qualify for credit for taxes paid to another state. In addition to facilitating tax filings, it will save the Commonwealth approximately \$200,000 in processing costs.

We have determined this regulation is consistent with the statutory authority of the Department (72 P.S. §§ 7333(c) and 7354) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-292. Filed for public inspection February 17, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of The Insurance Alliance of Central PA under Act 143; Harleysville Insurance; Doc. No. AT06-01-022

A prereview telephone conference initiated by this office is scheduled for March 8, 2006. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 3, 2006. A date for a review shall be determined, if necessary, at the prereview telephone conference.

Motion preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 22, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 1, 2006.

No prereview memoranda or other written submissions are required for the prereview conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-293. Filed for public inspection February 17, 2006, 9:00 a.m.]

Mark Allan, D. O.; Prehearing

Appeal of Mark Allan, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910); Doc. No. MM05-12-025

On or before January 24, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 7, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 14, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 9, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 31, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 7, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-294. Filed for public inspection February 17, 2006, 9:00 a.m.]

Application for Domestic Certificate of Authority

Penn Reserve Insurance Company, Ltd. has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P.S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-295. Filed for public inspection February 17, 2006, 9:00 a.m.]

Application for Voluntary Surrender of Certificate of Authority

Health Net of Pennsylvania, Inc., a domestic health maintenance organization, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-296. Filed for public inspection February 17, 2006, 9:00 a.m.]

Ronald B. Greene, M. D.; Prehearing**Appeal of Ronald B. Greene, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-01-024**

On or before February 15, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 30, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 8, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 3, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 22, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 1, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-297. Filed for public inspection February 17, 2006, 9:00 a.m.]

Hamot Medical Center; Prehearing**Appeal of Hamot Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-12-019**

On or before January 24, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 1, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 14, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 9, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 31, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 7, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-298. Filed for public inspection February 17, 2006, 9:00 a.m.]

Insurance Services Office, Inc.; Private Passenger Automobile Loss Cost Revision; Rate Filing

On February 1, 2006, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for private passenger automobile insurance.

The advisory organization requests an overall 8.2% decrease in loss cost effective November 1, 2006.

Unless formal administrative action is taken prior to April 2, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-299. Filed for public inspection February 17, 2006, 9:00 a.m.]

Memorial Hospital; Prehearing**Appeal of Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. Nos. MM06-01-023 and MM06-01-025**

On or before February 16, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 19, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 9, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 3, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 23, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 2, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-300. Filed for public inspection February 17, 2006, 9:00 a.m.]

Jawdat A. Nikoula, M. D.; Prehearing**Appeal of Jawdat A. Nikoula, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM05-12-018**

On or before January 24, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's October 21, 2005, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for February 14, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 9, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 31, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 7, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-301. Filed for public inspection February 17, 2006, 9:00 a.m.]

Parker Oil Company; Allied Eastern Indemnity Company; Prehearing**Appeal of Parker Oil Company; Allied Eastern Indemnity Company; Doc. No. WC06-01-016**

Under section 654 of The Insurance Company Law of 1921 (40 P.S. § 814), notice is hereby given that the previously captioned appellant has requested a hearing regarding premium distribution.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 8, 2006, at 2 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 3, 2006.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 21, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 28, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-302. Filed for public inspection February 17, 2006, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Jack Nelson; file no. 05-119-10521; Encompass Indemnity Company; doc. no. P06-01-004; February 23, 2006, 10 a.m.

Appeal of John Woodfield; file no. 05-183-12064; Westfield Insurance Co.; doc. no. P06-01-007; March 1, 2006, 10 a.m.

Appeal of Eugene and Josephine Sentiwany; file no. 05-193-08645; AIG Preferred Insurance Co.; doc. no. P06-01-015; March 2, 2006, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Eugene T. Kane; file no. 05-266-11456; American International South Insurance Co.; doc. no. PH06-01-020; March 24, 2006, 2 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Lisa A. Davidson; file no. 05-303-11137; Safeco Insurance Company; doc. no. PI06-01-031; April 11, 2006, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated represen-

tatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-303. Filed for public inspection February 17, 2006, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Walter and Robin Race; file no. 05-215-12418; Farmers & Mechanics Insurance Company; doc. no. PH06-01-029; March 24, 2006, 3 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of William and Carla McCue and David Dennis; file no. 05-303-71828; Encompass Indemnity Company; doc. no. PI06-01-030; April 11, 2006, 4 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-304. Filed for public inspection February 17, 2006, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insureds' policy. The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Erie Insurance Exchange; file no. 05-119-09184; Darcey and Richard Powell; doc. no. P06-01-003; April 11, 2006, 11 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-305. Filed for public inspection February 17, 2006, 9:00 a.m.]

Sargon, Inc.; Hearing**Appeal of Sargon, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-147(F); Doc. No. UT05-10-035**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing shall occur on March 23, 2006, at 11 a.m. in the Administrative Hearings Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before March 1, 2006. Responses to preliminary motions, if any, shall be filed on or before March 15, 2006.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-306. Filed for public inspection February 17, 2006, 9:00 a.m.]

Patrick Roy Vereb, Sr.; Prehearing**License Denial; Doc. No. AG05-12-028**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 9, 2006. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 3, 2006. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 26, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before February 2, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-307. Filed for public inspection February 17, 2006, 9:00 a.m.]

**LEGISLATIVE
REFERENCE BUREAU****Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-06-003, Dated January 13, 2006. Authorizes the Collective Bargaining Agreement between the Commonwealth and the Pennsylvania State Education Association, National Education Association, Local Association effective 7/1/2004 through 6/30/2007.

Governor's Office

Management Directive No. 220.3—Mail Delivery Between Harrisburg and the Philadelphia and Pittsburgh State Office Buildings, Amended January 10, 2006.

Management Directive No. 615.1—Temporary Assignment of Commonwealth Automotive Fleet Vehicles, Amended January 6, 2006.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 06-308. Filed for public inspection February 17, 2006, 9:00 a.m.]

LIQUOR CONTROL BOARD**Expiration of Leases**

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5149, 4049 Market Street, Philadelphia, PA 19104.

Lease Expiration Date: June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within the intersection of 44th and Market Street, Philadelphia.

Proposals due: March 10, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 06-309. Filed for public inspection February 17, 2006, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member board on Tuesday, March 14, 2006, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 06-310. Filed for public inspection February 17, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

Public Input Hearing Schedule

The Pennsylvania Gaming Control Board (Board) has adopted a schedule for public-input hearings on gaming facilities proposed for the Commonwealth. The Board will conduct 13 days of hearings at nine locations across Pennsylvania in April and May of 2006.

The Board invites applicants, individuals, community organizations and representatives of county and local governments that would be affected by a gaming facility within their borders to participate in the hearings. Those interested in speaking must submit a registration form that can be downloaded from the Board's website: www.pgcb.state.pa.us. Registration forms received by the Board must be postmarked no later than March 6, 2006, to be considered. The process for the hearings has been designed to facilitate presentation of the broadest possible array of opinions at the hearings. Guidelines for participation have been developed for the hearings and are also posted on the website.

To access exact locations and times, guidelines for participants and registration information, visit the website and click on the "Public Input Hearings" button on the home page.

The locations and dates of the hearings, as well as the proposed facilities to be discussed at each, are:

- April 5, Gettysburg, Gettysburg College (Crossroads Gaming)
- April 6-7, Harrisburg, State Museum (Mountainview)
- April 10-12, Philadelphia, Drexel University (HSP Gaming; Philadelphia Entertainment & Development; PNK (Pa), LLC; Riverwalk Casino; Keystone Redevelopment; Chester Downs; Greenwood Gaming)

- April 18-19, Pittsburgh, Omni William Penn Hotel (IOC Pittsburgh Inc.; PITG Gaming; Station Square Gaming; Washington Trotting)

- April 21, Erie, Gannon University (Presque Isle Downs)

- April 27, Poconos, Split Rock Resort (Downs Racing; Mount Airy; Pocono Manor)

- April 28, Lehigh Valley, Crowne Plaza Allentown Hotel (Sands Bethworks Gaming; Boyd PA Partners; Tropicana PA, LLC)

- May 2, Uniontown, Holiday Inn Holidome & Conference Center (Woodlands Fayette)

- May 3, Somerset, Hidden Valley Resort (Seven Springs Farm)

THOMAS A. DECKER,
Chairperson

[Pa.B. Doc. No. 06-311. Filed for public inspection February 17, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-125141F2001. Orwell Natural Gas Company. Application of Orwell Natural Gas Company for approval of the abandonment of natural gas to one natural gas service customer located in Heath Township, Jefferson County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 6, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Orwell Natural Gas Company

Through and By Counsel: James P. Melia, Esquire, Kirkpatrick & Lockhart Nicholson Graham, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-312. Filed for public inspection February 17, 2006, 9:00 a.m.]

Natural Gas Service

A-123100F0035. UGI Utilities, Inc. Application of UGI Utilities, Inc. for approval to render natural gas distribution service to the public in portions of North Coventry and East Coventry Townships, Chester County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harris-

burg, PA 17105-3265, with a copy served on the applicant, on or before March 6, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: UGI Utilities, Inc.

Through and By Counsel: Kevin J. McKeon, Esquire, Hawke McKeon Sniscak and Kennard, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105

JAMES J. MCNUITY,
Secretary

[Pa.B. Doc. No. 06-313. Filed for public inspection February 17, 2006, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 13, 2006. 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-00114063, F. 2. Fayetteville Volunteer Fire Department, Inc. (101 West Main Street, Fayetteville, Franklin County, PA 17222)—persons, in paratransit service, from points in the Counties of Franklin, Cumberland, Adams and Dauphin, to points in Pennsylvania, and return.

A-00122413, Sabrina Hammond (1843 West Nedro Avenue, Philadelphia, Philadelphia County, PA 19141)—persons, in paratransit service, from points in the City and County of Philadelphia, to all State and Federal correctional institutions, located in Pennsylvania, and return.

A-00122424, Northern Lehigh Ambulance Service, Inc. (118 Railroad Street, Slatington, Lehigh County, PA 18080)—persons in paratransit service, from points in the Counties of Lehigh and Northampton, and the Township of Springfield in Bucks County to points in Pennsylvania and return.

A-00122397, Alexander Wright, Sr. t/a Wright Transit Company (6143 Elmwood Avenue, Philadelphia, Philadelphia County, PA 19142)—persons, in paratransit service, from points in the southwestern portion of Philadelphia, bounded as follows: beginning at the intersection of 54th Street and Cobbs Creek Parkway along Cobbs Creek Parkway to 86th Street, then along 86th Street to Bartram Avenue, then along Bartram Avenue to Island Avenue, then along Island Avenue to Eastwick Avenue,

then along Eastwick Avenue to 54th Street, then along 54th Street to the place of beginning, to points in Pennsylvania and return.

A-00122422, Robert Weir (284 South Sandy Hill Road, Chester County, PA 19320)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from the County of Chester to points in Pennsylvania, and return.

A-00122429, Joseph David Gerlitzki, III (247-A South Belmont Road, Paradise, Lancaster County, PA 17562)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-00110054, Folder 4. Celebrity Limousine Service, Inc. (2521 Yellow Springs Road, Malvern, Chester County, PA 19355), a corporation of the Commonwealth, for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks, Bucks, Chester, Delaware, Lancaster and Montgomery; and the City and County of Philadelphia, to points in Pennsylvania and return. *Attorney:* Richard T. Mulcahey, Jr., Esquire, Schubert & Bellwoar, Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

A-00119348, Folder 3. Jadco Enterprises, Inc. t/a Sterling Limousine & Transportation Services (2288 Second Street Pike, Suite 2, Wrightstown, Bucks County, PA 18940)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Montgomery, Chester and Delaware to points in Pennsylvania and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-00121037, Folder 3. J A Transportation, Inc. t/a Countrywide Moving & Storage (915 Madison Avenue, Norristown, Montgomery County, PA 19403), a corporation of the Commonwealth—household goods in use, from points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, to other points in Pennsylvania, and vice versa, which is to be a transfer of all the rights authorized under the certificate issued at A-00100040 to American Transfer, Inc., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Romberger Trucking, Inc.;
Doc. No. A-00114684C0501

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of ROMBERGER TRUCKING, INC., respondent, is 460 REINER SCHOOL ROAD, TOWER CITY, PA 17980.

2. That respondent was issued a certificate of public convenience by this Commission on April 15, 1998, at Docket No. A-00114684.

3. That, on August 17, 2005, respondent was sent an initial assessment of \$333.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$333.00.

4. That respondent has an outstanding assessment of \$333.00.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

WHEREFORE, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel,
Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 783-6190.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Washington Township/ Fayette City Community Ambulance Service; Doc. No. A-00114131C0501

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Washington Township/Fayette City Community Ambulance Service, respondent, maintains a principal place of business at 1392 Fayette Avenue, Belle Vernon, Fayette County, PA 15012.

2. That respondent was issued a Certificate of Public Convenience by this Commission on April 23, 1999, at Application Docket No. A-00114131.

3. That numerous attempts have been made to contact respondent by the Commission's Safety office to have its vehicles inspected. Upon further investigation, it appears that this carrier is no longer providing this service; it was found that the telephone number provided has been disconnected. Respondent abandoned or discontinued paratransit service without having first filed an application with this Commission

4. That respondent, by failing to submit an application to this Commission requesting approval for discontinuance of service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the Certificate of Public Convenience of Washington Township/Fayette City Community Ambulance Service at A-00114131.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-314. Filed for public inspection February 17, 2006, 9:00 a.m.]

Sewer and Water Service

A-210066F0002 and A-230049F0002. Eaton Sewer and Water Company. Application of Eaton Sewer and Water Company for approval to begin to offer, render, furnish or supply sanitary sewer and water services to the public in additional territory in Eaton Township, Wyoming County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 6, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Eaton Sewer and Water Company

Through and By Counsel: Joseph Sileo, Esquire, Ufberg, Tressler and Sileo, LLP, 310 Penn Avenue, Scranton, PA 18503

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-315. Filed for public inspection February 17, 2006, 9:00 a.m.]

Water and Wastewater Service

A-210742F2000, A-230075F2000, A-210097F0002 and A-230104. Pine Grove Estates Water and Sewer Company and Pocono Waterworks Company, Inc. Application of Pine Grove Estates Water and Sewer Company for approval of: 1) the transfer by sale, lease or other device of any property and rights of Pine Grove Estates Water and Sewer Company to Pocono Waterworks Company, Inc.; 2) the right of Pocono Waterworks Company, Inc. to begin to offer, render, furnish or supply water and wastewater services to the public in the Pine Grove Estates Housing Development located in Wayne County; and 3) the right of Pine Grove Estates Water and Sewer Company to abandon its certificate of public convenience as a water and sewer company to the public in the Pine Grove Estates Housing Development in Wayne County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 6, 2006. The documents filed in

support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pine Grove Estates Water and Sewer Company and Pocono Waterworks Company, Inc.

Through and By Counsel: Berger Law Firm, PC, 2104 Market Street, Camp Hill, PA 17011

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-316. Filed for public inspection February 17, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000	———— ③ Contract Information ———— ④ Department ———— ⑤ Location ———— ⑥ Duration
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⑦ (For Commodities: Contact: Vendor Services Section
 717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

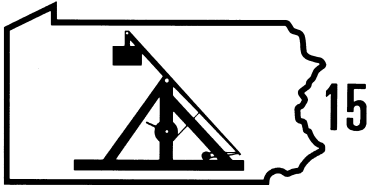
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

SERVICES



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Environmental Maintenance Service

C2:22-101.5 Subsurface Exploration, Dirty Camp Run. The principal items of work and approximate quantities include 237 linear feet of Overburden Drilling and Sampling and 75 linear feet of Rock Coring (NWM). This project issues on February 17, 2006 and bids will be opened on March 14, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received.

Department: Environmental Protection
Location: Borough of Pitsaun, Allegheny County
Duration: 60 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-783-7994

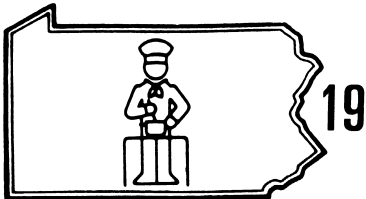


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Laboratory Services

RFP DEP-LAB-7 DEP is soliciting proposals from experienced and qualified firms to provide laboratory analytical services for environmental remediation projects under DEP's environmental cleanup programs. A pre-proposal conference is scheduled for February 28, 2006 at 10:00 AM in the 2nd floor auditorium of the Rachel Carson State Office Building, 400 Market Street, Harrisburg. A copy of the Request for Proposals may be obtained by contacting Donna Watson in the Division of Remediation Services at (717) 783-1443, or electronically, by sending a request to dowatson@state.pa.us. In your request, please specify whether you want a copy of the RFP electronically or by mail.

Department: Environmental Protection
Location: Statewide
Duration: Two years with renewals available up to three years
Contact: Donna Watson, (717) 783-1443

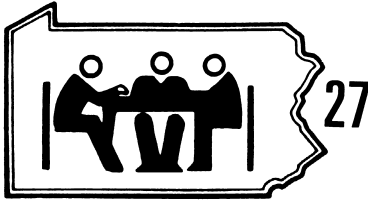


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Food

SP 06-0001 Thaddeus Stevens College of Technology is soliciting proposals to have complete food service operations provided.

Department: State
Location: 750 E. King Street, Lancaster, PA 17602
Duration: July 1, 2006 - June 30, 2007
Contact: Nancy Froeschle, 717-299-7787



Lodging/Meeting Facilities

CN00019017 The Pennsylvania Emergency Management Agency, an agency representing the Commonwealth of Pennsylvania, intends to conduct a Hazardous Weather and Flood Preparedness Course within a 5 mile radius of Allentown, PA March 7-9, 2006. The facilities needed for this Training Session are for up to 30 single lodging rooms for the nights of March 6-8, 2006. A meeting room, LCD projector/screen, internet connection, podium, registration table, instructor table, breakfast credit, AM refreshment break, and fresh ice water all available for 3 days. Lunch buffet and PM refreshment break to be available for 45 students March 7-8, 2006. If you are interested in receiving a bid package, please contact Jamie Smolen at 717-651-2191 or jsmolen@state.pa.us. Facsimile requests may be submitted to 717-651-2025. Please include name, title, phone number, fax number, complete company address, Federal ID number and reference CN00019017. Deadline for bid packages will be Tuesday, February 7, 2006. Bid submission deadline is 1 PM on Friday, February 10, 2006. If not already registered with the Commonwealth, please register by logging onto www.vendorregistration.state.pa.us or by calling Central Vendor Management Unit (CMVU) toll free at 1-866-775-CVMU (2868).

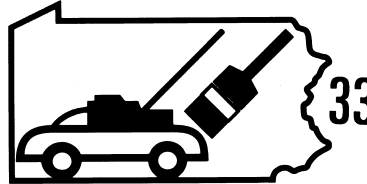
Department: PA Emergency Management Agency
Location: Within a 5 mile radius of Allentown, PA.
Duration: March 6-9, 2006
Contact: Jamie Smolen, 717-651-2191



Medical Services

CN00019035 Gynecology Services.

Department: Public Welfare
Location: Polk Center, P. O. Box 94, Polk, PA 16342
Duration: July 1, 2006 through June 30, 2009
Contact: Marty DuPont, Purchasing Agent, 814-432-0326



Property Maintenance

cn00019091 This work is for the roadside mowing along highways for various State Routes in Delaware County (Group 6-06-LAM3). Interested vendors should be registered with the Commonwealth of PA Vendor Program prior to receiving a RFQ-Invitation for Bids. To register and to obtain a PA vendor number call 1-866-775-2868 or log onto www.vendorregistration.state.pa.us. After you are registered fax your company name, address, phone/fax numbers and vendor ID number to John Bush, Purchaser, 610-566-0972. Bids are scheduled to be opened on 3/1/2006, at 11:00 a.m. at the Delaware County Maintenance Office, 426 S. Old Middletown Road, Media, PA 19063 Bidding documents can be viewed at www.dot.state.pa.us by clicking on local and regional offices, PennDOT Districts, District 6, District Bid Page. Then click on the CN number for the specified service.

Department: Transportation
Location: Various state routes in Delaware County.
Duration: Three years with an option to renew.
Contact: John Bush, Purchaser, 610-566-0972

CPC 06-092 Package 1 Exterior Bronze Fixtures Inspection, cleaning and preservation maintenance of bronze architectural exterior light fixtures located at the center main entry to the Capitol Building. Architectural reproduction of cast metal eagle ornaments for existing light fixtures. Release date: 14 of February 2006.

Department: PA Capitol Preservation Committee
Location: Harrisburg
Duration: 4/19/06 - 9/3/06
Contact: David L. Craig, (717) 783-6484

SP 06-0003 Thaddeus Stevens College of Technology is soliciting proposals to have ground keeping services provided to the college.

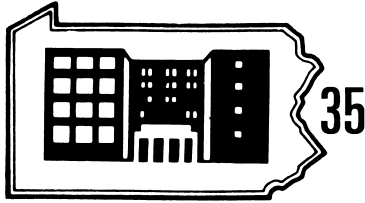
Department: State
Location: 750 E. King Street, Lancaster, PA 17602
Duration: July 1, 2006 - June 30, 2007
Contact: Nancy Froeschle, 717-299-7787

CPC 06-092 Package 2 Bronze Statuary Inspection, cleaning and preservation maintenance of exterior Bronze Sculptures located at the South Capitol Plaza (Hartranft Memorial) and South Capitol Park (Boise Penrose Monument). Release Date: 14 of February 2006.

Department: PA Capitol Preservation Committee
Location: Harrisburg
Duration: 4/19/06 - 9/3/06
Contact: David L. Craig, (717) 783-6484

CPC 06-092 Package 3 Doors Inspection, cleaning and preservation maintenance of West Main Entry Doors - North Wing, Center Wing and South Wing including north and south wing aluminum and glass interior vestibule enclosures. Repair, preparation and refinishing of center wing wood revolving doors, hardware and enclosure including flanking wood exit doors and frames. Release Date: 14 of February 2006.

Department: PA Capitol Preservation Committee
Location: Harrisburg
Duration: 4/19/06 - 9/3/06
Contact: David L. Craig, (717) 783-6484



Real Estate Services

93946 Lease Office/Barracks Space to the Commonwealth of PA. Proposals are invited to provide the State Police with 9,372 useable square feet of Office/Barracks space in Northampton County, PA, with minimum parking for 63 vehicles. For more information on SFP No. 93946 which is due on April 3, 2006 visit www.dgs.state.pa.us or call (717) 787-4396.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, 717-787-4396



Security Services

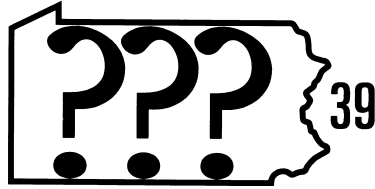
SP 06-0002 Thaddeus Stevens College of Technology is soliciting proposals to have Security guard services provided to the college.

Department: State
Location: 750 E. King Street, Lancaster, PA 17602
Duration: July 1, 2006 - June 30, 2007
Contact: Nancy Froeschle, 717-299-7787

RFI-1 The Pennsylvania State Police is issuing a Request for Information (RFI) relative to Automated License Plate Reader System, both those that are stationary and those that will operate at highway speeds. Interested vendors may request a copy of the RFI by faxing or e-mailing their name, company name, address, telephone number, fax number, and e-mail address to Gary Hertzog at 717-772-1434 (fax) or ghertzog@state.pa.us (e-mail).

Department: State Police
Location: Department Headquarters, 1800 Elmerton Ave., Harrisburg, PA
Duration: N/A
Contact: Gary Hertzog, IT Plans/Controls Office, 717-783-5581

RF #2005-6 Reissued The Legislative Budget and Finance Committee Officers have directed staff to conduct a study on the economic costs of starting school prior to Labor Day. The LB & FC staff is seeking a contractor to study the concern that, due to the school year beginning prior to Labor Day, families are cutting summer vacations short, thereby impacting tourism revenue and teachers and students are losing wages and job opportunities as a result of not being able to work the week prior to Labor Day and on Labor Day weekend. This study is to (1) provide a comparison of school calendars from 2004-05 to an appropriate year in the early 1970s and report on the average



Miscellaneous

number of instructional days; school holidays other than for staff development or workdays; staff development or workdays; average school year in months and weeks; and average summer break in weeks and days for at least 100 districts; (2) determine the economic impact of early school start dates, including, but not limited to loss of personal income by students, teachers, support staff and migrant workers; loss to tourist economies per day and per week; cost to schools for their operations and utilities per day and per week; (3) determine the costs to parents and teachers for child care costs per day and per week. The Texas Comptroller issued a report on the costs of starting school before Labor Day - see <http://www.window.state.tx.us/specialrpt/school>. The LB & FC is seeking similar data and a similar reporting format with data specific to Pennsylvania. Responses to this RFP are due in the LB & FC offices no later than 4:30 p.m. on March 10, 2006.

Department: Legislative Budget and Finance Committee
Location: Room 400-A Finance Building, North at Commonwealth Street, P. O. Box 8737, Harrisburg, PA 17105
Duration: Through the completion of the project. A final draft report is due on September 5, 2006.
Contact: Philip Durgin, Executive Director, 717.783.1600

SP 06-0004 Thaddeus Stevens College of Technology is soliciting proposals to have mechanical maintenance service of heat plant and controls provided to the college.

Department: State
Location: 750 E. King Street, Lancaster, PA 17602
Duration: July 1, 2006 - June 30, 2007
Contact: Nancy Froeschle, 717-299-7787

CN00019061 Furnish and Maintain Master Television Cable Service and Modulator for Polk Center.

Department: Public Welfare
Location: Polk Center, P. O. Box 94, Polk, PA 16342
Duration: August 1, 2006 - June 30, 2009
Contact: Marty DuPont, Purchasing Agent, 814-432-0326

CN00019036 The Department of Transportation (Chester County 6-2 Maintenance) is accepting bids for the pickups of dead deer carcass removal on demand. The location of pickups will be on certain State Roads mentioned below. To receive a bid package, please fax your name, address, and phone number to Lillian Frank, Purchasing Agent at 610-436-1904. Bid will be opened in Chester County Maintenance office. The anticipated date for the release of bid package is Friday, February 10, 2006 with a bid opening within two weeks of that date.

Department: Transportation
Location: Route 1, Route 100 Spur, Route 202, Route 30 business and bypass
Duration: This is a 2 year contract with an option to renew for 1 (one) year
Contact: Lillian Frank, Purchasing Agent 1, 610-436-1914

[Pa.B. Doc. No. 06-317. Filed for public inspection February 17, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CHS. 401, 421, 437 AND 441]

Temporary Regulations

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2005-3 REG, entitled Adoption of Temporary Regulations, dated June 16, 2005, and Resolution No. 2005-4, entitled Adopting of Draft Regulations as Temporary Regulations for the General Licensing Standards for Slot Machine License Applicants Temporary Regulations, dated July 21, 2005, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, and July 21, 2005, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) and to further the intent of Act 71. Therefore, the Board has decided to make editorial changes to the temporary regulations, dated June 16, 2005, and July 21, 2005, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 15, 2005) and 35 Pa.B. 4828 (August 6, 2005).

Therefore, the Board has deposited with the Bureau amendments to §§ 401.4, 421.2, 437.9, 441.6 and 441.18. The amendments are effective as of February 2, 2006.

The temporary regulations of the Board, Chapters 401, 421, 437 and 441, are amended by amending §§ 401.4, 421.2, 437.9, 441.6 and 441.18 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

Order

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

(a) The Board acting under the authority of the Act 71, adopts the amendments to the temporary regulations.

(b) The following temporary regulations of the Board, 58 Pa. Code, are amended: §§ 401.4, 421.2, 437.9, 441.6 and 441.18, to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(c) These amendments are effective on February 2, 2006.

(d) The amendments to the temporary regulations shall be posted in their entirety on the Board's website and in the *Pennsylvania Bulletin*.

(e) The Chairperson of the Board shall certify the preceding order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-15. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401. PRELIMINARY PROVISIONS

§ 401.4. Definitions.

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

* * * * *

Clerk—The Clerk to the Board's Office of Hearings and Appeals.

* * * * *

Subpart B. LICENSING, REGISTERING, CERTIFYING AND PERMITTING

CHAPTER 421. GENERAL PROVISIONS

§ 421.2. Licenses, registrations, certifications and permits.

(a) Licenses that may be issued by the Board include:

* * * * *

(7) Management company license, which authorizes the approved licensee to contract with a slot machine licensee for the management of all or part of the operation of a licensed facility.

* * * * *

CHAPTER 437. VENDOR REGISTRATION AND CERTIFICATION

§ 437.9. Exemption from vendor registration or certification requirements.

(a) The following persons are exempt from the vendor registration requirements of § 437.1 (relating to vendor registration requirements) and the vendor certification requirements of § 437.3 (relating to vendor certification requirements):

* * * * *

(8) Providers of professional services including accountants, attorneys, engineers, architects or any person otherwise required to be licensed as such.

* * * * *

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441. SLOT MACHINE LICENSES

§ 441.6. Character requirements.

* * * * *

(c) Unless a waiver under § 435.2(g) or § 435.3(f) (relating to key employee qualifier license; and key employee license) has been granted or is pending, the applicant shall provide the following to the Board:

* * * * *

(3) Notice of any civil judgment obtained against the applicant, or any of its key employee qualifiers pertaining to antitrust or securities laws of the Federal Government, the Commonwealth or any other state, jurisdiction, province or country.

* * * * *

§ 441.18. Change in ownership or control of slot machine licensee and multiple slot machine license prohibition.

* * * * *

(c) Nothing in subsection (b) prevents a slot machine licensee from possessing ownership or financial interests of 33.3% or less, in multiple slot machine licensees or in persons eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

* * * * *

[Pa.B. Doc. No. 06-318. Filed for public inspection February 17, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 465]

Temporary Regulations; Accounting and Internal Controls

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board), Chapter 465, entitled Accounting and Internal Controls, is added to Subpart E, entitled Slot Machine Testing, Certification and Control.

Purpose and Background

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board is required to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment within this Commonwealth and to carry out the policy and purposes of the Board. In adopting these temporary regulations, the Board has considered the public comments submitted to the Board. The Board has also reviewed the regulatory practices of other Commonwealth agencies and other gaming jurisdictions.

To promulgate the temporary regulations in accordance with customary rulemaking procedure, the Board published draft regulations at 35 Pa.B. 6873 (December 17, 2005). A 30-day public comment period was provided.

Under 4 Pa.C.S. § 1203, the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by the law. These temporary regulations shall not be subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL) or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Comment

The Board received public comment from approximately seven interested parties, including industry representatives, State agencies and citizens. The Board thoroughly reviewed and considered all comments submitted. Public comments received by the Board are available for review on the Board's website at www.pgcb.state.pa.us. These comments and the Board's responses are published on the Board's website.

Paperwork

Slot machine licensees will be required to submit reports to the Board for monitoring and compliance purposes.

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to, or operate gaming facilities.

The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed gaming entities as specified within Act 71. Individuals and enti-

ties that wish to obtain licenses as gaming entities shall pay to the gaming fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing and registration of individuals and other classes of licensees will be reimbursed by the individuals and or licensees through fees established by the Board.

It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

Statutory Authority

The Board is authorized under 4 Pa.C.S. § 1203 to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203, the Board's authority to adopt temporary regulations will expire 2 years from the effective date of Act 71.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203, the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) A 30-day public comment period was held prior to the adoption of the temporary regulations. All comments received by the Board were reviewed and considered.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

(a) The Board acting under the authority of the Act 71, adopts as its final-form temporary regulations, the draft regulations adopted by resolution at the February 2, 2006, public meeting. The temporary regulations pertain to accounting and internal controls procedures.

(b) The following temporary regulations of the Board, 58 Pa. Code Chapter 465, are added: §§ 465.1—465.11, to read as set forth in Annex A.

(c) The temporary regulations are effective February 2, 2006.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

(Editor's Note: For a document relating to this rule-making, see 36 Pa.B. 919 (February 18, 2006).)

Fiscal Note: 125-14. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart E. SLOT MACHINE TESTING,
CERTIFICATION AND CONTROL
CHAPTER 465. ACCOUNTING AND INTERNAL
CONTROLS

Sec.	
465.1.	Definitions.
465.2.	Accounting records.
465.3.	Internal control systems and audit protocols.
465.4.	Forms, records and documents.
465.5.	Standard financial and statistical reports.
465.6.	Annual audit; other reports; suspicious activity and currency transaction reporting.
465.7.	Retention, storage and destruction of books, records and documents.
465.8.	Complimentary services or items.
465.9.	Licensed facility.
465.10.	Surveillance system; surveillance department control; surveillance department restrictions.
465.11.	Surveillance system recording formats.

§ 465.1. Definitions.

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

Gaming day—A period of time not to exceed 24 hours corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination by the central control computer system of gross terminal revenue. The beginning and ending times of the gaming day will be determined by the Board and will be uniform for all slot machine licensees.

(i) Prior to commencing gaming operations, each slot machine licensee shall submit to the Board, in writing, its hours of operation, which times correspond to the portion of its gaming day it will be open to the public for the purpose of gaming activities. A slot machine licensee may not commence gaming operations until its hours of operation are approved by the Board.

(ii) Any change in a slot machine licensee's gaming day must be noticed to the Board in advance of the change in writing or in an electronic format as approved by the Board.

§ 465.2. Accounting records.

(a) Each slot machine licensee shall maintain complete, accurate and legible records of all transactions pertaining to the revenues and expenses of each licensed facility.

(b) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles in the United States. Detailed, supporting and subsidiary records sufficient to meet the requirements of subsection (c) shall also be maintained in accordance with the requirements of this chapter.

(c) The detailed, supporting and subsidiary records include:

(1) Records pertaining to revenue that is taxable or subject to taxation under the act.

(2) Records pertaining to the financial statements and all transactions impacting the financial statements of the slot machine licensee including contracts or agreements with licensed manufacturers, suppliers, junket enterprises, certified and registered vendors, contractors, consultants, management companies, attorneys and law firms, accountants and accounting firms, insurance com-

panies, and financial institutions, including statements and reconciliations related thereto.

(3) Records which identify the handle, payout, actual win amounts and percentages, theoretical win amounts and percentages, and differences between theoretical and actual win amounts and percentages, for each slot machine on a week-to-date, month-to-date and year-to-date basis.

(4) Records supporting the costs of complimentary services and items as defined in § 465.8 (relating to complimentary services or items).

(5) Records of all loans and other amounts payable by the slot machine licensee.

(6) Records of all investments, advances, loan and receivable balances due to the slot machine licensee.

(7) Records created in connection with the system of internal controls submitted to the Board under § 465.3 (relating to internal control systems and audit protocols).

(8) Records of all returned checks.

§ 465.3. Internal control systems and audit protocols.

(a) Each applicant for, or holder of, a slot machine licensee shall submit to the Board and the Department, in the manner the Board requires, a narrative description of its initial system of administrative and accounting procedures, including its internal control systems and audit protocols (collectively referred to as its "internal controls") at least 90 days before gaming operations are to commence, unless otherwise directed by the Board. Under section 1322(c) of the act (relating to slot machine accounting controls and audits), each written system of internal controls must include:

(1) Records of direct and indirect ownership in the proposed slot machine licensee, its affiliates, intermediaries, subsidiaries or holding companies.

(2) Organization charts depicting appropriate segregation of functions and responsibilities.

(3) A description of the duties and responsibilities of each position shown on the organization charts and the respective lines of authority, provided that a slot machine applicant or licensee may not be required to submit job descriptions for positions required to hold a nongaming employee registration.

(4) A detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of this part.

(5) A record retention policy in accordance with § 465.7 (relating to retention, storage and destructions of books, records and documents).

(6) Procedures to ensure that assets are safeguarded, and counted in conformance with effective count procedures.

(7) Other items the Board may require in its discretion.

(b) Each submission must be accompanied by the following:

(1) An attestation by its chief executive officer or other competent person with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted internal controls conform to the requirements of the act and this part.

(2) An attestation by its chief financial officer or other competent person with a direct reporting relationship to

the chief financial officer attesting that the officer believes, in good faith, that the submitted internal controls are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles in the United States and comply with applicable laws and regulations, including the act and this part.

(c) The initial submission must also be accompanied by a report from an independent certified public accountant or, when appropriate, independent registered public accounting firm, licensed to practice in this Commonwealth. The report should express an opinion as to the effectiveness of the design of the submitted system of internal controls over financial reporting and should further express an opinion as to whether the submitted system of internal controls materially deviates from the requirements of applicable laws and regulations, including the act and this part.

(d) Each submission by a slot machine licensee or applicant must include, at a minimum, the following:

(1) Administrative controls which include, without limitation, the procedures and records that relate to the decision making processes leading to management's authorization of transactions.

(2) Accounting controls which have as their primary objectives the safeguarding of assets and revenues and the reliability of financial records. The accounting controls must be designed to provide reasonable assurance that:

(i) Any transaction or financial event which occurs in the operation of a slot machine is executed in accordance with management's general and specific authorization, as approved by the Board.

(ii) Any transaction or financial event which occurs in the operation of a slot machine is recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles in the United States, the act and this part.

(iii) Any transaction or financial event which occurs in the operation of a slot machine is recorded in a manner which provides reliable records, accounts and reports, including the recording of cash and evidences of indebtedness, for use in the preparation of reports to the Board related to slot machines.

(iv) Any transaction or financial event which occurs in the operation of a slot machine is recorded adequately to permit proper and timely reporting of gross terminal revenue and the calculation thereof and of fees and taxes and to maintain accountability for assets.

(v) Access to assets is permitted only in accordance with management's general and specific authorization, as approved by the Board.

(vi) The recorded accountability for assets is compared with existing physical assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(3) Procedures and controls for ensuring, in accordance with section 1323 of the act (relating to the central control computer system), that each slot machine directly provides and communicates all required activities and financial details to the central control computer system as set by the Board.

(4) Procedures and controls for ensuring that all functions, duties and responsibilities are appropriately segre-

gated and performed in accordance with sound financial practices by competent, qualified personnel.

(5) Procedures and controls for ensuring, through the use of surveillance and security departments, that the licensed facility is secure during normal operations and during any emergencies due to malfunctioning equipment, loss of power, natural disaster or any other cause.

(e) The Board, in consultation with the Department, will review each initial submission made under subsection (a) and determine whether it conforms to the requirements of the act and this part and provides adequate and effective controls for the operation of slot machines at a licensed facility. A slot machine licensee may not commence gaming operations until its system of internal controls is approved by the Board.

(f) A slot machine licensee may, upon submission to the Board and the Department in the manner prescribed, of a narrative description of a change or amendment in its system of internal controls and the two original signed certifications described in subsection (b), implement the change on the 30th calendar day following the filing of a complete submission. Submissions received by the Board after 2 p.m. will be considered to have been submitted on the next business day.

(g) If during the 30 day review period in subsection (f), the Board's Bureau of Corporate Compliance and Internal Controls preliminarily determines that a procedure in a submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue, that Bureau, by written notice to the slot machine licensee, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (f) is tolled and that any internal controls at issue not be implemented until approved by the Board.

(h) Examples of submissions that may, under appropriate circumstances, be determined to contain a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue must include, without limitation, the following:

(1) Submissions that fail to provide an audit trail sufficient to permit the review of gaming operations or the reconstruction of gross terminal revenue transactions.

(2) Submissions that fail to provide for the segregation of incompatible functions so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of his or her duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required by the act or this part that are essential elements of the internal controls, the absence of which prevents a meaningful review of the submission.

(4) Submissions that would implement operations or accounting procedures not yet authorized by the act or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not yet approved by the Board, unless the submissions are required as part of an authorized test of the equipment or related device or software.

(i) Notwithstanding anything contained herein to the contrary, and subject to the exception in subsection (j), any change or amendment to submissions with regard to organization charts pursuant to subsection (a)(2) and the descriptions of the duties and responsibilities of each position shown on the organization charts pursuant to subsection(a)(3)(collectively referred to as the "jobs compendium") may be implemented by the slot machine licensee without the prior approval of the Board provided that the change or amendment is submitted to the Board within 5 business days of the date of implementation, which filing includes:

- (1) A detailed cover letter listing by department each position title to which modification has been made.
- (2) A brief summary of each change.
- (3) Instructions regarding any changes in page numbers and the date of implementation.

(j) Notwithstanding any provision to the contrary, the submission of changes or amendments to a jobs compendium involving changes or amendments to license categories, job codes, job functions, reporting lines (including new and deleted positions) or job titles in the information technology, internal audit, security, slot accounting, slot operations, or surveillance departments must be accompanied by the attestations required in subsection (b) and be submitted to the Board by the end of the business day of implementation.

(k) If in the course of its review of a change or amendment to a jobs compendium the Board's Bureau of Licensing preliminarily determines that the change or amendment contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue, that Bureau, by written notice to the slot machine licensee, will:

- (1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.
- (2) Advise the slot machine licensee as to whether the implementation of the change or amendment must be suspended pending further evaluation by the Board.

(l) A current version of the internal controls of a slot machine licensee shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the slot machine licensee and the Board's on site facilities required under § 465.9 (relating to licensed facility). The slot machine licensee shall also maintain a copy, either in paper or electronic form, of any superseded internal control procedures, along with the two certifications required to be submitted with respect thereto, for a minimum of 5 years. Each page of the internal controls must indicate the date on which it was approved by the Board.

§ 465.4. Forms, records and documents.

(a) Information required by this part to be placed on any form, record or document and in stored data shall be recorded on the form, record or document and in stored data in ink or other permanent form.

(b) Whenever duplicate or triplicate copies are required of a form, record or document, the original, duplicate and triplicate copies must have the name of the recipient originally receiving a copy preprinted on the bottom of that copy so as to differentiate one from the other.

(c) Whenever under this part, forms or serial numbers are required to be accounted for and an exception is

noted, the exceptions shall be reported in writing to the slot machine licensee's internal audit department and the Board's Bureau of Investigations and Enforcement within 2 days of identification of the exception or upon its confirmation, whichever occurs earlier.

(d) Unless otherwise specified in this part, all forms, records, documents and stored data required to be prepared, maintained and controlled by this chapter must:

- (1) Be in a form prescribed or authorized by the Board.
- (2) Have the name of the establishment and the title of the form, record, document and, for stored data, the date imprinted or preprinted thereon.

(e) Nothing in this chapter shall be construed as prohibiting or discouraging a slot machine licensee from preparing more copies of any form, record or document than that prescribed by this chapter.

§ 465.5. Standard financial and statistical reports.

(a) Each slot machine licensee shall, upon the request of the Board, file monthly, quarterly and annual reports of financial and statistical data. The data may be used by the Board to evaluate the financial position and operating performance of individual licensees and compile information regarding the performance and trends of the industry in this Commonwealth.

(b) The Board may periodically prescribe standard reporting forms and corresponding filing instructions to be used by each licensee in filing the monthly, quarterly and annual reports referenced in subsection (a).

(c) In the event of a license termination, change in business entity or material change in ownership, the Board may in its discretion require the filing of financial and statistical reports it deems necessary, as of the date of occurrence of the event. The request must be made in writing to the slot machine licensee.

(d) Any adjustments resulting from the annual audit required in § 465.6 (relating to annual audit and other reports) shall be recorded in the accounting records of the year to which the adjustment relates. If the adjustments were not reflected in any annual report required hereunder and the Board concludes that the adjustments are significant, a revised annual report may be required from the slot machine licensee. The revised filing shall be due within 30 calendar days after written notification to the slot machine licensee, unless an extension is requested in writing by the slot machine licensee prior to the required filing date and an extension is granted by the Board.

§ 465.6. Annual audit; other reports; suspicious activity and currency transaction reporting.

(a) Each slot machine licensee shall, at its own expense, cause its annual financial statements to be audited in accordance with generally accepted auditing standards (when applicable, the Standards of the Public Company Accounting Oversight Board (United States)) by an independent certified public accountant or, when appropriate, an independent registered public accounting firm, licensed to practice in this Commonwealth.

(b) The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year, and present financial position and results of operations in conformity with generally accepted accounting principles in the United States.

(c) The financial statements required by this section must include a footnote reconciling and explaining any differences between the financial statements included in any annual report filed in conformity with § 465.5 (relat-

ing to standard financial and statistical reports) and the audited financial statements. The footnote must, at a minimum, disclose the effect of the adjustments on:

- (1) Revenue from the operation of slot machines.
 - (2) Slot machine revenue net of expenses for complimentary services or items.
 - (3) Total costs and expenses.
 - (4) Income before extraordinary items.
 - (5) Net income.
- (d) Two copies of the audited financial statements, together with any management letter or report prepared thereon by the slot machine licensee's independent certified public accountant or, when appropriate, independent registered public accounting firm, shall be filed with the Board not later than 60 days after the end of the licensee's fiscal year.

(e) Each slot machine licensee shall require the independent certified public accountant or, when appropriate, independent registered public accounting firm auditing its financial statements to render the following additional reports:

(1) A report on material weaknesses or significant deficiencies in the system of internal controls noted in the course of the examination of the financial statements.

(2) A report expressing the opinion of the independent certified public accountant or independent registered public accounting firm as to the adequacy of the slot machine licensee's system of internal controls over financial reporting based upon the description of the system of internal controls approved for the slot machine licensee under § 465.3 (relating to internal control systems and audit protocols). When appropriate, the report should make specific recommendations regarding improvements in the system of internal controls.

(3) The slot machine licensee shall prepare a written response to the independent certified public accountant's or independent registered public accounting firm's reports required by paragraphs (1) and (2). The response must indicate, in detail, any corrective actions taken. The response shall be submitted to the Board within 90 days of receipt of the reports.

(f) The slot machine licensee shall file two copies of the reports required by subsection (e), and two copies of any other reports on internal controls, administrative controls or other matters relative to the slot machine licensee's accounting or operating procedures rendered by the licensee's independent certified public accountant or independent registered public accounting firm within 120 days following the end of the licensee's fiscal year or upon receipt, whichever is earlier.

(g) If the slot machine licensee is publicly held, the slot machine licensee shall submit to the Board's Bureau of Corporate Compliance and Internal Controls three copies of any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and all registration statements, required to be filed by the slot machine licensee with the Securities and Exchange Commission or other domestic or foreign securities regulatory agency. The filing with the Board shall be made within 10 days of the time of filing with the applicable Commission or regulatory agency or the due date prescribed by the applicable Commission or regulatory agency, whichever occurs first.

(h) If an independent certified public accountant or independent registered public accounting firm who was previously engaged as the principal accountant to audit

the slot machine licensee's financial statements resigns or is dismissed as the slot machine licensee's principal accountant, or another independent certified public accountant or independent registered public accounting firm is engaged as principal accountant, the slot machine licensee shall file a report with the Board's Bureau of Corporate Compliance and Internal Controls within 10 days following the end of the month in which the event occurs, setting forth the following:

(1) The date of the resignation, dismissal or engagement, as appropriate.

(2) Whether in connection with the audits of the 2 most recent years preceding the resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, including a description of each such disagreement. The disagreements to be reported include those resolved and those not resolved.

(3) Whether the principal accountant's report on the financial statements for any of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified. The nature of the adverse opinion, disclaimer of opinion or qualification shall be described.

(4) The slot machine licensee shall request the former accountant to furnish to the slot machine licensee a letter addressed to the Board stating whether he agrees with the statements made by the slot machine licensee in response to paragraph (2). The letter shall be filed with the Board as an exhibit to the report required by paragraph (2).

(i) Each slot machine licensee shall file with the Board a copy of any Suspicious Activity Report-Casino (SARC) it is required to file under 31 CFR 103.21 (relating to reports by casinos of suspicious transactions). Each SARC shall be filed with the Board concurrently with the Federal filing in a manner to be prescribed by the Board.

(j) Each slot machine licensee shall file with the Board a copy of any Currency Transaction Report by Casino (CTRC) it is required to file under 31 CFR 103.22 (relating to reports of transactions in currency). Each CTRC shall be filed with the Board concurrently with the Federal filing in a manner to be prescribed by the Board.

(k) Prior to commencing gaming operations, each slot machine licensee shall file with the Board, in a manner to be prescribed by the Board, a copy of its compliance program required under 31 CFR 103.64 (relating to special rules for casinos). Thereafter, each slot machine licensee shall be obligated to file with the Board any amendment or supplement to its compliance program concurrent with the effective date of the amendment or supplement.

(l) A slot machine licensee, director, officer, employee or agent who reports a suspicious activity under subsection (a) may not notify any person involved in the suspicious activity that the suspicious activity has been reported.

§ 465.7. Retention, storage and destruction of books, records and documents.

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of the licensed facility including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records required to be generated and maintained by this part. This definition applies without regard to the

medium through which the record is generated or maintained, for example, paper, magnetic media or encoded disk.

(b) Original books, records and documents pertaining to the operation of a licensed facility be:

(1) Prepared and maintained in a complete, accurate and legible form. Electronic data should be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(2) Retained on the site of the licensed facility or at another secure location approved in accordance with this section.

(3) Held immediately available for inspection by agents of the Board, the Department and the Pennsylvania State Police during all hours of operation.

(4) Organized and indexed in a manner to provide immediate accessibility to agents of the Board, the Department and the Pennsylvania State Police.

(5) Destroyed only after expiration of the minimum retention period specified in subsection (c), except that the Board may, upon the written request of a slot machine licensee and for good cause shown, permit the destruction at an earlier date.

(c) Original books, records and documents shall be retained by a slot machine licensee for a minimum of 5 years with the following exceptions:

(1) Documentation with regard to gaming vouchers reported to the Board as possibly counterfeit, altered or tampered with should be retained for a minimum of 2 years.

(2) Coupons entitling patrons to cash or slot machine credits, whether unused, voided or redeemed shall be retained for a minimum of 6 months.

(3) Voided gaming vouchers and gaming vouchers redeemed at a location other than a slot machine shall be retained for a minimum of 6 months.

(4) Gaming vouchers redeemed at a slot machine shall be retained for a minimum of 7 days.

(d) A slot machine licensee may request, in writing, that the Board approve a location outside the licensed facility to store original books, records and documents. The request must include the following:

(1) A detailed description of the proposed offsite facility, including security and fire safety systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to gain access to the original books, records and documents retained at the offsite facility.

(e) A slot machine licensee may request, in writing, that the Board approve a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. The request must include representations regarding:

(1) The processing, preservation and maintenance methods which will be employed to insure that the books, records and documents are available in a format which makes them readily available for review and copying.

(2) The inspection and quality control methods which will be employed to insure that microfilm, microfiche or other media when displayed on a reader/viewer or reproduced on paper exhibits a high degree of legibility and readability.

(3) The availability of a reader-printer for use by the Board, the Department and the Pennsylvania State Police at the licensed facility or other location approved by the Board and the readiness with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced.

(4) The availability of a detailed index of all microfilm, microfiche or other stored data maintained and arranged in a manner to permit the immediate location of any particular book, record or document.

(f) Nothing herein shall be construed as relieving a slot machine licensee from meeting any obligation to prepare or maintain any book, record or document required by any other Federal, State or local governmental body, authority or agency.

§ 465.8. Complimentary services or items.

(a) Each slot machine licensee shall develop, maintain and apply adequate internal controls over the authorization and issuance of complimentary services and items as that term is defined in § 439.1 (relating to definitions). The internal controls must include the following:

(1) The procedures by which the slot machine licensee delegates to its employees the authority to approve the issuance of complimentary services and items.

(2) The procedures by which conditions or limits, if any, which may apply to the authority are established and modified, including limits based on relationships between the authorizer and recipient.

(3) The provisions employed to insure the effective auditing of complementaries.

(b) Nothing herein shall be deemed to require a slot machine licensee to obtain Board approval of the internal controls required under subsection (a) provided, however, that each slot licensee shall be required to maintain a written record of the internal controls and the specific employees to whom they apply.

(c) Complimentary services or items shall be recorded as follows:

(1) A complimentary service or item provided directly to a patron in the normal course of a slot machine licensee's business shall be recorded at an amount based upon the full retail price normally charged for the service or item by the licensee.

(2) A complimentary service or item not offered for sale to a patron in the normal course of a slot machine licensee's business but provided directly by the slot machine licensee shall be recorded at an amount based upon the actual cost to the slot machine licensee of providing the service or item.

(3) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party not affiliated with the slot machine licensee shall be recorded at an amount based upon the actual cost to the licensee of having the third party provide the service or item.

(4) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party who is affiliated with the licensee shall be recorded by the licensee in accordance with this section as if the affiliated third party were the licensee.

(d) If a slot machine licensee provides complimentary cash and noncash gifts recorded at a value of \$10,000 or more to a person or the person's guests within any 5 day

period, the slot machine licensee shall record the reason why the gifts were provided and maintain the records available for inspection by the Board and the Pennsylvania State Police. When the reason complimentary cash and noncash gifts were provided involves the person's player rating, that rating shall be based upon an evaluation of the amount and frequency of play by the person as recorded in the slot machine licensee's player rating system. For the purposes of this section, "guest" means any person who receives complimentary services or items as a result of his relationship with the person receiving the primary complimentary services or items.

(e) Each slot machine licensee shall submit to the Board a report listing each person who, under subsection (d), received \$10,000 or more in complimentary cash and noncash gifts within any 5-day period ending during the preceding month. The report shall be filed by the last day of the month following the month in which the complimentary cash and noncash gifts were issued and include the total amount of complimentary cash or noncash gifts provided to each person broken down into categories for food and beverage, hotel accommodations, travel and other services.

§ 465.9. Licensed facility.

(a) The licensed facility must be equipped with a surveillance system configured and approved in accordance with §§ 465.10 and 465.11 (relating to the surveillance system; surveillance department control; surveillance department restrictions; and surveillance system recording formats). Except as otherwise provided in subsection (d)(1), the surveillance system shall be under the exclusive control of the surveillance department.

(b) Restricted areas within the licensed facility shall be designated and approved by the Board for the repair and storage of slot machines. Any area approved and utilized within the licensed facility for slot machine repair shall be covered by the approved surveillance system.

(c) Each emergency exit from the gaming floor must be equipped with an audible alarm system, approved by the Board, that produces a loud, distinguishable warning sound, discernable in the vicinity of the exit, whenever the emergency door is opened. The alarm system shall be designed to require deactivation and reset by means of a key. The key is to be maintained by the security department.

(d) Each slot machine licensee shall, in accordance with section 1207(13) of the act (relating to regulatory authority of Board), provide for and maintain onsite facilities for use by the Board, the Department and the Pennsylvania State Police for the purpose of carrying out their respective responsibilities (collectively referred to as the "onsite facilities"). The onsite facilities must include suitable office space, equipment, partitions and supplies to meet the continuing needs of the Board, the Department and the Pennsylvania State Police at the facility including the following:

(1) A surveillance system monitoring room, located within the onsite facilities, with full camera control capability for the reception of transmissions generated by each camera approved for use as part of the slot machine licensee's surveillance system. Full camera control capability includes the ability to override the camera control capability of the slot machine licensee's surveillance system.

(2) An area for the detention of individuals detained or taken into custody by the Pennsylvania State Police. The detention area shall be located within the onsite facilities

and consist of a bench or other apparatus which is permanently affixed to the wall to which the person in custody can be handcuffed with as little discomfort to that person as is reasonably possible under the circumstances.

(3) A fingerprinting and photographing facility for use by the Pennsylvania State Police located in conformance with and outfitted in compliance with, specifications to be determined by the Pennsylvania State Police.

(4) Adequate computer, telephone and copying capability to meet the Board's, the Department's and the Pennsylvania State Police's continuing data processing and related needs.

(5) Direct telephone connections between the onsite facilities and the slot machine licensee's surveillance monitoring room and its security department.

(6) Computer terminals facilitating read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operations.

(e) Each slot machine licensee shall provide additional accommodations within the licensed facility as shall be requested by the Board, the Department or the Pennsylvania State Police to accommodate periodic audit, compliance or investigative reviews at the licensed facility.

(f) Each slot machine licensee shall provide adequate parking spaces reasonably proximate to the onsite facilities, clearly marked for the Board, the Department or Pennsylvania State Police use only.

(g) Each slot machine licensee shall equip its licensed facility with communication systems necessary to insure an effective level of communication between the licensed facility and the Board, the Department, the Pennsylvania State Police, any applicable local law enforcement agency and any relevant emergency first responders.

§ 465.10. Surveillance system; surveillance department control; surveillance department restrictions.

(a) The Board, through its Bureau of Investigation and Enforcement, will review surveillance system specifications, inclusive of the camera configuration and any changes or modifications to the system specifications, to determine whether the system provides the adequate and effective surveillance of activities inside and outside the licensed facility mandated by section 1207(11) of the act (relating to regulatory authority of Board). A slot machine licensee may not commence gaming operations until its surveillance system is approved by the Board.

(b) Each slot machine licensee shall at all times provide the Board and the Pennsylvania State Police, upon request, with timely access to its surveillance system and its transmissions. Each member of its surveillance department shall timely comply with any request made by the Board or the Pennsylvania State Police to:

(1) Use, as necessary, any surveillance monitoring room in the licensed facility.

(2) Display on the monitors in the monitoring room any event capable of being monitored by the surveillance system.

(3) Make a video and, if applicable, audio recording of, and take a still photograph of, any event capable of being monitored by the surveillance system.

(i) The slot machine licensee shall preserve and store each recording or photograph in accordance with the directions of the Board or the Pennsylvania State Police.

(ii) The Board and the Pennsylvania State Police shall have unfettered access to each recording or photograph and, at the request of the Board or Pennsylvania State Police, access to a recording or photograph may be denied to a particular employee or department of the slot machine licensee.

(c) The surveillance system required in this section must include the following:

(1) Light sensitive cameras with lenses of sufficient magnification to allow the operator to read information on a slot machine reel strip and credit meter and equipped with 360° pan, tilt and zoom capabilities, without camera stops, to effectively and clandestinely monitor in detail and from various vantage points, the following:

(i) The gaming conducted at the slot machines in the licensed facility.

(ii) The operations conducted at and in the cashiers' cage, any satellite cage, or slot booth and any ancillary office adjacent or proximate thereto.

(iii) The operations conducted at automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machines.

(iv) The count processes conducted in the count room.

(v) The movement of cash and slot cash storage boxes within the licensed facility.

(vi) The entrances and exits to the licensed facility, the gaming floor and the count room.

(vii) Other areas as the Board designate.

(2) Video recording equipment which, at a minimum, must:

(i) Permit the preservation and viewing of a clear copy of the transmission produced by any camera connected to the surveillance system.

(ii) Be capable of superimposing the time and date of the transmission on each recording made by the video recording equipment.

(iii) Enable the operator to identify and locate, through the use of a meter, counter or other device or method, a particular event which was recorded.

(3) Recording media which shall be replaced immediately upon the manifestation of any significant degradation in the quality of the images or sound, if applicable, recorded thereon. If videotape is utilized it shall be used for no more than 1 year.

(4) Audio capability in the count room installed in a manner that conforms to 18 Pa.C.S. §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act).

(5) One or more monitoring rooms in the licensed facility which shall be staffed by employees of the slot machine licensee's surveillance department who shall at all times monitor the activities enumerated in paragraph (1) and elsewhere in the licensed facility as required by the Board. Each monitoring room must be equipped with or serviced by:

(i) A communication system capable of monitoring all of the licensed facility's security department activities.

(ii) Computer terminals which facilitate read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operation.

(iii) Connections to all casino alarm systems. The systems must provide a visible, audible or combination signal. A robbery, fire or emergency alarm must be perceptually distinguishable from all nonemergency alarms in a manner approved by the Board.

(iv) An updated photo library, consisting of photographs that are no more than 4 years old, of all current employees of the slot machine licensee, which photo library shall be available to the Board and the State Police.

(v) Contain and have readily available current copies of the following:

(A) An operational blueprint of the gaming floor and all areas of the licensed facility subject to camera coverage.

(B) Operating procedures addressing the evacuation of the licensed facility in the event of fire or other emergency.

(C) A contingency plan addressing a planned shutdown of the surveillance system and the contingency plan required by subsection (g) addressing any equipment failure that affects the slot machine licensee's monitoring room together with an emergency contact listing with telephone numbers for persons required to be notified of those events.

(6) An emergency power system, tested at intervals not to exceed 6 months, which can be used to operate the surveillance system in the event of a power failure.

(7) A preventive maintenance program, implemented by technicians assigned to the surveillance department, which insures that the entire surveillance system is maintained in proper working order and that the covers over the cameras are cleaned in accordance with a routine maintenance schedule.

(d) Areas subject to camera coverage under this section must contain continuous lighting that is of sufficient quality to produce clear video recordings and still picture reproductions.

(e) In addition to any other requirements imposed by this section, a slot machine licensee's surveillance system must be required to continuously record, during the appropriate times and in the manner indicated in this subsection, transmissions from cameras used to observe the following locations, persons, activities or transactions:

(1) Each transaction conducted at a cashiering location, whether or not that cashiering location services patrons. Coverage of the transaction must include, but not be limited to, recording transmissions from cameras used to observe the face of each person transacting business at each cashiering location from the direction of the cashier.

(2) The main bank, vault, satellite cage, slot booth and other areas as required by the Board.

(3) The collection of slot cash storage boxes.

(4) Any armored car collection or delivery.

(5) Automated bill breaker, voucher redemption, coupon redemption and jackpot payout machines whenever the machines are opened for replenishment or other servicing.

(f) Each slot machine licensee shall maintain a surveillance log of all surveillance activities in the monitoring room. The log shall be maintained by monitoring room personnel in a book with bound numbered pages that cannot be readily removed or shall be maintained in such electronic format the Board approves. The log shall be stored and retained in accordance with § 465.7 (relating

to retention, storage and destruction of books, records and documents). The following information shall be recorded in a surveillance log:

- (1) Date and time each surveillance event commenced.
- (2) The name and Board issued license credential number of each person who initiates, performs or supervises the surveillance.
- (3) Where suspicious activity, suspected or alleged regulatory violations or suspected or alleged criminal activity is involved, the reason for the surveillance, including the name, if known, alias or description of each individual being monitored, and a brief description of the activity in which the person being monitoring is engaged. This entry should also include a notation of the reading on the meter, counter or device specified in subsection (c)(2)(iii) that identifies the point on the video recording at which the event was recorded.
- (4) The time at which each video or audio recording is commenced and terminated, if different than when surveillance commenced or terminated.
- (5) Time each surveillance event terminated.
- (6) A summary of the results of the surveillance.
- (7) A complete description of the time, date and, if known, the cause of any equipment or camera malfunctions, and the time at which the security department was apprised of the malfunction in accordance with the casino licensee's internal controls submitted under § 465.3(d)(5) (relating to internal control systems and audit protocols).
- (g) In accordance with § 465.3(d)(5), each slot machine licensee shall have a contingency plan, to be utilized whenever there is an equipment failure that affects the slot machine licensee's monitoring room or any other aspect of its surveillance system or operations.
- (h) The Board's Bureau of Investigation and Enforcement shall be notified immediately, in a manner the Board determines, of any incident of equipment failure as noted in subsection (f), including the time and cause of the malfunction, if known, the time the slot machine licensee's security department was notified of the malfunction and the nature of any communications with the security department relating to the malfunction.
 - (i) The Board's Bureau of Investigation and Enforcement shall be notified of, in a manner the Board determines, and approves in advance the following:
 - (1) Any relocation of an approved camera.
 - (2) Any change in an approved camera's specifications.
 - (3) Any change in lighting for areas required to be subject to camera coverage.
 - (4) Any addition or change to the surveillance system.
 - (j) Surveillance recordings shall be retained for a minimum of 30 days and shall be made available for review upon request by the Board or the Pennsylvania State Police. In addition, any recording determined by Board agents or the Pennsylvania State Police as being of potential evidentiary value shall be stored in accordance with Board or Pennsylvania State Police directives or turned over to Board agents or the Pennsylvania State Police upon request. At the request and expense of the slot machine licensee, a copy of any recording turned over to the Board or the Pennsylvania State Police may be made available to the slot machine licensee.

(k) Each surveillance employee assigned to the monitoring room shall work from the employee's own monitoring station.

(l) In accordance with § 465.3(a)(5), each slot machine licensee shall be required to submit, for Board approval, a minimum staffing submission with regard to its surveillance monitor rooms. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number of slot machines and must at all times provide for adequate and effective surveillance of activities inside and outside the licensed facility.

(m) A slot machine licensee's surveillance department employees shall be independent of all other departments.

(n) A present or former surveillance department employee may not accept employment as a key employee or gaming employee with the same slot machine licensee for whom he was previously employed as a surveillance department employee unless 1 year has passed since the former surveillance department employee worked in the surveillance department. The Board may, upon the filing of a written petition, waive this restriction and permit the employment of a present or former surveillance department employee in a particular position upon consideration of the following factors:

(1) Whether the former surveillance department employee will be employed in a department or area of operation that the surveillance department monitors.

(2) Whether the surveillance and security systems of the slot machine licensee will be jeopardized or compromised by the employment of the former surveillance department employee in the particular position.

(3) Whether the former surveillance department employee's knowledge of the procedures of the surveillance department would facilitate the commission by any person of irregularities or illegal acts or the concealment of any actions or errors.

(o) Entrances to the surveillance monitoring rooms may not be visible from the gaming floor. Any person entering the surveillance monitoring room who is not an employee of the surveillance department assigned to the monitoring room on the particular shift corresponding to the time of entry shall sign a monitoring room entry log upon entering the monitoring room. The monitoring room entry log shall be:

(1) Maintained in the monitoring room by monitoring room personnel and retained in accordance with § 465.7 (relating to record retention).

(2) Maintained in a book with bound numbered pages that cannot be readily removed or shall be maintained in an electronic format the Board approves.

(3) Signed by each person entering the monitoring room, with each entry containing the following:

(i) The date and time of entering the monitoring room.

(ii) The entering person's name and his department or affiliation.

(iii) The reason for entering the monitoring room.

(iv) The name of the person authorizing the person's entry into the monitoring room.

(v) The date and time of exiting the monitoring room.

(4) Made available for inspection by the Board and Pennsylvania State Police.

§ 465.11. Surveillance system recording formats.

(a) A slot machine licensee may utilize either an analog or digital video recording format provided the format selected incorporates current technology with regard to secure system access, video cameras, monitors, recorders, video printers, switches, selectors and other ancillary equipment and provides for adequate and effective surveillance of activities inside and outside the licensed facility.

(b) Any digital video recording system utilized by a slot machine licensee must be in compliance with the technical standards on digital video recording systems promulgated by rule or order of the Board, as amended or supplemented.

[Pa.B. Doc. No. 06-319. Filed for public inspection February 17, 2006, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 465a]
Digital Video Recording Formats**

This statement of policy applies to the operation of licensed Category 1, Category 2 and Category 3 facilities in this Commonwealth.

Purpose

The purpose of this statement of policy is to provide guidelines for the technical standards for use by slot machine licensees in surveillance of a licensed facility. This statement of policy define the Board's current expectations as to the specifications for digital systems.

Scope

This statement of policy applies to licensed operators of Category 1, Category 2 and Category 3 facilities.

Authority

This statement of policy is adopted under the authority of 4 Pa.C.S. Part II (relating to gaming).

Background

This statement of policy is necessary to establish and provide notice of the technical standards approved by the Board to govern the slot machine licensee's security and surveillance system under § 465.11 (relating to surveillance system recording formats).

Fiscal Impact

This statement of policy will have no appreciable fiscal impact upon the Commonwealth.

Contact Person

Further information is available by contacting the Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

Effective Date

This statement of policy will take effect upon publication in the *Pennsylvania Bulletin*.

Order

The regulations of the Board, 58 Pa. Code, are amended by adding a statement of policy in § 465a.1, to read as set forth in Annex A.

THOMAS A. DECKER,
Chairperson

(Editor's Note: For a document relating to this statement of policy, see 36 Pa.B. 910 (February 18, 2006).)

Fiscal Note: 125-16. No fiscal impact; (8) recommends adoption.

**Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart E. SLOT MACHINE TESTING,
CERTIFICATION AND CONTROL
CHAPTER 465a. TECHNICAL STANDARDS**

Sec.
465a.1. Digital video recording formats.

§ 465a.1. Digital video recording formats.

(a) Any digital video recording system utilized by a slot machine licensee must:

(1) Be capable of recording, and thereafter being viewed, at a minimum of 30 frames or images per second, full screen, in real time.

(2) Have a visual resolution of 640 × 480 pixels or greater unless the Board expressly determines that an alternative visual resolution can achieve the clarity required to meet the purposes of this section.

(3) Be capable of retaining for at least 7 days all images obtained from all approved video cameras.

(4) Have a failure notification system that provides an audible, as well as a visual notification, of any failure in the surveillance system or the digital video recording media storage system.

(5) Have a media storage system that is configured so that a failure of any single component will not result in the loss of any data from the media storage system.

(6) Have no more than eight of the cameras utilized to satisfy the coverage requirements in § 465.10(c)(1) (relating to surveillance system; surveillance department control; surveillance department restrictions), be in the first stage of concentration, unless the slot machine licensee has a fault tolerant or redundant system so there is no loss of data in the event of a failure of a single first stage concentrator.

(b) Remote access to a digital surveillance system from any location outside the surveillance monitoring room may not be permitted without the approval of the Board.

(c) Digital video disks or other storage media produced from the digital video recording system must contain the date and time of recording superimposed thereon, clearly identify the type of media player and software prerequisite to viewing the digital images and identify the video verification encryption code or watermark.

(d) Details with regard to the digital video recording system's video verification encryption code or watermark shall be provided to the Board, at no cost to the Board, prior to the inspection and approval of the system.

(e) The slot machine licensee's contingency plan required under § 465.10(f) must expressly provide that any failure in a digital video recording media storage system must be repaired or replaced within 8 hours of the failure.

(f) The Board may, in its discretion, waive one or more of the requirements or technical standards applicable to a surveillance system upon a determination that the non-conforming surveillance system nonetheless provides for adequate and effective surveillance of activities inside and outside the licensed facility.

[Pa.B. Doc. No. 06-320. Filed for public inspection February 17, 2006, 9:00 a.m.]
