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# PENNSYLVANIA BULLETIN

Volume 36

Number 14

Saturday, April 8, 2006 • Harrisburg, PA

Pages 1625—1732

## Agencies in this issue:

The Governor  
The Courts  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Environmental Quality Board  
Fish and Boat Commission  
Insurance Department  
Pennsylvania Council On Aging  
Pennsylvania Energy Development Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Cosmetology  
State Board of Examiners In Speech-Language and  
Hearing

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
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**No. 377, April 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.

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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.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

#### [4 PA. CODE CH. 7]

[EXECUTIVE ORDER 1980-18, REVISION NO. 4]

#### Code of Conduct

March 15, 2006

Executive Order 1980-18, Part II, is revised to add Part II-A:

*Whereas*, the citizens of the Commonwealth are entitled to confidence in the integrity of the government, including the process by which decisions and administrative actions are rendered by employees of the Commonwealth. Such confidence in the integrity of the government demands that significant contact between Commonwealth executive employees and special interests, lobbyists and those who employ lobbyists seeking to influence the decisions and administrative actions of such employees, be regulated and publicly disclosed, and

*Whereas*, the Constitution of Pennsylvania vests supreme executive power in the Governor, which power includes the prerogative to govern practices and proceedings before executive agencies and to regulate efforts to influence the actions of the executive, creating the responsibility of ensuring that undue or inappropriate influence is not exerted upon employees of the Commonwealth, which could affect the outcome of decisions and administrative actions, and

*Whereas*, the Code of Conduct adopted by Executive Order 1980-18 as amended to the date of this Order ("Code of Conduct"), restricts and requires disclosure of the receipt by employees, appointees and officials of the Executive Branch of the Commonwealth of gifts, gratuities, favors, entertainment, loans or any other thing of monetary value, including in-kind gifts, from persons doing or seeking to do business with the Commonwealth or with interests substantially affected by decisions of Commonwealth officials.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reaffirm the Code of Conduct for Commonwealth employees, and promulgate the following amendments to such Code of Conduct to create provisions regarding Lobbying Disclosure, and order and direct as follows:



Governor

**Fiscal Note:** GOV 06-4. (1) General Fund; (2) Implementing Year 2005-06 is \$138,300; (3) 1st Succeeding Year 2006-07 is \$40,300; 2nd Succeeding Year 2007-08 is \$40,300; 3rd Succeeding Year 2008-09 is \$40,300; 4th Succeeding Year 2009-10 is \$40,300; 5th Succeeding Year 2010-11 is \$40,300; (4) 2004-05 Program—\$N/A; 2003-04 Program—\$ N/A; 2002-03 Program—\$N/A; (7) Commonwealth Technology Services; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter K. CODE OF CONDUCT FOR APPOINTED OFFICIALS AND  
STATE EMPLOYEES

## FINANCIAL DISCLOSURE

**§ 7.164. Required disclosures.**

A person subject to this subchapter shall disclose the following information, as well as information as may be required by the State Ethics Commission:

(1) *Real estate property interests.* In-State and out-of-State real estate property interests including revenue-producing leased facilities and interests in gas, oil, coal or other mineral royalty or lease. The home of principal residence is to be excluded. The required schedule must include, for each disclosed interest:

(i) The name and nature of the property, its street or mailing address and a description thereof.

(ii) The nature and extent of the interest held, including conditions or encumbrances upon the property interest and partners in the interest.

(iii) The identity of the person from whom the interest was acquired, the data thereof and the manner of the transfer or conveyance.

(iv) The transfer of real property interest since the last required report was filed or since appointment or election, whichever occurs later. A description of the transferred interest, consideration received for it and the identity of the transferee is required.

(2) *Personal economic interests.* Investments, including, but not limited to, stocks, notes, bonds, consulting arrangements and the like, in an in-State or out-of-State business entity, whether or not the entity is involved in a transaction involving the Commonwealth. The required schedule must include for each interest:

(i) The name and address of the principal office of the business entity.

(ii) The nature of interest held, including conditions and encumbrances.

(iii) The transfer of an interest or portion of an interest since the last required report was filed or since appointment or election, whichever is later. A description of the transferred interest and the identity of the transferee must be required.

(3) *Business interests.* Interests, including, but not limited to, stocks, notes, bonds, partnerships, joint ownerships, proprietorships and the like in a business entity or not-for-profit entity doing business with the Commonwealth, if known. For purposes of this schedule, the term includes not only a personal economic interest but also interests such as nonpaid memberships on boards of directors of business entities or not-for-profit entities. The required schedule shall include for each interest:

(i) The name and address of the principal office of the business entity.

(ii) The nature and dollar value of interest held, including conditions and encumbrances on it.

(iii) The transfer of an interest or portion of an interest since the last required report was filed or since appointment or election, whichever is later. A description of the transferred interest and the identity of the transferee is required.

(4) *Gifts.* Gifts of a value in excess of \$100, including the forgiveness of a debt, received since the last required report was filed or since appointment or election, whichever is later. For the purposes of this section, a gift from a family member is not required to be disclosed. The required schedule must include:

(i) The nature and value of the gift.

(ii) The identity of the person from whom, or on behalf of whom directly or indirectly, the gift was received.

(5) *Employment—excluding Commonwealth employment.* Payments, compensation or consideration of any nature for services rendered or to be rendered. Payments, compensation or consideration includes, but is not limited to, offices, directorships, salaried employment, consultant fees, honoraria, travel and related expenses and other fees earned since the last required report was filed or since appointment or election, whichever is later. This required report must include:

(i) The name and address of the office of the person for whom the services are or will be rendered.

(ii) The title or nature of the service.

(iii) The total amount of compensation or consideration received.

(6) *Liabilities.* Liabilities owed to a person or institution since the last required report was filed, or since appointment or election, whichever is later, excluding retail credit accounts, commercial banks, savings and loan and finance companies. This required schedule must include:

(i) The identity of the person or institution to whom the liability is owed.

(ii) The terms of payment of the liability.

(iii) The amount of liability.

(iv) The manner in which the liability was secured.

(v) Changes in the nature or amount of a liability since the last required report was filed.

(7) *Severance arrangements and proceeds received.* In addition to the information in paragraphs (1)—(6), individuals required to file statements of financial interest shall, within 30 days from the date they assume office, disclose severance payments received or to be received, or proceeds received or to be received from the sale or redemption of their interest in a corporation—which represents 5% or more of the common stock or assets of the corporation—professional corporation, partnership or other entity, which payments or proceeds result from the termination of employment or withdrawal from a corporation, professional corporation, partnership or other entity upon the assumption of public office. The individual shall file with the statement of financial interest copies of agreements relating to the receipt of the severance payments or proceeds.

(8) *Severance arrangements concluded 30 days after assuming office.* If a severance arrangement or sale or redemption of an interest specified in paragraph (7) is concluded more than 30 days following the date on which an individual assumes office, he shall, within 10 days following the conclusion of this transaction, update the information provided under paragraph (7) by disclosing payments or proceeds received or to be received and filing agreements relating to the payments or proceeds.

(9) *Current officeholders or employees.* Individuals required to file statements of financial interest, currently holding office or employed by the Commonwealth, who have not previously filed the information required under paragraphs (7) and (8), shall file the information by November 3, 1987.

(10) *Lobbying disclosure.*

(i) *Scope.* The Governor may require lobbyists to file lobbying disclosure statements and expense reports with respect to their activities and attempts to influence Commonwealth employees under the jurisdiction of the Governor who have decision-making authority over certain decisions and administrative actions.

(ii) *Lobbyist registration and financial disclosure.*

(A) *Registration requirement.* A lobbyist, as of March 15, 2006, or anytime prior to March 31, 2006, shall register with the Office of Administration within 5 days after March 31, 2006. After March 31, 2006, a lobbyist required to register under this paragraph shall register within 5 days prior to lobbying an employee. Registrations must be in electronic form, except as provided in subparagraph (iii). An individual who engages in lobbying activities with respect to the executive branch shall register as a lobbyist whether or not the corporation, firm or principal with whom he is employed or engaged has registered or employs other registered lobbyists. Registration shall be biennial, except for calendar year 2006, and shall expire on November 30 of each even-numbered year. The required registration must include the name of the lobbyist, the lobbyist's business address, employer, and daytime telephone number, and the name, principal business address and daytime telephone number of each principal the lobbyist represents. Any subsequent change in the registration information, including a termination of representation, shall be made within 14 days of the change.

(B) *Previous employment.* The lobbyist shall include information about any previous employment by any Commonwealth agency or the General Assembly.

(C) *Lobbying coalition.* If the lobbyist is a member of a lobbying coalition as defined in this paragraph, the lobbyist shall register his participation in the lobbying coalition, and shall list the names of all lobbyists and organizations participating in the coalition and the subject matter of the action that they are attempting to influence.

(D) *Exclusion from registration.* The following individuals and activities are exempt from registration and reporting under this paragraph:

(I) An individual who limits lobbying activities to preparing testimony and testifying before an agency within the executive branch.

(II) An individual who is an employee of an entity engaged in the business of publishing, broadcasting or televising while engaged in the gathering and dissemination of news and comment thereon to the general public in the ordinary course of business.

(III) Any of the following:

(-a-) An individual who does not receive compensation, other than traveling expenses, for lobbying.

(-b-) An individual whose compensation for lobbying, from all principals represented, does not exceed \$2,500 in the aggregate during any calendar quarter of the previous 24 months.

(-c-) An individual who engages in lobbying on behalf of the individual's employer and whose lobbying activity involves expense less than \$2,500 of the value of the employee's time during any calendar quarter of the previous 24 months, based on an hourly proration of the employee's annual compensation.

(-d-) An individual, other than a lobbyist, whose total expenses for lobbying purposes do not exceed \$2,500 during any reporting period.

(IV) Any of the following:

(-a-) An elected State officer acting in an official capacity.

(-b-) A State executive officer appointed by the Governor acting in an official capacity.

(-c-) An elected or appointed official or employee of a political subdivision of this Commonwealth acting in an official capacity.

(-d-) An employee of the Commonwealth or independent agency of the Commonwealth acting in an official capacity.

(V) Submitting material in connection with the Regulatory Review Act (71 P. S. §§ 745.1—745.15) or similar statute when comments are already subject to public scrutiny.

(VI) An employee, who is not a registered lobbyist, of a corporation, which meets the following conditions:

(-a-) Is a principal under this rule.

(-b-) Has one or more registered lobbyists.

(-c-) Includes that employee's expenses related to lobbying in the reports of the registered lobbyists.

(VII) Any individual representing a bona fide church of which the individual is a member who engages in lobbying solely for the purpose of protecting the constitutional right to the free exercise of religion.

(E) *Expense reports.*

(I) A registered lobbyist shall, under oath or affirmation, file in electronic form (except as provided in subparagraph (iii)) quarterly expense reports with the Secretary of the Office of Administration. Expense reports must list, by each principal represented by the lobbyist, the general subject matters or issues being lobbied, including the legislative bill number, if any. A quarterly expense report shall be filed no later than 30 days following the end of each calendar quarter reflecting expenses incurred during the preceding calendar quarter beginning with the quarter ended June 30, 2006. A lobbyist shall retain all documents reasonably necessary to substantiate the reports to be made under this section for at least 4 years from the date of filing the subject report. Upon request by the Secretary, these materials shall be made available for inspection within a reasonable period of time. Expense reports must include the following categories for each principal and by subject matter, including, the legislative bill number when applicable:

(-a-) A single aggregate good faith estimate of the total amount spent for personnel and office expenses related to lobbying all Commonwealth employees subject to this paragraph.

(-b-) A single aggregate good faith estimate of the total amount spent for direct communication to all Commonwealth employees subject to this paragraph.

(-c-) A single aggregate good faith estimate of the total amount spent for indirect communication to all Commonwealth employees subject to this paragraph.

(-d-) The total costs for gifts, entertainment, meals, transportation, lodging and receptions, given or provided to all employees subject to this paragraph; together with a description of the assumptions or methodology used to make the estimate required by items (-a-)—(-c-). Each estimate must be based on reasonable allocations of costs consistently applied.

(II) The expense report must also identify, by name, position and each occurrence, a Commonwealth employee subject to this paragraph who receives from a lobbyist anything of value, including in-kind gifts, which must be included in the statement under 65 Pa.C.S. § 1105(b)(6) and (7) (relating to statement of financial interests) as implemented by 65 Pa.C.S. § 1105(d). For the purpose of this paragraph, the amount referred to in 65 Pa.C.S. § 1105(b)(7) shall be considered an aggregate amount per year. Written notice shall be given to each Commonwealth employee subject to this paragraph referenced in the expense report within 7 days of the report's submission to the Office of Administration. A notice must include the information which will enable the Commonwealth employee subject to this paragraph to comply with 65 Pa.C.S. § 1105(b)(6) and (7).

(III) Nothing in this paragraph prohibits a lobbyist from reporting expenses in greater detail than required by this rule nor from reporting information not required by this paragraph.

(iii) *Registry and forms.*

(A) The Office of Administration shall create a lobbyist registry in electronic form which shall be the repository for all registration statements and expense reports for lobbyists required to register under this subpara-

graph. The Secretary shall develop and make available forms and procedures for registration in electronic form of lobbyists and lobbying coalitions, and quarterly expense reports to be filed electronically. If, at any time, the Office of Administration does not have registration and expense report forms available, lobbyists shall provide the basic information listed in subparagraph (ii) to the Office of Administration on the lobbyist's letterhead.

(B) The Secretary shall publish this paragraph and the entire Code of Conduct on the Commonwealth's Internet website, and shall send a notice to every lobbyist currently registered with the Senate, notifying the lobbyist of the requirements of this paragraph.

(IV) *Public access.* By September 11, 2006, and in the absence of legislation which may provide similar or greater reporting requirements than this paragraph, the Secretary shall:

(-a-) Make all lobbying registration forms, lobbying coalition forms and expense reports available for public inspection, and provide copies of these documents at a price which may not exceed the actual cost of copying.

(-b-) Maintain and from time to time but not less than annually publish a listing of registered lobbyists.

(-c-) Develop a database on the basis of information reported under subparagraph (iii), and make the database available to the public on the Commonwealth's Internet website. The database must be capable of being searched according to any of the following categories: lobbyist, principal and subject matter, including legislative bill number.

(V) *Definitions.* The following words and terms, when used in this paragraph, have the following meanings, unless the context clearly indicates otherwise:

*Agency*—A Commonwealth agency, board, commission, authority or department within the executive branch under the Governor's jurisdiction or to which the Governor makes nominations or appointments, or both.

*Contact*—Direct or indirect contact with a lobbyist, and initiated by a lobbyist, the purpose of which is to influence a decision or administrative action for which the employee has decision-making authority or a duty to act.

*Decision or administrative action*—A matter over which an employee has decision-making authority or influence and which is currently pending or expected to occur in the future, including, but not limited to:

(i) Legislative-related matters, including:

(A) The Governor's approval, veto or consideration of legislation.

(B) Negotiation of the elements of, or support or opposition to, legislation with any members or staff of the General Assembly.

(C) Any action by a Commonwealth employee which is intended to influence or attempt to influence the decisions of the General Assembly.

(ii) Budgetary matters, including:

(A) The inclusion or exclusion of items in the Governor's Budget.

(B) Any expenditure of funds after enactment of the Budget.

(C) Any expenditure of capital funds.

(iii) Administrative matters, including:

(A) Implementation of a statute.

(B) Proposal, consideration, promulgation, amendment, approval, rejection or rescission of a regulation.

(C) Development or modification of a guideline or a statement of policy or any amendment thereto.

(D) The Governor's proposal, consideration, promulgation, amendment, approval, rejection or rescission of an executive order.

(E) The nomination or appointment by the Governor of an individual as an officer or employee or appointee of the Commonwealth.

(F) Seeking to influence the awarding, rejection or rescission of a grant, loan, or contract or any amendment thereto.

(G) Seeking to influence an employee with respect to decisions before independent agencies, boards or commissions, including those over which the Governor has the power to appoint one or more members.

*Decision-making authority*—The responsibility and authority to act on behalf of the Commonwealth involving the exercise of discretion and not mere performance of a ministerial duty.

*Direct communication*—An effort, whether written, oral or by any other medium, made or commissioned by a lobbyist, directed to a member or employee of the executive branch, the purpose or foreseeable effect of which is to influence executive branch decisions or administrative actions.

*Employee*—Any of the following officials and employees of the Commonwealth who have decision making authority:

(i) The Governor.

(ii) The Lieutenant Governor.

(iii) Heads of agencies and departments, their respective deputy secretaries, all Commonwealth officials or employees at the level of division chief and above, and all attorneys, press secretaries, legislative liaisons, and executive and special assistants.

(iv) Chairpersons and members of boards, councils, and commissions or the like, under the Governor's jurisdiction, except those serving on advisory boards having no authority to expend funds or otherwise exercise the power of the Commonwealth.

(v) Executive directors, counsel and administrative secretaries of compensated boards and commissions under the Governor's jurisdiction.

(vi) Employees of all classes required to file financial disclosure under 65 Pa.C.S. Chapter 11 (relating to Public Official and Employee Ethics Act).

*Indirect communication*—

(i) An effort, whether written, oral or by any medium other than direct communication, made or commissioned by a lobbyist or a principal, to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence executive branch decisions or administrative action.

(ii) The term includes letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues.

(iii) The term does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

*Lobbying*—Action taken for the purpose of influencing the exercise of discretion by an employee with respect to a decision or administrative action.

*Lobbyist*—

(i) Any individual, firm, association, lobbying coalition, corporation, partnership, business trust or business entity that engages in lobbying on behalf of a principal for economic consideration.

(ii) For purposes of this paragraph, the term includes any person or entity that has registered as a lobbyist in compliance with the Rules of the Senate or with the Rules of the House of Representatives, if so required, and an attorney who engages in activities which are not the practice of law, but which are lobbying and which may be regulated consistent with 204 Pa. Code Rule 1.19 (relating to lawyers acting as lobbyists) of the Rules of Professional Conduct of the Supreme Court.



*Lobbyist coalition—*

(i) Three or more lobbyists or principals, or both, who are formally acting together to influence a decision or administrative action.

(ii) The term includes, but is not limited to, a group of three or more persons formed primarily to influence legislative or administrative action, whose members make payments to the coalition for the purpose of sharing the expenses of employing a lobbyist or contracting for the services of a lobbyist.

*Principal—*Any individual, firm, association, corporation, partnership, business trust or business entity who expends more than \$2,500 on lobbying per quarter during any quarter of a reporting 24-month period and meets one of the following conditions:

(i) On whose behalf a lobbyist influences or attempts to influence a decision or administrative action.

(ii) Who engages in lobbying on his own behalf.

*Secretary—*The Secretary of the Office of Administration.

[Pa.B. Doc. No. 06-561. Filed for public inspection April 7, 2006, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Notice of Veto

March 24, 2006

*To the Honorable Senate  
of the Commonwealth of Pennsylvania*

I am returning Senate Bill 435 without my approval.

The doctrine of joint and several liability has been handed down to us from English common law and has prevailed in this country for over 200 years. But it has become apparent in our industrialized society that this doctrine has produced inequitable and unfair results that have had a detrimental impact on businesses. Several years ago, a Pennsylvania company, Crown Cork & Seal, was held responsible for 100 percent of the damages in an asbestos class action when it had caused less than three percent of the injuries. The other companies that had caused the vast majority of harm were bankrupt and out of business, leaving Crown Cork & Seal with the responsibility of paying nearly \$250 million in damages. This is not an isolated example by any means. A business leader for whom I have the utmost respect, Alan Miller of Universal Health Systems, sent me several examples of hospitals that were forced to pay 100 percent of significant damage claims where the hospital liability was nominal.<sup>1</sup>

For these reasons, I said in my campaign for Governor that I believed Pennsylvania must enact some limits on the doctrine of joint and several liability to protect Pennsylvania businesses from such unfair and inequitable results.

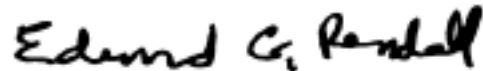
I still believe that we need these limits. But I am vetoing Senate Bill 435 because it does not effectively balance the critical needs of victims who should be adequately compensated for their injuries with the reasonable needs of businesses to limit their exposure to liability for damages caused by other parties.

<sup>1</sup> I also note that while Senate Bill 435 could benefit some businesses with substantial resources, it would put many other businesses—particularly smaller companies—at risk. In fact, this bill offers sophisticated, well-financed corporations defending themselves against negligence claims a strong incentive to join smaller companies who have fewer financial resources as parties to the litigation. By joining a smaller business, the large corporation can limit its exposure because the presence of the joined party as a defendant will likely reduce the joining corporation's liability under the 60 percent threshold set by Senate Bill 435 for assignment of joint and several liability. As a result, while the larger corporation's exposure may be limited, the smaller business is trapped in a lawsuit that it may have never been party to if Senate Bill 435 were not law. Senate Bill 435 also ignores the needs of small businesses in another way. It fails to protect responsible retailers and suppliers who unwittingly sell a defective product. Proposed amendments to the bill would have shielded such suppliers and retailers from liability, but these amendments were defeated. Without these important protections, I believe that Pennsylvania's independent retailers and suppliers will continue to suffer from unfair lawsuits at perhaps an even higher rate because large manufacturers will increasingly join retailers in an effort to ensure no one entity is assigned more than 60 percent of the liability.

In the days since the passage of Senate Bill 435, I have received letters from many business associations and business leaders whom I greatly respect all urging me to sign this legislation into law. I have also received many letters from union and consumer groups (such as the American Association of Retired Persons and Mothers Against Drunk Driving) all urging me to veto this legislation. Just as our businesses have given me telling examples of the unfairness and harm that is caused to them by the current law, consumer organizations have given me just as telling examples of how victims—many times the children of parents killed by negligent actions—would be left without adequate compensation for their loss.

I believe we must find a better way—a law that will balance the equities between our businesses and the victims of negligence. During the debate on this issue, there were bipartisan attempts in both chambers of the General Assembly to achieve an appropriate balance, but both failed narrowly. Senator Stewart Greenleaf, and Representative Thomas Gannon, both thoughtful Republican legislators, championed these efforts. Though these proposals were not perfect, they sought to achieve a fair balance.

Too often in today's society we are faced with two sides dramatically opposed that are totally polarized and unwilling to work together to resolve differences. While I am vetoing Senate Bill 435, I believe that legislative leaders and I should convene a meeting of business leaders, union leaders, representatives of consumer groups, legal associations and other interested parties to work out legislation that will resolve these differences and strike the appropriate balance.



*Governor*

[Pa.B. Doc. No. 06-562. Filed for public inspection April 7, 2006, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE OF LAW [204 PA. CODE CH. 71]

Amendment of Rule 201 of the Pennsylvania Bar Admission Rules; No. 389 Supreme Court Rules; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 21st day of March, 2006, Rule 201 of the Pennsylvania Bar Admission Rules is amended to read as follows.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendment adopted hereby shall be effective immediately.

Madame Justice Baldwin did not participate in the decision of this matter.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE OF LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

#### Subchapter B. ADMISSION TO THE BAR GENERALLY

#### IN GENERAL

**Rule 201. Bar of the Commonwealth of Pennsylvania.**

\* \* \* \* \*

*(c) Changes in status under Enforcement Rules. An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, or foreign legal consultant:*

(1) may be disbarred, suspended or transferred to inactive status and may be readmitted or otherwise reinstated pursuant to the Enforcement Rules [ administered by The Disciplinary Board of the Supreme Court of Pennsylvania. ];

(2) may have such admission to the bar or limited license to practice law revoked or another appropriate sanction imposed pursuant to the Enforcement Rules when the attorney made a material misrepresentation of fact or deliberately failed to disclose a material fact in connection with an application submitted under these rules that is not discovered prior to the attorney being admitted to the bar or issued a limited license to practice law.

(d) *Certification of good standing.* Upon written request and the payment of a fee of \$25.00 the Prothonotary shall issue a certificate of good standing to any member of the bar of this Commonwealth or limited licensed attorney entitled thereto. The certificate shall be one appropriate for admission to the bar of the federal courts and other state courts. A certificate of good standing shall not be issued to a member of the bar of this Commonwealth or limited licensed attorney who currently is the subject of:

\* \* \* \* \*

(3) a petition for transfer to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated).

#### Official Note:

\* \* \* \* \*

**If a person's admission to practice law or limited license to practice law as an in-house corporate counsel or foreign legal consultant is revoked for a material misrepresentation or omission, the person will be required to reapply de novo. Any such persons who are seeking admission to practice law must meet all of the requirements for admission to the bar, including the taking and passing of the current bar examination if more than three years have passed since the prior certificate recommending the person's admission to the bar was issued by the Board. At the time of reapplication, the Board will make a determination as to the applicant's character and fitness to practice law, taking into account all of the existing character issues, including the prior misrepresentation or omission.**

[Pa.B. Doc. No. 06-563. Filed for public inspection April 7, 2006, 9:00 a.m.]

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rules 203 and 204 of the Pennsylvania Rules of Disciplinary Enforcement; No. 51 Disciplinary Rules; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 21st day of March, 2006, Rules 203(b) and 204(a) of the Pennsylvania Rules of Disciplinary Enforcement are amended to read as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

Madame Justice Baldwin did not participate in the decision of this matter.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 203. Grounds for discipline.

\* \* \* \* \*

(b) The following shall also be grounds for discipline:

\* \* \* \* \*

(6) Making a material misrepresentation of fact or deliberately failing to disclose a material fact in connection with an application submitted under the Pennsylvania Bar Admission Rules.

\* \* \* \* \*

Rule 204. Types of discipline.

(a) Misconduct shall be grounds for:

\* \* \* \* \*

(7) Revocation of an attorney's admission or license to practice law in the circumstances provided in Rule 203(b)(6) (relating to grounds for discipline).

\* \* \* \* \*

[Pa.B. Doc. No. 06-564. Filed for public inspection April 7, 2006, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Civil Rules 229.1 and \*3129.2(b)(1); President Judge General Court Regulation No. 2006-01

Order

And Now, this 29th day of March, 2006, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 16, 2006 to adopt Philadelphia Civil Rules 229.1 and \*3129.2(b)(1), It Is Hereby Ordered that Philadelphia Civil Rules 229.1 and \*3129.2(b)(1) are adopted as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and shall become effective thirty (30) days after publication in the Pennsylvania Bulletin. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued

by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts for publication on its website, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, The Legal Intelligencer, 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

C. DARNELL JONES, II, Administrative Judge

Philadelphia Civil Rule 229.1 Settlement Recommendations, Demands and Offers.

From time to time, a judge may recommend a settlement amount, and a party may make a settlement demand or offer. Any settlement amount, demand or offer made shall be communicated forthwith to the client by his, her or its counsel.

Adopted by the Board of Judges on February 16, 2006.

Philadelphia Civil Rule \*3129.2(b)(1)

(A) For the purpose of Pa.R.C.P. 3129.2(b)(1), which specifies the contents of the handbills required to be posted by the Sheriff, and for the purpose of Pa.R.C.P. 3129.2(d), which requires the publication in newspapers of the information contained in the handbill, the requirement of "a brief description of the property to be sold, its location [ and ] any improvements" shall be satisfied, in the case of Residential Properties consisting of four (4) units or less, by providing the following information:

(a) for "location": the street address of the property with the zip code, extended zip code if available, and ward number;

(b) for "a brief description of the property": the approximate size of the property in square feet or acres and the Philadelphia Board of Revision of Taxes (BRT) account number—designated as follows: "BRT # XXXXXXXXX"; and

(c) for "improvements": the words "Residential Property."

(B) Plaintiff, when preparing a Writ of Execution for transmission to the Sheriff, shall include therein a description which conforms to the requirements of this Rule.

(C) The Sheriff's conditions for sale shall provide the following paragraph in bold:

**"Prospective purchasers are directed to the Philadelphia Board of Revision of Taxes (BRT) Website (http://brtweb.phila.gov) for a fuller description of the properties listed. Properties can be looked up by the BRT number, which should be cross-checked with the address. Prospective purchasers are also directed to the Philadelphia Department of Records, at Room 154 City Hall, Philadelphia, PA**

215-686-1483 and to its Website at <http://philadox.phila.gov>, where they can view the deed to each individual property and find the boundaries of the property. PROSPECTIVE PURCHASERS ARE RESPONSIBLE FOR DETERMINING THE NATURE, LOCATION, CONDITION AND BOUNDARIES OF THE PROPERTIES THEY SEEK TO PURCHASE."

The Sheriff's condition of sale shall add to the "Explanation" section the following:

The "BRT #" refers to a unique number assigned by the Philadelphia Board of Revision of Taxes to each property in the City for the purpose of assessing it for taxes. This number can be used to obtain descriptive information about the property from the BRT Website.

#### Explanatory Comment

The Pennsylvania Rules of Civil Procedure require that notice of the sale of Real Property provide inter alia, "a brief description of the property to be sold, and any improvements . . ." In Philadelphia County, these descriptions have generally included a description of the property that includes the metes and bounds defining the lot. Such a description, sufficient under the holdings of the Pennsylvania Supreme Court in *Shimkus v. Klimatis*, 377 Pa. 546 (Pa. 1954) and *Senge v. Border*, 319 Pa. 481, 483 (Pa. 1935), is not necessary and results in descriptions that are lengthy and uninformative. See *Nutt v. Berlin Smokeless Coal & Clay Mining Co.*, 262 Pa. 417 (Pa. 1918) (Advertisement which simply refers to the number of the warrant of a tract of land is a sufficient description). The length of the descriptions results in unnecessary costs being borne by the judgment creditors initiating the sale or by the judgment debtors. This situation is particularly problematic when the advertising costs become an obstacle to a homeowner preventing the sale through reinstatement of the mortgage. The metes and bounds description is also not helpful in that it does not necessarily provide meaningful information regarding the type of property that is being sold and has resulted in confusion for buyers. This Rule seeks to remedy both of those problems as it relates to the sale of Residential Properties consisting of four (4) or fewer dwelling units by permitting a notice that is both shorter and more informative than the metes and bounds description currently being used, thereby saving costs and reducing potential confusion.

**Adopted by the Board of Judges on February 16, 2006.**

[Pa.B. Doc. No. 06-565. Filed for public inspection April 7, 2006, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CARBON COUNTY

Adoption of Local Rule of Civil Procedure 1301  
Scope—Arbitration; 04-1727

#### Administrative Order No. 8-2006

*And Now*, this 23rd day of March, 2006, pursuant to Pennsylvania Rule of Civil Procedure 1301 and to incorporate the limits established by Pa.C.S.A., § 7361, it is hereby *Ordered* and *Decreed* that, effective immediately, the Carbon County Court of Common Pleas hereby *Adopts* Local Rule of Civil Procedure CARB.R.C.P. 1301 governing Carbon County's existing practice of submitting actions to compulsory arbitration.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection a copy of the Order in the Prothonotary's Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

#### Rule 1301—Scope

All civil cases where the amount in controversy (exclusive of interest and costs) shall be Thirty-Five Thousand (\$35,000.00) Dollars or less, except those involving title to real estate, shall first be submitted to a Board of Arbitrators in accordance with Section 7361 of the Judicial Code, 42 Pa.C.S.A. § 7361. The amount in controversy shall be determined from the pleadings. The Court may on its own motion or upon the motion of any parties strike from the trial list and certify for arbitration any case which should have been arbitrated in the first instance.

[Pa.B. Doc. No. 06-566. Filed for public inspection April 7, 2006, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### DEPARTMENT OF EDUCATION

#### [22 PA. CODE CH. 171]

#### Interim Standards for Auditing of Approved Private Schools and Chartered Schools for the Education of Deaf and Blind Children

The Secretary of Education (Secretary) amends Chapter 171 (relating to standards for approved private schools) to read as set forth in Annex A. The Secretary is acting under the authority of sections 1376(c.8) and 1376.1(f.5) of the Public School Code of 1949 (code) (24 P. S. §§ 13-1376(c.8) and 13-1376.1(f.5)), which were added by section 5 of the act of July 13, 2005 (P. L. 226, No. 46) (Act 46). Sections 1376(c.8) and 1376.1(f.5) of the code empower the Department of Education (Department) to promulgate interim standards for auditing of approved private schools and the four chartered schools for the education of the deaf and the blind (schools).

#### *Purpose*

The objective of these audit standards is to ensure that revenues provided by the Commonwealth for approved students and the expenses of the schools have been presented appropriately in accordance with Generally Accepted Accounting Principles (GAAP).

Section 171.202 (relating to general guidelines) provides general guidelines on how this is accomplished.

Section 171.203 (relating to form of records) updates recordkeeping requirements and allows schools the alternative of maintaining their financial records in electronic form.

Section 171.204 (relating to related party transactions) regulates the disclosure of related party transactions in the school audits. This section defines relevant terms so that proper reporting and recording may take place.

Section 171.205 (relating to exceptions to Generally Accepted Accounting Principles) sets forth the exceptions to the usual criteria of GAAP. The expenses listed in this section are not to be included in the audit report filed with the Department.

Section 171.206 (relating to administrative costs) defines administrative costs and identifies costs that are subject to the 10% cap provided for in statute. It also identifies cost exceptions to the 10% cap.

Section 171.207 (relating to payments in excess of expenditures) sets forth the timelines and process the Commonwealth will utilize in recouping from the schools any unspent revenues provided to the schools for the provision of services to children who have been approved through the PDE-4010 process.

#### *Fiscal Impact and Paperwork Requirements*

The interim standards are necessary to ensure that the approved private schools and the chartered schools for deaf or blind children continue to receive predictable funding and to reform the audit structure, thereby enhancing each school's ability to focus on students and programs. The interim standards will result in a 20% to 30% increase in audit cost to the schools. There will be no increase in cost to the Commonwealth. These interim standards do not impose additional paperwork requirements.

#### *Affected Parties*

The interim standards affect the approved private schools and the chartered schools for deaf or blind children in this Commonwealth.

#### *Regulatory Review*

Under sections 1376(c.8) and 1376.1(f.5) of the code, these interim standards are exempt from the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

#### *Effective Date*

These interim standards will be effective upon publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

The sunset date for these interim standards is June 30, 2007.

#### *Contact Person*

Questions regarding these interim standards should be directed to Esther Beck, Chief, Division of Early Intervention and Support Services, Bureau of Special Education, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333. (717) 783-6906.

#### *Findings*

The Department finds that:

(1) Proposed rulemaking in advance of the promulgation of standards is not required under sections 1376(c.8) and 1376.1(f.5) of the code, which expressly provides that the standards are exempt from sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law (71 P. S. §§ 1201—1205).

(2) The promulgation of these interim standards is necessary for compliance with sections 1376(c.8) and 1376.1(f.5) of the code.

#### *Order*

The Secretary orders that:

(a) The standards of the Department, 22 Pa. Code Chapter 171, are amended by deleting §§ 171.40—171.43, 171.45, 171.48, 171.50, 171.55, 171.60, 171.65, 171.70, 171.74, 171.80, 171.82, 171.85, 171.90, 171.95, 171.100, 171.105, 171.110, 171.115, 171.120, 171.125, 171.130, 171.135, 171.137, 171.139, 171.140, 171.142, 171.145, 171.147, 171.150, 171.153, 171.155, 171.160, 171.165, 171.170, 171.173, 171.175, 171.177, 171.180, 171.185, 171.190, 171.194 and 171.195 and by adding §§ 171.201—171.207 to read as set forth in Annex A.

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

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

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

**Fiscal Note:** Fiscal Note 6-299 remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 22. EDUCATION

## PART XII. BASIC EDUCATION

## CHAPTER 171. STANDARDS FOR APPROVED PRIVATE SCHOOLS

## Subchapter B. [ Reserved ]

## §§ 171.40—171.43. (Reserved).

§ 171.45. (Reserved).

§ 171.48. (Reserved).

§ 171.50. (Reserved).

§ 171.55. (Reserved).

§ 171.60. (Reserved).

§ 171.65. (Reserved).

§ 171.70. (Reserved).

§ 171.74. (Reserved).

§ 171.80. (Reserved).

§ 171.82. (Reserved).

§ 171.85. (Reserved).

§ 171.90. (Reserved).

§ 171.95. (Reserved).

§ 171.100. (Reserved).

§ 171.105. (Reserved).

§ 171.110. (Reserved).

§ 171.115. (Reserved).

§ 171.120. (Reserved).

§ 171.125. (Reserved).

§ 171.130. (Reserved).

§ 171.135. (Reserved).

§ 171.137. (Reserved).

§ 171.139. (Reserved).

§ 171.140. (Reserved).

§ 171.142. (Reserved).

§ 171.145. (Reserved).

§ 171.147. (Reserved).

§ 171.150. (Reserved).

§ 171.153. (Reserved).

§ 171.155. (Reserved).

§ 171.160. (Reserved).

§ 171.165. (Reserved).

§ 171.170. (Reserved).

§ 171.173. (Reserved).

§ 171.175. (Reserved).

§ 171.177. (Reserved).

§ 171.180. (Reserved).

§ 171.185. (Reserved).

§ 171.190. (Reserved).

§ 171.194. (Reserved).

§ 171.195. (Reserved).

## Subchapter C. INTERIM AUDIT STANDARDS

Sec.

171.201. Purpose and applicability.

171.202. General guidelines.

171.203. Form of records.

171.204. Related party transactions.

171.205. Exceptions to Generally Accepted Accounting Principles.

171.206. Administrative costs.

171.207. Payments in excess of expenditures.

## § 171.201. Purpose and applicability.

(a) The purpose of these audit standards is to ensure that revenues provided by the Commonwealth for students whose placement in the approved private school has been approved by the Department have been spent on the provision of education services, including residential services in some cases, to children who are residents of this Commonwealth and who have been approved by the Department under § 171.16 (relating to assignment).

(b) These interim standards apply to audits conducted after July 1, 2005, and will apply until final standards are promulgated.

## § 171.202. General guidelines.

An approved private school shall maintain an accounting and bookkeeping system in accordance with the following standards:

(1) Accounts shall be kept in accordance with Generally Accepted Accounting Principles (GAAP) as defined by the American Institute of Certified Public Accountants, except as modified by § 171.205 (relating to exceptions to Generally Accepted Accounting Principles).

(2) Costs shall be properly assigned to a specific cost objective and indirect costs shall be allocated to direct costs. If multiple cost objectives are involved, financial information shall be segregated by cost objective in the bookkeeping records.

(3) Bookkeeping records must include the following:

(i) Cash receipts journal.

(ii) Cash disbursements journal.

(iii) General ledger.

(iv) Payroll journal.

(v) Fixed asset and depreciation listings.

(4) Adequate documentation to verify postings shall be maintained. The documentation must include the following:

(i) Purchase orders.

(ii) Customer invoices.

(iii) Vendor invoices.

(iv) Cash remittance advices.

(v) Employee expense reports.

(vi) Employee time records.

(5) A payroll shall be prepared and supported by appropriate documentation authorizing the rate of pay and employee time records, when necessary.

(6) A school shall maintain all pertinent financial records, including cost allocation worksheets, for 3 years after submission of the audit report.

(7) Schools shall submit audits to the Department by November 1 of each year.

(8) School audits shall be conducted by an independent certified public accountant.

## § 171.203. Form of records.

The financial records that are required to be created and maintained under these standards may be in electronic form, rather than paper form.

## § 171.204. Related party transactions.

(a) Related party transactions will be presented and disclosed in accordance with Generally Accepted Accounting Principles.

(b) Related parties include the following:

(1) Affiliates of the enterprise.

(2) Entities for which investments are accounted for by the equity method by the enterprise.

(3) Trusts for the benefit of employees, such as pension and profit-sharing trusts that are managed by or under the trusteeship of management.

(4) Principal owners of the enterprise and its management.

(5) Members of the immediate families of principal owners of the enterprise and its management.

(6) Other parties with which the enterprise may deal if one party controls or can significantly influence the management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests.

(c) Another party also is a related party if it can significantly influence the management or operating policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

**§ 171.205. Exceptions to Generally Accepted Accounting Principles.**

The schedule of expenses prepared by the school shall be presented in accordance with Generally Accepted Accounting Principles, with the exception of the following, which will not be included:

- (1) Bad debts.
- (2) Unsubstantiated related party costs.
- (3) Cost of any individual insurance policies on the lives of officers, executives, administrators and other key staff.
- (4) Expenses paid with funding from another governmental entity, other than funding from the Department for approved students.
- (5) Fines, penalties, costs and damages assessed for failure to comply with Federal, State or local laws.
- (6) Costs related to meal service for staff members who are not involved in direct supervision of students.
- (7) Interest costs on loans from related parties at rates above the fair market rate available to the school.
- (8) Lobbying efforts to influence the outcome of any Federal, State or local election, referendum, initiative or similar activity, or to promote the introduction, enactment, or modification of any current or future Federal or State legislation.
- (9) Gains or losses on the sale of school assets.
- (10) Rental costs in a related party transaction that are found to be above the fair market rental value of the property.
- (11) Scholarships and discounts to students or their parents or other third parties.
- (12) Administrative costs, as defined in § 171.206 (relating to administrative costs), in excess of 10% of total costs.
- (13) Any money judgment, in excess of the deductible under an insurance policy, entered against the school or organization in administrative or court litigation and any settlement amounts, in excess of the deductible under an insurance policy, to avoid litigation.
- (14) Costs associated with medical personnel that are not related to the provision of a student's individualized education plan, except for costs related to a prudent level of oversight of students.

**§ 171.206. Administrative costs.**

(a) Administrative costs are those costs that have been incurred for the operation of the executive and administrative offices of the organization and do not relate solely to any major function of the organization. This administrative expense category also includes its allocable share of fringe benefit costs, operation and maintenance expense, depreciation and use allowances and interest costs.

(b) Costs or expenses related to the following functions are considered as administrative and are subject to the 10% administrative cap except when and to the extent that the costs or expenditures are incurred as a result of providing educational services to children who are residents of this Commonwealth and who have been approved by the Department through the PDE-4010 process. To the extent that the following costs are for educational services, they are not subject to the administrative cap and are reported in the schedule of operating expenses:

- (1) Activities of the board of directors.
- (2) Executive management.
- (3) Staff relations and labor negotiations.
- (4) Activities or programs operated to improve or sustain relations between the community and the school.
- (5) Activities concerned with the fiscal operations and purchasing activities of the school.
- (6) Printing, publishing and duplicating administrative publications such as annual reports, school directories and manuals.
- (7) Conducting and managing programs of planning, research development and evaluation for the school.
- (8) Activities concerned with writing, editing and other preparation necessary to disseminate educational and administrative information to students, staff, managers and the public through direct mailing, the various news media or personal contact.
- (9) Human resources activities, including recruiting, placement and staff transfers.
- (10) Activities concerned with preparing data for storage or storing and retrieving data for management reporting.
- (11) Activities concerned with acquiring, conducting and managing programs or planning, administration, implementation, coordination, reporting or evaluation of programs and projects that are State or Federally funded.
- (12) Activities designed to assist executive management with administrative functions so that they might accomplish the duties quickly and efficiently.

**§ 171.207. Payments in excess of expenditures.**

(a) If the amount of reportable costs in 2004-05 is less than the amount of revenues received by the schools for 2004-05 from the Commonwealth for the provision of educational services to children who have been approved through the PDE-4010 process, the difference may be retained by the school for use in 2005-06.

(b) Beginning in 2005-06, if the amount of reportable costs in a year is less than the amount of revenues received in that year by the school from the Commonwealth for the provision of educational services to children who have been approved through the PDE-4010 process, the difference will be remitted to the Commonwealth. Those funds shall be deposited in the Audit Resolution Fund for the resolution of previous audits.

[Pa.B. Doc. No. 06-567. Filed for public inspection April 7, 2006, 9:00 a.m.]



# Title 25—ENVIRONMENTAL PROTECTION

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 93]

### Corrective Amendment to 25 Pa. Code § 93.9f

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9f (relating to Drainage List F) as deposited with the Legislative Reference Bureau and as published at 31 Pa.B. 3893, 3894 (July 21, 2001), and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 323), and as currently appearing in the *Pennsylvania Code*. When the amendments made by the Department at 31 Pa.B. 3893, 3894 were codified, the water quality standards for Bernhart Creek were inadvertently dropped.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9f. The corrective amendment to 25 Pa. Code § 93.9f is effective as of October 6, 2001, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9f appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 93. WATER QUALITY STANDARDS

#### DESIGNATED WATER USES AND WATER QUALITY CRITERIA

#### § 93.9f. Drainage List F.

#### Delaware River Basin in Pennsylvania

#### *Schuylkill River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
		* * * * *		
3—Bernhart Creek	Basin	Berks	WWF	None
		* * * * *		

[Pa.B. Doc. No. 06-568. Filed for public inspection April 7, 2006, 9:00 a.m.]

# Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

## STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

[49 PA. CODE CH. 45]

### Continuing Education

The State Board of Examiners in Speech-Language and Hearing (Board) amends §§ 45.1, 45.2 and 45.13 (relating to fees; definitions; and renewal; inactive status; required continuing education) and adds Subchapter G (relating to continuing education) to read as set forth in Annex A.

#### A. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. Licensees applying to renew their license for the biennial renewal period begin-

ning August 1, 2008, will be required to have completed 20 hours of continuing education as a condition of renewal.

#### B. Statutory Authority

The final-form rulemaking is authorized under section 5(7) of the Speech-Language and Hearing Licensure Act (act) (63 P. S. § 1705(7)).

#### C. Background and Purpose

An amendment to section 5(7) of the act authorizes the Board to establish, by regulation, a continuing education requirement for biennial renewal of licenses of speech-language and hearing professionals.

#### D. Description of Amendments

This final-form rulemaking implements an amendment to section 5(7) of the act of October 18, 2000 (P. L. 536, No. 71) (Act 71) which requires licensed speech-language and hearing professionals to successfully complete 20 clock hours of continuing education as a condition of biennial renewal. The continuing education requirement will be implemented after providing written notice to all licensees in accordance with section 5(7) of the act for the

biennial renewal period beginning August 1, 2008. Upon application for renewal, each licensee will provide verification of successful completion of the required continuing education.

When the proposed rulemaking was published at 34 Pa.B. 3143 (June 19, 2004), the effective date of the biennial period was left blank. The purpose of leaving § 45.13(g) and § 45.501(a) (relating to credit hour requirements) blank was in anticipation that this final-form rulemaking would have been approved far enough in advance of the 2006 biennial renewal so as to require licensees to complete a prorated amount of clock hours. However, the Board decided, in compliance with Act 71, that, because 20 clock hours are required during a 24-month period, the effective compliance date would be July 31, 2008. This means that the Board would require that each licensee complete 20 hours of continuing education between August 1, 2006, and July 31, 2008.

#### *E. Response to Public Comment and Regulatory Review of Proposed Rulemaking*

Publication of proposed rulemaking at 34 Pa.B. 3143 was followed by a 30-day public comment period during which the Board received public comments from the Pennsylvania State Education Association (PSEA), the Pennsylvania Speech-Language-Hearing Association (PSHA) and the Pennsylvania Training and Technical Assistance Network (PTTAN). Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

PSEA objected to the proposed rulemaking because professional educators certified by the Department of Education (Department) who also are licensed by the Board would have two separate continuing education requirements. Section 1205.2 of the Public School Code of 1949 (code) (24 P. S. § 12-1205.2) requires speech language pathologists, audiologists and teachers of the deaf and hard of hearing who are certified public educators to complete 180 hours of collegiate studies, continuing professional education courses or other programs, activities or learning experiences every 5 years to maintain active status. Under the Board's rulemaking, professionals who are also licensed by the Board will be required to complete 20 clock hours of continuing education every 2 years. PSEA and PTTAN suggest that those professionals who hold both Board licensure and Department certification should only have to complete the requirements to maintain active certification to meet the continuing education requirements of the Board.

IRRC suggested that to improve clarity and alleviate any misunderstanding, the Board include the following statement in the preamble of the final-form rulemaking: "The Board has determined that it would accept all credits that conform to its proposed regulation even if a licensee used that same educational experience to fulfill his or her requirements from the Department of Education."

The Board has complied with this recommendation that Department courses, approved by the Department, that are also approved by this Board, can be used to fulfill the requirements under both professional educator certification and license renewal.

However, the Board declines to further amend the regulations as requested by PSEA and PTTAN for the

following reasons. Section 5(7) of the act requires the completion of 20 hours of approved continuing education as a condition of license renewal. Section 13 of the act (63 P. S. § 1713) provides for renewal on a biennial basis, conditioned upon the payment of a fee. This section further provides that licenses not properly renewed "shall be suspended." Conversely, section 1205.2 of the code provides that certified educators may satisfy the continuing education requirement at any time within a 5-year period. Furthermore, all or part of the requirement may be met by continuing education hours unrelated to the area of the professional's certification. The Board views section 5(7) of the act as a legislative mandate that current licensees maintain continued competency. Furthermore, maintenance of competency must be demonstrated biennially. Intrinsic to the concept of continuing education and this final-form rulemaking is that licensees maintain current expertise in their area of specialty. This is consistent with section 2 of the act (63 P. S. § 702) in which the Legislature has declared that it is the policy of the Commonwealth to assure the availability of the highest possible quality of speech language and hearing licensees. The Board also notes that under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)) persons who hold credentials issued by the Department are excluded from the licensure (and the biennial renewal requirement). In summary, because some courses approved by the Department for maintaining certification as a professional educator under section 1205.2 of the code are designed to enhance the continuing competence of educators, they are not necessarily in all cases what the Board perceives would be beneficial or adequate for maintaining State licensure.

Moreover, § 45.505(e) (related to approval of continuing education programs) preapproves the following programs for continuing education credit: (1) programs approved or sponsored by the American Speech-Language-Hearing Association; (2) programs approved or sponsored by the American Academy of Audiology; and (3) courses and programs offered by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education. PSHA's website informs its members that "[i]f you maintain both the teaching certification and your state license, it is likely that you will be able to 'count' hours earned for Act 48 IF those hours meet the guidelines that are spelled out in Act 71 and in subsequent regulations." Under circumstances when a professional would like to fulfill the State licensure requirement by using a program that is not preapproved by the Board, but is accepted by the Department, approval may be requested and granted under § 45.505(b) and (c).

PTTAN suggested including in § 45.505(e) preapproval of continuing education providers approved by the Department under section 1205.2 of the code. The Board has rejected this suggestion.

PSHA had no objections or recommendations for changes but raised questions in a number of areas. In response to PSHA's request for clarification of clock hours versus continuing education units (CEU), the Board requires completion of 20 clock hours of continuing education per biennium. One clock hour would be equal to .1 CEU.

PSHA also questioned the fees required for approval of courses. Approved continuing education providers are not required to submit payment for each approved course. In

addition, the application fee is only required once, regardless of the number of times the course may be offered by the same provider.

PSHA further asked if there will be provider training to assure accurate and complete retention of continuing education participant information. The Board will not require or provide training to course providers. In addition, Board-approved forms for providers and licensees will be available when this final-form rulemaking is published. There will be no electronic format for retention of information. Records will be maintained in a hard-copy format. Questions regarding the audit procedure, course approval numbers and submission format may be directed to the Board administrator.

The HPLC recommended that the definition of "continuing education record" in § 45.2 mirrors the language of § 45.506(b) (relating to provider responsibilities), as the latter section lists the minimum requirements of a "continuing education record." The HPLC suggested the language of § 45.506(b)(6) regarding the course approval number or an indication of preapproved status should be added to the definition of "continuing education record" in § 45.2. IRRC suggested that the definition should cross-reference the requirements of § 45.506(b). The Board has responded to these suggestions by changing the definition of "continuing education record" to "report provided to a participant in a continuing education course or program by the provider which conforms to § 45.506(b) (relating to provider responsibilities)," thereby cross-referencing the requirements of that section in the definition.

The HPLC requested a clarification regarding § 45.506(a)(10) with respect to the "name of the entity that approved the program" because the HPLC understood that the Board approves programs. The HPLC's understanding is correct. The Board does approve the programs. Therefore, the Board has deleted the questioned language in the final-form rulemaking.

With regard to § 45.505(b), the HPLC recommended that if the Board chooses to list entities who may seek approval to offer programs of continuing education, the language be modified so that it reads "An entity, including a college, a university, an association, a professional society or organization, seeking approval to offer programs in continuing education . . ." The Board revised this subsection to make it clear that its provisions would apply to any person, including both an individual licensee as well as entities who seek approval of programs which have not been approved under subsection (a).

In addition, the HPLC recommended that the Board adopt a consistent definition of the term "provider" in §§ 45.2 and 45.505(b). The Board has complied with this recommendation. Moreover, the Board has made other changes to the final-form rulemaking that address miscellaneous drafting concerns raised by the HPLC.

The HPLC also recommended that a reference be made to waiver in § 45.507(b) (related to disciplinary action authorized). That section states that a licensee who fails to complete continuing education requirements may be subject to discipline. However, the HPLC points out that § 45.507 must be read together with § 45.502 (related to exemption and waiver). The Board has complied with this recommendation by adding a cross reference to § 45.502.

The HPLC also recommended that § 45.507(c) and (d), which discusses the Board's ability to revoke approval of a provider, be moved to § 45.505 because that section relates to approval of providers. The Board has complied

with this recommendation by moving those subsections to § 45.505 and by reordering the paragraphs in that section for clarity.

IRRC noted that in §§ 45.13(g) and 45.501(a), the proposed rulemaking published at 34 Pa.B. 3143 indicated that the continuing education requirement will become effective in the biennial period following the effective date of the final-form rulemaking. However, IRRC raised concerns that this indication does not match the language in these same sections in the draft regulation submitted by the Board to the HPLC, the SCP/PLC and IRRC. The Board notes that the editors at the Legislative Reference Bureau edited the proposed rulemaking prior to publication in accordance with the *Pennsylvania Code and Bulletin Style Manual*, which is why the document as delivered may be slightly different when published as a proposed rulemaking. In addition, IRRC commented that Board staff had indicated to it that the hour requirement may be prorated if the regulation becomes effective in the midst of a biennial period. IRRC suggested that the Board clarify how and when the requirement will be implemented in the final-form rulemaking. IRRC also suggested that the Board describe how it will provide adequate and timely notice to all licensees of the effective date and what will be required of licensees. PSHA also questioned the renewal requirements for the upcoming biennial renewal.

Active licenses must be renewed by July 31 of even-numbered years as defined in § 45.2. The next biennial renewal will occur on July 31, 2006. This final-form rulemaking will be effective for the biennial period of August 1, 2006, through July 31, 2008, during which time all licensees will be required to complete 20 clock hours of continuing education to renew their licenses for the 2008-2010 biennial period.

Section 5(7) of the act requires written notice to licensees of the continuing education requirement. Prior to the 2006 licensure renewal, written notice will be sent to licensees, informing them that they will need to complete 20 clock hours of continuing education to renew their licenses on July 31, 2008.

IRRC noted that § 45.501(c) states that the Board will not renew or reactivate a license "until the continuing education required prior to the current biennial renewal period has been completed." IRRC has concerns that this phrase and its application to new licensees is unclear and asked if "the continuing education required prior to the current biennial renewal period" refer to courses taken 3 years earlier during a previous biennium. IRRC suggested that the intent of this subsection be clarified in the final-form rulemaking. PSHA also expressed a concern about how the Board intends to apply the requirements to new licensees, as well as those inactive licensees who seek to reactivate their licenses.

In response, the Board notes that § 45.502(a) states that "[a]n individual applying for initial licensure shall be exempted from the continuing education requirement for the biennial period in which the license is granted." Using PSHA's example, a new licensee who obtains a license with 6 months left in a biennial period would be exempt from the continuing education requirements during those 6 months and would be able to renew without certifying completion of continuing education. However, that licensee would then be required to complete the full 20 hours for the next biennial renewal. Regarding reactivated licenses, the Board will require that an inactive licensee demonstrate completion of 20 hours of continuing education as a condition of reactivation.

Section 45.504(a) (relating to reporting completion of continuing education) requires licensees to provide “. . . on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met.” IRRC suggested that the Board consider describing the required content of these forms in the final-form rulemaking. There is a uniform format that is used by all licensing boards that require continuing education within the Bureau of Professional and Occupational Affairs. A licensed speech-language and hearing professional will be required to certify on the license renewal application that the licensee has successfully completed at least 20 hours of continuing education during the preceding biennial period. The Board routinely provides the form renewal application and will include this certification on the form.

In § 45.505(d)(3), denial of program approval can be based on faculty being “deemed not qualified to present the program.” IRRC suggested that the Board explain in the preamble of the final-form rulemaking how faculty qualifications will be determined. As provided in § 45.505(c)(3), the Board will review faculty names and credentials and, if requested by the Board, curriculum vitae. The Board will review applications for course approval on a case-by-case basis to determine whether courses and faculty are qualified to impart educational information that would be beneficial to the licensee’s continued professional education.

Section 45.507(b) provides that a licensee who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline. IRRC suggested that the Board explain in the preamble to the final-form rulemaking what disciplinary actions the Board will take if the continuing education requirements are not met. Section 10(2) of the act (63 P.S. § 1710(2)) authorizes the Board to suspend or revoke a license for a violation of the act or noncompliance with the rules and regulations promulgated by the Board under the act. Also, under case law interpreting the disciplinary authority of other professional licensing boards, the Board may impose a lesser discipline such as a reprimand or probation. *McCarl v. Commonwealth, State Board of Nurse Examiners*, 396 A.2d 866 (Pa. Cmwlth. 1979).

**F. Fiscal Impact and Paperwork Requirements**

The final-form rulemaking will have a limited fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will require the Board to review all applications for compliance with the continuing education requirement and additional costs will be incurred during the audit process. The costs incurred in the audit will include the cost of postage for inquiry letters, the administrative costs of reviewing the responses and any additional disciplinary action to be taken against those who have not complied with the continuing education requirement. It is impossible to estimate the number of licensees who might not comply with the required amount of continuing education, and therefore the Board cannot estimate any increased enforcement costs at this time. There are no other costs or savings to state government associated with implementation of the regulation.

**G. Sunset Date**

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

**H. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 8, 2004, the Board submitted a

copy of the notice of proposed rulemaking, published at 34 Pa.B. 3143, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on February 14, 2006, the final-form rulemaking was approved by the HPLC. On March 20, 2006, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2006, and approved the final-form rulemaking.

**I. Contact Person**

Further information may be obtained by contacting Sandra Matter, Board Administrator, State Board of Examiners in Speech-Language and Hearing, P. O. Box 2649, Harrisburg, PA 17105-2649, samatter@state.pa.us.

**J. Findings**

The Board finds that:

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

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to the final rulemaking do not enlarge the purpose of proposed rulemaking published at 34 Pa.B. 3143.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for administering and enforcing the authorizing act identified in Part B of this preamble.

**K. Order**

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

(a) The regulations of the Board, 49 Pa. Code Chapter 45, are amended by amending §§ 45.1, 45.2 and 45.13 and by adding §§ 45.501—45.507 to read as set forth in Annex A.

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

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

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

KAREN GOLTZ STEIN,  
Chairperson

*(Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 1555 (April 1, 2006).)

**Fiscal Note:** Fiscal Note 16A-6802 remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

## Subchapter A. GENERAL PROVISIONS

## § 45.1. Fees.

(a) The following are the fees set by the State Board of Examiners in Speech-Language and Hearing:

- (1) Initial license—speech-language pathologist, audiologist or teacher of the hearing impaired . . . . . \$20
- (2) Certification of licensure . . . . . \$15
- (3) Biennial renewal . . . . . \$46
- (4) Examination for teacher of the hearing impaired . . . . . \$87
- (5) Application for continuing education course approval . . . . . \$40

(b) The Board will require payment of the initial license fee by individuals who were issued licenses without fee prior to July 30, 1988.

## § 45.2. Definitions.

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

*Act*—The Speech-Language and Hearing Licensure Act (63 P. S. §§ 1701—1719).

*Biennial renewal period*—The period from August 1 of an even-numbered year to July 31 of the next even-numbered year.

*Board*—The State Board of Examiners in Speech-Language and Hearing of the Commonwealth.

*Business entity*—A lawful form of organization, including a corporation, partnership, trust, association, company or other similar form of organization.

*Clock hour*—Consists of 50 to 60 minutes of instruction or participation in an approved continuing education course or program.

*Continuing education record*—Report provided to a participant in a continuing education course or program by the provider which conforms to § 45.506(b) (relating to provider responsibilities).

*Direct supervision*—The personal, on-premises observation of activities performed by personnel working under the licensee or qualified training supervisor.

*Inactive license*—A license status in which the licensee notifies the Board that the licensee no longer requires an active license to practice.

*Lapsed license*—A license status in which the license has not been currently renewed.

*Licensees*—Speech-language pathologists, audiologists and teachers of the hearing-impaired.

*Practice of audiology*—The evaluation, counseling, habilitation and rehabilitation of individuals whose communication disorders center in whole or in part in the hearing function, including the prevention, identification, examination, diagnosis and treatment of conditions of the

human auditory system, and including the examination for, and adapting and fitting of amplification or assistive devices.

*Practice of speech-language pathology*—The evaluation, counseling, habilitation and rehabilitation of individuals whose communicative disorders involve the functioning of speech, voice or language, including the prevention, identification, examination, diagnosis and treatment of conditions of the human speech-language system, and including the examination for, and adapting and use of assistive devices.

*Practice of teaching the hearing-impaired*—The evaluation and instruction in curriculum-based material and communication skills appropriate for individuals affected primarily by impaired hearing sensitivity, including the prevention, identification, assessment, diagnosis and remediation of conditions affecting the educational and vocational development of deaf or hearing-impaired persons, and including the examination for the adapting and use of assistive devices.

*Practicum*—

(i) All aspects of a training program related to the practice of speech-language pathology, audiology or teaching of the hearing-impaired which is recognized by an accredited academic institution, and which during the total practicum experience brings the student into direct contact with a person identified as having a communication or oral/motor problem, an individual, such as a family member, spouse or close friend, who has a significant personal relationship with a person identified as having a communication or oral/motor problem, and an allied professional for the purpose of providing services to a person identified as having a communication or oral/motor problem.

(ii) The term may include hours spent in externship, student teaching or directed clinical teaching experience.

*Provider*—An agency, organization, institution, college, university, professional society, association or center approved by the Board to offer an organized continuing education course or program.

*Qualified training supervisor*—A person supervising a student in practicum or an applicant in the year of supervised professional experience, and who also holds one of the following:

(i) A current Pennsylvania license in the appropriate area of specialization for the applicant or student.

(ii) Equivalent licensure in the appropriate area of specialization from a state with which the Board has reciprocity.

(iii) A current Certificate of Clinical Competence in speech-language pathology or audiology issued by the American Speech-Language and Hearing Association, or a current professional certificate issued by the Council on Education of the Deaf, whichever is applicable to the applicant's area of specialization and is a nonresident of this Commonwealth or is exempt from licensure under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)).

*YSPE*—Year of supervised professional experience.

## Subchapter B. LICENSURE

## § 45.13. Renewal; inactive status; required continuing education.

(a) Unless renewed for the upcoming biennium, licenses issued under this subchapter expire at the end of the current biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to

the last mailing address given to the Board by the licensee. Whenever the licensee changes his mailing address of record, the licensee shall notify the Board in writing within 10 days after making the address change.

(c) The licensee shall renew his license in the manner prescribed by the Board and pay the required fee, as provided by § 45.1 (relating to fees).

(d) When a license is renewed after the expiration date, a late fee, as provided for by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), will be charged for each month or part of a month that the licensee has engaged in practice beyond the expiration date. A licensee who practices under an expired license may be subject to criminal prosecution under section 18 of the act (63 P. S. § 1718).

(e) A licensee who does not intend to practice in this Commonwealth may make written request that his license be placed on inactive status.

(f) A licensee who fails to pay the biennial renewal fee or who requests to be placed on inactive status will not be sent biennial renewal forms for following biennial renewal periods unless the licensee requests the Board, in writing, to reactivate the license.

(g) Beginning with the renewal period commencing August 1, 2008, an application for renewal of a speech-language pathologist, audiologist or teacher of the hearing impaired license will not be granted unless the licensee has certified that the licensee has completed the required continuing education hours under § 45.501 (relating to credit hour requirements). If requested by the Board, an application for renewal must also include the documentation required by § 45.504 (relating to reporting completion of continuing education).

(h) An application for reactivation of an inactive or lapsed speech-language pathologist, audiologist or teacher of the hearing impaired license must also include the documentation required by § 45.504 (relating to reporting completion of continuing education) for the preceding biennial period.

**Subchapter G. CONTINUING EDUCATION**

Sec.  
 45.501. Credit hour requirements.  
 45.502. Exemption and waiver.  
 45.503. Continuing education requirement for biennial renewal of inactive and lapsed licenses.  
 45.504. Reporting completion of continuing education.  
 45.505. Approval of continuing education programs.  
 45.506. Provider responsibilities.  
 45.507. Disciplinary action authorized.

**§ 45.501. Credit hour requirements.**

(a) Each speech-language pathologist, audiologist or teacher of the hearing impaired shall have completed 20 clock hours of continuing education during each preceding biennial renewal period, beginning with the renewal period commencing August 1, 2008.

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology, audiology or teaching of the hearing impaired. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book or research. The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit.

(c) Unless granted a waiver under § 45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist, audiologist or teacher of the hearing impaired license until the continuing education requirement for the current biennial renewal period has been completed.

**§ 45.502. Exemption and waiver.**

(a) An individual applying for initial licensure shall be exempt from the continuing education requirement for biennial renewal in the period following that in which the license is granted.

(b) The Board may waive all or part of the continuing education requirement for a biennial renewal period upon request of a licensee. The request must be made in writing, with supporting documentation, and include a description of circumstances sufficient to show why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver request.

**§ 45.503. Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennial period.

**§ 45.504. Reporting completion of continuing education.**

(a) Applicants at the time of license renewal shall provide, on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met and information to support the certification which includes the following:

- (1) Dates attended.
- (2) Continuing education hours claimed.
- (3) Title of course and description of content.
- (4) Location of course.

(b) The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement. Applicants selected for audit shall provide the Board the certified continuing education record, as described in § 45.506(b) (relating to provider responsibilities), for each continuing education program completed to prove compliance with the continuing education requirement.

(c) Individuals shall retain the certified continuing education records for courses completed for a minimum of 4 years.

**§ 45.505. Approval of continuing education programs.**

(a) Credit for continuing education may be obtained for any program approved in advance by the Board. Preapproval is contingent upon compliance with § 45.506 (relating to provider responsibilities).

(b) Any person or entity, including an agency, organization, institution, college, university, professional society, association or center, seeking approval of continuing education programs shall:

- (1) Apply for approval of the program on forms provided by the Board.
- (2) File the application at least 90 days prior to the first scheduled date of the program.

- (c) An application must contain:
- (1) The full name and address of the provider.
  - (2) The title of the program.
  - (3) Faculty names and credentials, and, if requested by the Board, curriculum vitae.
  - (4) A schedule of the program, including the title and description of each subject, the name of the lecturers and the time allotted.
  - (5) The total number of clock hours of credit to be awarded.
  - (6) A method of certifying participation.
  - (7) The program coordinator who is responsible for certifying participation and compiling an official list of Pennsylvania licensees in attendance at the continuing education program.
  - (8) A fee as required by § 45.1 (relating to fees).
- (d) The following programs are deemed approved for continuing education credit:
- (1) Continuing education programs approved or sponsored by the American Speech-Language—Hearing Association.
  - (2) Continuing education programs approved or sponsored by the American Academy of Audiology.
  - (3) Courses and programs offered by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.
- (e) The Board may deny approval of a program of continuing education based on the following grounds:
- (1) The provider failed to comply with § 45.506 for other programs.
  - (2) The provider made one or more false or misleading material statements on the application.
  - (3) The identified faculty is deemed not qualified to present the program.
  - (4) The course content is in office management or practice building.
  - (5) The method of certifying participation is not verifiable.
  - (f) The Board may revoke the approval of a provider on the following grounds:
    - (1) Failure of the provider to comply with § 45.506.
    - (2) Falsification of a continuing education record by a program provider.

**§ 45.506. Provider responsibilities.**

- (a) For each program, the provider shall:
- (1) Disclose to prospective participants in advance the objectives, content, teaching method and number of hours of continuing education credit.
  - (2) Open each course to licensees.
  - (3) Provide adequate facilities for the number of anticipated participants and the teaching methods to be used.
  - (4) Provide appropriate instructional materials.
  - (5) Utilize a verifiable method of certifying participation.
  - (6) Employ qualified instructors who are knowledgeable in the subject matter.
  - (7) Evaluate the program through the use of questionnaires of the participants.
  - (8) Issue a certified continuing education record to each participant.
  - (9) Retain participation records, written outlines and a summary of evaluations for 5 years.
  - (10) Provide the Board, upon request, verification of licensee's participation in a continuing education program, including the date of approval of the program.
- (b) Each continuing education record must include at a minimum:
- (1) The name of the participant.
  - (2) The dates of participation in the program.
  - (3) The name of the program.
  - (4) The provider's name.
  - (5) The number of clock hours of continuing education credit.
  - (6) The course approval number or an indication of the provider's status as a preapproved provider.

**§ 45.507. Disciplinary action authorized.**

- (a) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who submits fraudulent continuing education records may be subject to discipline under section 10 of the act (63 P. S. § 1710).
- (b) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline unless the licensee is exempt or has been granted a waiver under § 45.502 (relating to exemption and waiver).

[Pa.B. Doc. No. 06-569. Filed for public inspection April 7, 2006, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 63, 65, 71 AND 73]

### Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 63, 65, 71 and 73. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) is published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish). The proposed amendments to §§ 63.46, 71.6 and 73.1 (relating to sale, purchase or barter of injurious, nonnative species; prohibited acts; and transportation) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

#### D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals.

#### E. Summary of Proposals

(1) *Section 63.20*. The requirements for when and where an angler needs a trout/salmon permit are, and historically have been, in § 63.20. With the recent simplification of the specially regulated trout programs in Chapter 65 (relating to special fishing regulations), the special trout regulations were amended to expressly provide, among other things, that a trout/salmon permit is required in those waters and the requirement in § 63.20 was deleted.

Upon a closer review of the amendments, the Commission has determined that as a result of the change to § 63.20, the Commission's law enforcement officers may no longer cite someone under section 2908 of the code (relating to penalties) for fishing in a specially regulated trout water without the required trout/salmon permit. They may only issue a citation under section 2102 of the code. Section 2908 of the code allows imposition of an additional penalty for not having the required permits.

To allow the Bureau of Law Enforcement to initiate an enforcement action under section 2908 of the code for

failing to possess a trout/salmon permit while fishing in a specially regulated trout water, an amendment restoring this provision to § 63.20 is required. Accordingly, the Commission proposes to amend § 63.20 to read as set forth in Annex A.

(2) *Sections 63.46, 71.6 and 73.1*. From time to time, the Commission has found it desirable to specifically prohibit the sale, purchase or barter, possession, introduction, importation and transportation of certain injurious, nonnative species. There are currently nine species listed. They are snakehead (all species), black carp (*Mylopharyngodon piceus*), bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys molitrix*), zebra mussel (*Dreissena polymorpha*), quagga mussel (*Dreissena bugensis*), round goby (*Neogobius melanostomus*), tubenose goby (*Proterothinus marmoratus*) and European rudd (*Scardinius erythrophthalmus*).

The Commission proposes adding the rusty crayfish (*Orconectes rusticus*) and ruffe (*Gymnocephalus cernuus*) to this list. Rusty crayfish have been introduced into this Commonwealth and have expanded their range primarily in the Susquehanna River basin. They are an aggressive riverine species, and the Commission should provide regulatory disincentives to relocating rusty crayfish from one water body to another. Ruffe is an invasive species in the Great Lakes. However, it has not yet been captured in the Pennsylvania waters of Lake Erie. This species has the potential to compete with yellow perch and should be prevented from being introduced into this Commonwealth. Accordingly, the Commission proposes to amend §§ 63.46, 71.6 and 73.1 to read as set forth in Annex A.

(3) *Section 65.24*. Since 1999, Cross Creek Lake has been regulated and managed under § 65.9 (relating to big bass special regulations). The lake also is regulated and managed under § 65.11 (relating to panfish enhancement special regulation). When Cross Creek Lake was added to these special regulations programs, the Commission intended that it be removed from the miscellaneous special regulations under § 65.24. However, due to an oversight, the change did not occur at that time. The Commission accordingly proposes to amend § 65.24 to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the com-



ments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

**Fiscal Note:** 48A-182. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.20. Permits for the protection and management of trout and salmon.**

\* \* \* \* \*

(e) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:

(1) The person fishes in **waters under special trout regulations designated under those sections of Chapter 65 (relating to special fishing regulations) that require a trout/salmon permit**, wilderness trout streams or their tributaries or Class A wild trout waters or their tributaries.

\* \* \* \* \*

**§ 63.46. Sale, purchase or barter of injurious, non-native species.**

It is unlawful for a person to sell, purchase, offer for sale or barter the following live species in this Commonwealth:

\* \* \* \* \*

**(10) Rusty crayfish (*Orconectes rusticus*).**

**(11) Ruffe (*Gymnocephalus cernuus*).**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
[ Washington ]	[ Cross Creek Lake ]	[ Bass—15-inch minimum size limit. Panfish groupings—10 per day creel limit combined species within grouping. Sunfish, crappies, rock bass—10 per day creel limit; combined species. Perch—10 per day creel limit; combined species. Catfish—10 per day creel limit; combined species. Other panfish (except those specified above) 10 per day creel limit; combined species. All other species—Inland seasons, size and creel limits apply. See § 61.1. ]
* * * * *		

**CHAPTER 71. PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS**

**§ 71.6. Prohibited acts.**

\* \* \* \* \*

(d) It is unlawful to possess the following live species in this Commonwealth. It is unlawful to introduce or import the following live species into the waters of this Commonwealth:

\* \* \* \* \*

**(10) Rusty crayfish (*Orconectes rusticus*).**

**(11) Ruffe (*Gymnocephalus cernuus*).**

**CHAPTER 73. TRANSPORTATION OF LIVE FISH INTO THIS COMMONWEALTH**

**§ 73.1. Transportation.**

\* \* \* \* \*

(d) Transportation of the following live species in or through this Commonwealth is prohibited.

\* \* \* \* \*

**(10) Rusty crayfish (*Orconectes rusticus*).**

**(11) Ruffe (*Gymnocephalus cernuus*).**

[Pa.B. Doc. No. 06-570. Filed for public inspection April 7, 2006, 9:00 a.m.]

**[58 PA. CODE CHS. 61 AND 65]**

**Fishing; Musky Enhancement Program**

The Fish and Boat Commission (Commission) proposes to amend Chapters 61 and 65 (relating to seasons, sizes and creel limits; and special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking modifies the seasons, sizes and creel limits for muskellunge and muskellunge hybrids, northern pike and pickerel. In addition, the proposed rulemaking creates the Musky Enhancement Program (Program).

#### A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2007.

#### B. *Contact Person*

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendments to § 61.1 (relating to Commonwealth inland waters) and the proposed amendments to § 65.16 (relating to Musky Enhancement Program) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's regulations regarding the muskellunge and muskellunge hybrids, northern pike and pickerel. The specific purpose of the proposed amendments is described in more detail under the summary of proposals.

#### E. *Summary of Proposals*

(1) *Muskellunge and muskellunge hybrids.* The Commission solicited information from muskellunge and tiger muskellunge (musky) anglers to guide enhancement of fishing opportunities for these species in this Commonwealth. As part of its efforts, the Commission convened a musky workgroup that included representatives from the musky fishing community as well as the broader angling community, including black bass anglers. The Commission also solicited water specific fishing quality information from musky anglers through a volunteer survey and examined and summarized available biological information describing muskellunge and tiger muskellunge in this Commonwealth.

Following a formal opinion gathering process, the workgroup formulated the following goal statement: "To enhance musky fishing through advanced fish culture methods, education and harvest management while considering habitat potential." The workgroup also formulated a number of draft objectives that identified specific prioritized needs, including enhancing muskellunge and tiger muskellunge density and size-structure through alternative harvest restrictions. The workgroup addressed a variety of topics, including recommending that the total number of waters or water sections managed for muskellunge (currently 150) be reduced to provide opportunities for more intensive management on fewer waters.

The workgroup further proposed that density and size structure could be enhanced by further restricting harvest on waters Statewide following review of simulation results that examine alternative size limits. In addition, the workgroup proposed further restrictions on selected waters where biologists determined that density could be further enhanced. Under the workgroup's proposals, the Statewide minimum size limit would be 36 inches and the "enhanced" minimum size limit would be 45 inches. Another option discussed by the workgroup was a Statewide size limit of 40 inches in the event that an "enhanced" option is not adopted by the Commission.

As a result of the input gathered from the workgroup and the independent assessment of the Commission's biologists, the Commission proposes to increase the Statewide minimum size limit for muskellunge and muskel-

lunge hybrids from 30 inches to 36 inches, to reduce the daily limit from two (combined species) to one and to allow for a year-round open season. The Commission proposes to amend § 61.1 to read as set forth in Annex A.

The Commission also proposes the Program to designate waters for more intensive development of musky populations. For waters regulated and managed under the Program, the season will be open year-round, the minimum size limit will be 45 inches and the daily limit will be one. The Commission anticipates that the Program initially will apply to no more than six waters Statewide. Examples of waters to which the Program may be applied include Lake Arthur (Butler County), Rose Valley Lake (Lycoming County), Cowanesque Reservoir (Tioga County), Marsh Creek Lake (Chester County), Susquehanna River (Fabridam to 1.3 miles downstream) and Loyalhanna Lake (Westmoreland County). The Commission proposes to add § 65.16 to read as set forth in Annex A.

In addition to the previously described proposal, the Commission seeks comments on an alternative proposal. The alternative proposal sets the Statewide limit for muskellunge and muskellunge hybrids at 40 inches and does not include the Program.

Muskellunge and tiger muskellunge are a long-lived, low-density species that, at maximum, occur at densities of one legal fish per surface acre in this Commonwealth's waterways. Diet studies carried out in this Commonwealth and elsewhere show that muskellunge and tiger muskellunge primarily prefer soft-rayed fishes, and most studies show, including those in this Commonwealth, that catostomids (suckers) are the primary prey fish of large muskellunge. Consequently, impacts to other game fish and panfish species are expected to be limited. The increased size limit, if adopted, may facilitate greater levels of natural recruitment in the native range of muskellunge (western Pennsylvania) where rather dramatic improvements in water quality and species diversity have occurred in recent decades. Currently, natural recruitment Statewide is very low with Commission stocking programs accounting for an estimated 98% of angler trips. Although increased size limits coupled with water quality improvements may foster some additional natural recruitment, it is expected that Commission stocking programs will continue to provide the bulk of recreational fishing opportunities now and well into the future.

(2) *Northern Pike.* Northern pike fisheries occur in 59 waterways open to public fishing across this Commonwealth. Most fisheries are sustained through natural reproduction and occur in the upper Allegheny drainage (northwest Pennsylvania). Angler catch rates are frequently high in the spring, often encompassing a portion of that period corresponding to the closed season. To provide this Commonwealth's anglers with expanded opportunities to catch and, if desired, harvest northern pike, the Commission proposes a year-round open season, a reduced minimum size limit of 18 inches, and an increased creel limit of four.

Amur pike or Amur pike hybrids have not been sustained through a stocking program in this Commonwealth since the early 1970s and no longer occur in this Commonwealth. The Commission therefore proposes that they be removed from the species list in § 61.1.

Accordingly, the Commission proposes to amend this section to read as set forth in Annex A.

(3) *Pickerel.* Pickerel fisheries occur in 73 waterways open to public fishing across this Commonwealth. These

populations are largely confined to the central and eastern end of this Commonwealth with the highest number of waters (27) in northeastern Pennsylvania. Virtually all populations are sustained through natural reproduction. Angler catch rates are frequently high in the spring, often encompassing a portion of the closed season. To provide this Commonwealth's anglers with expanded opportunities to catch and, if desired, harvest chain pickerel in the spring, the Commission proposes a Statewide year-round open season. The Commission also proposes that the minimum size limit be increased from 15 inches to 18 inches. Analytical predictions indicate that populations with average growth rates will increase in density in conjunction with this change. Additionally, the minimum size limit of 18 inches provides necessary protections in the spring and other times of the year to sustain populations through natural reproduction. The Commission further proposes that the daily limit be changed to four year-round. Accordingly, the Commission proposes to amend § 61.1 to read as set forth in Annex A.

*F. Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** 48A-181. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

**§ 61.1. Commonwealth inland waters.**

\* \* \* \* \*

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *		
MUSKELLUNGE and MUSKELLUNGE HYBRIDS	[ January 1—March 14; and 12:01 a.m. first Saturday in May to midnight, December 31 ]	[ 30 inches ] 36 inches	[ 2 (combined species) ] 1
PICKEREL [ *** ]	Open year-round	[ 15 inches ] 18 inches	[ 6 ] 4
[ PIKE Northern Amur ] NORTHERN PIKE		[ 24 inches ] 18 inches	[ 2 (combined species) ] 4
WALLEYE and hybrids (Saugeye)	January 1—March 14; and 12:01 a.m. first Saturday in May to midnight, December 31	15 inches	6
SAUGER		12 inches	6
AMERICAN SHAD [ **** ] ***	Open year-round	No minimum	6
HICKORY SHAD [ **** ] ***	Closed year-round		0

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
GIZZARD SHAD [ **** ] ***	Open year-round	No minimum	50
HERRING [ **** ] ***	Open year-round	No minimum	50
* * * * *			

\* \* \*

\*\*\* [ Note: During the period from 12:01 a.m. January 1 to midnight March 14 and 12:01 a.m. December 1 to midnight December 31, the daily limit of Pickerel is three.

\*\*\*\* ] Note: Unlawful to take, catch or kill American shad, hickory shad and alewife and blueback herring (collectively known as river herring) in Susquehanna River and its tributaries. See §§ 61.4 and 61.7.

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.16. Musky Enhancement Program.**

(a) The Executive Director, with the approval of the Commission, may designate waters as part of the Musky Enhancement Program. The designation of waters as part of the Musky Enhancement Program will be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to take, catch, kill or possess muskellunge or muskellunge hybrids on or in waters designated as part of the Musky Enhancement Program except in compliance with the following season and size and creel limits: Open-year round, minimum size of 45 inches and daily limit of 1. It is not a violation of this section if the muskellunge or muskellunge hybrid is immediately returned unharmed to the waters from which it is taken.

[Pa.B. Doc. No. 06-571. Filed for public inspection April 7, 2006, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 28, 2006.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-21-06	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	837 Male Road Wind Gap Northampton County	Filed
3-23-06	Mauch Chunk Trust Company Jim Thorpe Carbon County	735 Blakeslee Boulevard Drive East Lehighton Mahoning Township Carbon County	Filed

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-6-06	Northwest Savings Bank Warren Warren County	<i>To:</i> 204 West Beaver Avenue State College Centre County  <i>From:</i> 201 West Beaver Avenue State College Centre County	Effective

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

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

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-572. Filed for public inspection April 7, 2006, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, April 12, 2006, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to John Quigley at (717) 705-1466.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 705-1466 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 06-573. Filed for public inspection April 7, 2006, 9:00 a.m.]

# DEPARTMENT OF EDUCATION

## Application of the Restaurant School at Walnut Hill College for Approval of Amendment of its Articles of Incorporation

### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Liberatoscioli, Inc., operating under the fictitious names "The Restaurant School at Walnut Hill College" and "Walnut Hill College," for a Certificate of Authority approving the amendment and restatement of its Articles of Incorporation as required in completing its change of status to a for-profit, degree-granting 4-year college.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing unless within 30 days after the publication of this notice in the *Pennsylvania*

*Bulletin* a written request for public hearing is filed with the Department along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code § 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.

*Secretary*

[Pa.B. Doc. No. 06-574. Filed for public inspection April 7, 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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0060453 (Sewage)	Camp Levi 311 Dennis St. Oceanside, NY 11572	Wayne Buckingham Township	UNT to Equinunk Creek #1A	Y
PA0061581 (Minor Renewal)	Sutton Springs, Inc. 1823 Sutton Road Shavertown, PA 18708	Jackson Township Luzerne County	UNT to Huntsville Creek (5B)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PA0086169 (SEW)	James W. and Sandra M. Adams 750 Hawk Mountain Road Kempston, PA 19529-9201	Berks County Albany Township	Pine Creek 3B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0103411	Ellwood Quality Steels Co. 400 Moravia Street New Castle, PA 16101-2220	City of New Castle Lawrence County	Shenango River 20-A	Y

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

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

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

**WQM Permit No. WQG02360602**, Sewerage, **Leola Sewer Authority**, 115 Newport Road, Leola, PA 17540. This proposed facility is located in Upper Leacock Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for a proposed Quarry Road subdivision into the existing force main on the south side of Quarry Road.

**WQM Permit No. 3806401**, Sewerage, **Twin Grove Park Campground**, 1445 Suedburg Road, Pine Grove, PA 17963. This proposed facility is located in Union Township, **Lebanon County**.

Description of Proposed Action/Activity: Application for construction of central sewage treatment and disposal facilities that will discharge treated effluent.

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

**WQM Permit No. 1406404**, Sewerage, **Spring-Benner-Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823-6200. This proposed facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: Permit application received for new collection service consisting of 3,000 lf of gravity sewer, 2,000 lf of forcemain, and one 0.0058 mgd pump station.

**WQM Permit No. 1806402**, Sewerage 4952, **Beech Creek Borough Authority**, P. O. Box 216, 51 Locust Street, Beech Creek, PA 16822. This proposed facility is located in Beech Creek Borough, **Clinton County**.

Description of Proposed Action/Activity: The applicant is proposing to construct a tablet-fed dechlorination facility at their existing wastewater treatment plant to meet the total residual chlorine requirements of their existing NPDES permit.

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

**WQM Permit No. 3206201**, Industrial Waste, **TransTechnology Corporation**, 700 Liberty Avenue, P. O. Box 3300, Union, NJ 07083-3300. This proposed facility is located in Conemaugh Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of groundwater extraction wells and treatment facility.

**WQM Permit No. 0206401**, Sewerage, **Borough of Emsworth**, 171 Center Avenue, Emsworth, PA 15202. This proposed facility is located in Emsworth Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for construction of pump station and force main replacement.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506019	TH Properties, LP Ivywood Estates Subdivision 345 Main Street Harleysville, PA 19438	Chester	East Coventry Township	Pigeon Creek (HQ-TSF)
PAI011506020	Anthony and Deborah Galante 17 Yeaton Lane Glenmoore, PA 19343	Chester	East Nantmeal Township	Beaver Run (EV)
PAI011506021	The Cutler Group Soltys—Schuylkill Road Site Five Sentry Park West Suite 100 Blue Bell, PA 19422	Chester	East Vincent Township	Stoney Run (HQ-TSF)
PAI011506022	Clinton J. Blackwell, Jr. Lot B-5-Nichols Subdivision 155 Walker Road Landenberg, PA 19350	Chester	Franklin Township	Big Elk Creek (HQ-TSF-MF)
PAI011506023	Liberty Property Limited Partnership 500 Chesterfield Parkway Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek (EV)

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906004	Fredric P. Kistler 415 Mountain Blvd. Emmaus, PA 18049	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF
PAS10Q125-2R	Jaindl Land Co. David Jaindl 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023906005	Dalsania Properties Harilal Dalsania 6671 Forest Knoll Ct. Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF



*Monroe County Conservation District: 8050 Running Valley Rd., Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506008	Knob Crest Associates P. O. Box 426 Shamokin Dam, PA 17876-0426	Monroe	Mt. Pocono Borough	Forest Hills Run HQ-CWF
PAI024506009	Superior Custom Homes, Inc. P. O. Box 794 Brodheads ville, PA 18322	Monroe	Chestnuthill Township	Poplar Creek EV

*Schuylkill County Conservation District: 1206 Ag Center Dr., R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025406001	Greater Tamaqua Industrial Development Enterprises 204 East Broad St. Tamaqua, PA 18252	Schuylkill	Rush Township	Nesquehoning Creek Watershed HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F088R	S & A Custom Built Homes Trotter Farms Keith Sunderman 2121 Old Gatesburg Rd. State College, PA 16803	Centre	Halfmoon Township	Halfmoon Creek HQ-CWF
PAI041406009	Penn State University PSU West Campus Rob Cooper Office of Physical Plant 101P Physical Plant Bldg. University Park, PA 16802	Centre	Ferguson Township State College Borough	Big Hollow Run CWF Thompson Run HQ-CWF

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

*Lawrence Conservation District: Lawrence County Government Center, 430 Court Street, New Castle, PA 16101, (724) 652-4512.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063705003(1)	Vortex Recycling 526 S. Jefferson Street New Castle, PA 16101	Lawrence	City of New Castle	Shenango River WWF
PAI063706001	Millenium Technology Park Linda Nitch Lawrence County Economic Development Corporation 100 East Reynolds Street New Castle, PA 16101	Lawrence	Neshannock Township	Shenango River WWF

**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 per-

mit. 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

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

##### Permit No. 5206501, Public Water Supply

Applicant **Pennsylvania-American Water**  
Lehman Township  
**Pike County**

Responsible Official Michael Youshock, Project Engineer  
PA-American Water  
Saw Creek Estates  
Box 1083  
Bushkill, PA 18324  
(570) 830-6538

Type of Facility Community Water System

Consulting Engineer Daniel G. Rickard, P. E.  
Quad Three Group, Inc.  
37 North Washington Street  
Wilkes-Barre, PA 18701  
(570) 829-4200

Application Received Date March 14, 2006

Description of Action Application for construction of a second booster pump station to serve the Timothy Lake service area at Saw Creek Estates and construction of a booster pump station to replace Booster Station 2A at Saw Creek Estates.

##### Permit No. 4006502, Public Water Supply

Applicant **3 Springs Water Company**  
1800 Pine Run Road  
Laurel Run, PA 18702  
Laurel Run Borough  
**Luzerne County**

Responsible Official Josh Tosh

Type of Facility Bottled Water

Consulting Engineer Paul Milnes, P. E.  
12 Frear Hill Road  
Tunkhannock, PA 18657

Application Received Date March 13, 2006

Description of Action Modifications to an existing bottling plant to include a UV system, storage tank and ozonator.

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

##### Permit No. 3405504, Public Water Supply.

Applicant **Mifflintown Municipal Authority**

Municipality Milford Township

County **Juniata**

Responsible Official Dale H. Henry, Authority Chairperson  
Route 333 West  
P. O. Box 36  
Mifflintown, PA 17059-0036

Type of Facility Public Water Supply

Consulting Engineer David L. Peck, P. E.  
Uni-Tec Consulting Engineers, Inc.  
2007 Cato Avenue  
State College, PA 16801

Application Received Date 12/21/2005

Description of Action Installation of a raw water intake in the Juniata River, use of the Juniata River as an additional source of supply, construction of a raw water pump station, construction of a new filtration plant to replace the existing filtration system and installation of the Industrial Park Loop.

##### Permit No. 3606501, Public Water Supply.

Applicant **City of Lancaster—Susquehanna Water Treatment Plant**

Municipality West Hempfield Township

County **Lancaster**

Responsible Official Charlotte Katzenmoyer, Public Works Director  
120 North Duke Street  
Lancaster, PA 17608-1559

Type of Facility Public Water Supply

Consulting Engineer Jason D Wert, P. E.  
Herbert Rowland & Grubic Inc  
474 Windmere Drive  
State College, PA 16801

Application Received Date 2/13/2006

Description of Action Installation of a membrane filtration system to replace the existing filtration plant.

##### Permit No. 3606202, Public Water Supply.

Applicant **City of Lancaster—Conestoga Water Treatment Plant**

Municipality Lancaster City  
 County **Lancaster**  
 Responsible Official Charlotte Katzenmoyer, Public Works Director  
 120 North Duke Street  
 Lancaster, PA 17608-1559

Type of Facility Public Water Supply  
 Consulting Engineer Jason D. Wert, P. E.  
 Herbert Rowland & Grubic Inc  
 474 Windmere Drive  
 State College, PA 16801

Application Received Date 2/13/2006

Description of Action Installation of a membrane filtration system to replace the existing filtration plant.

Description of Action Repainting interior and exterior of 250,000 gallon elevated potable water storage tank located in Brookville Industrial Park.

## 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

### MINOR AMENDMENT

#### **Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

#### **Application No. 5606501MA, Minor Amendment.**

Applicant Conemaugh Township Municipal Authority  
 Box 429  
 113 South Main Street  
 Davidsville, PA 15928

Township or Borough Conemaugh Township  
 Responsible Official Mark Blasko, Chairperson  
 Conemaugh Township Municipal Authority  
 Box 429  
 113 South Main Street  
 Davidsville, PA 15928

Type of Facility Water storage tank  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501

Application Received Date March 20, 2006

Description of Action Construction of the 187,000 gallon Pretoria Water Storage Tank.

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

#### **Application No. 6830-MA4, Minor Amendment**

Applicant **Brookville Municipal Authority**

Township or Borough Pinecreek Township  
**Jefferson County**

Responsible Official Terrence J. O'Neill, Water and Wastewater Commissioner

Type of Facility Public Water Supply  
 Application Received Date 03/22/2006

at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Valley Forge Military Academy & College**, Radnor Township, **Delaware County**. Thomas Petrecz, Penn E & R, 2755 Bergery Road, Hatfield, PA 19440 on behalf of Christine Audain, Valley Forge Military Academy & College has submitted a Notice of Intent to Remediate. Soil at the site impacted with No. 2 fuel oil. The VFMAC will continue to utilize this property as housing for academy personnel. A summary of the Notice of Intent to Remediate was reported to have been published in the *Acme Newspapers, Inc.* on February 9, 2006.

**Lee Cleaners**, Upper Moreland Township, **Montgomery County**. Richard Sacks, Sigma Environmental Service, Inc. 1514 Harmon Road, Harleysville, PA 19438 on behalf of Chris Anderson, Goodman Prop. 636 Old York Rd., Jenkintown, PA 19046 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with PCE. The site will continue to operation as a dry cleaner. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer* on March 10, 2006.

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

**Broad Street Elementary School**, Mechanicsburg Borough, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Mechanicsburg Area School District, Facilities Center, 1298 South Market Street, Mechanicsburg, PA 17055, submitted a Notice of Intent to Remediate site soils contaminated with No. 4 heating oil. The applicant seeks to remediate the site to a Statewide Health Standard.

**EICH Group Realty**, Bedford Borough, **Bedford County**. GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238, on behalf of The EICH Group Realty, 108 East Pitt Street, Bedford, PA 15522-1317, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The intended future use of the property is residential. The applicant seeks to remediate the site to a Statewide Health Standard.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

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

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

*Renewal Applications Received*

**Orchard Hill Memorial Park, Inc.**, 187 Route 94, Lafayette, NJ 07848, **License No. PA-HC 0163**. Received on 1/31/06.

**Coast Medical Supply, Inc.**, 200 Turnillo Way, Suite 110, Tinton Falls, NJ 07712, **License No. PA-HC 0214**. Received on 3/6/06.

**Marcor Remediation, Inc.**, 246 Cockeysville Rd., Suite 1, Hunt Valley, MD 21030, **License No. PA-HC 0218**. Received on 2/27/06.

#### **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.**

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

**Permit ID No.300491. EME Homer City Generation LP**, 18101 Von Karman Avenue, Irvine, CA, 92612-1046. EME Homer City Generation LP, 1750 Power Plant Road, Homer City, PA 15748-9558. An application for the permit renewal of a residual waste flyash facility in Center and Blacklick Townships, **Indiana County** was received in the Regional Office on March 27, 2006.

**Permit ID No. 100081. Southern Alleghenies Landfill, Inc.**, 843 Miller Picking Road, Davidsville, PA 15928. Southern Alleghenies Landfill, 843 Miller Picking Road, Davidsville, PA 15928. An application for the permit renewal of a municipal waste landfill in Conemaugh Township, **Somerset County**, was received in the Regional Office on March 28, 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.**

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

**67-05093A: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405) for use of No. 6 fuel oil and reclaimed oil as alternate fuels at their existing batch asphalt plant (controlled by a fabric collector) at their Emigsville Plant in Manchester Township, **York County**.

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

**32-000297E: Creps United Publications** (1163 Water Street, P. O. Box 746, Indiana, PA 15701) for installation of a new heatset press to replace an existing press (M-200) at Christy Park Drive Facility in White Township, **Indiana County**.

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

**10-021L: Indspec Chemical Corp.** (133 Main Street Petrolia PA 16050) for modification of plan approval 10-021J to increase the hours of operation for the resin hold tank at the chemical manufacturing plant in the Petrolia Borough, **Butler County**. The facility is a Title V Facility.

**10-021M: Indspec Chemical Corp.** (133 Main Street Petrolia PA 16050) for modification of plan approval 10-021J to increase the hours of operation for the resin scrubbing system at the chemical manufacturing plant in the Petrolia Borough, **Butler County**. The facility is a Title V Facility.

**10-021N: Indspec Chemical Corp.** (133 Main Street Petrolia PA 16050) for modification of plan approval PA-10-021D to increase the hours of operation for the Copeland Unit at the chemical manufacturing plant in the Petrolia Borough, **Butler County**. The facility is a Title V Facility.

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

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

**48-320-014: Cadmus Specialty Publications** (1991 Northampton Street, Easton, PA 18042-3189) for replacement of two printing presses with a new four web press in Easton, **Northampton County**. VOC emissions from the plant will remain under the 50 TPY threshold. Emissions will be controlled by the use of afterburners. The Department of Environmental Protection will place a condition for the facility to monitor temperature rise across the catalyst. 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.

**39-303-016: Reading Materials, Inc.** (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) for construction and operation of a batch asphalt plant and associated air cleaning device (fabric collector) including the utilization of recycled asphalt pavement (RAP) and on-spec waste derived liquid fuel (WDLF) at the Lehigh Materials facility in Hanover Township, **Lehigh County**. The batch asphalt plant will incorporate no more than 22.5% RAP into the 350 ton per hour facility while any WDLF used will meet all regulatory requirements. The company has elected to take a voluntary production restriction of 300,000 tons of asphalt per year. Total emissions from the plant will not exceed 13.2 tpy of SO<sub>x</sub>, 18.0 tpy of NO<sub>x</sub>, 60.0 tpy of CO, 1.2 tpy of VOC and 6.3 tpy of PM. The batch 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 contain operating restrictions, testing, monitoring, reporting and recordkeeping requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

**64-301-007: James Wilson Funeral Home, Inc.** (P. O. Box 7, Lake Ariel, PA 18436) for installation of a new Human Remains Crematory Incinerator at the facility on Route 296, 143 Gravity Road, Lake Township, **Wayne County**. The unit will have a rated capacity of 100 lbs/hr and fire on propane gas. The minimum operating temperature of 1,800°F shall be maintained with a minimum gas retention time of 1 second. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O<sub>2</sub>. Visible air contaminants shall not be emitted in a manner that the opacity of the emissions is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 30% at any time. The Plan Approval and Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**54-329-002: Pine Grove Power, LLC** (2250 Dabney Road, Richmond, VA 23230) for construction and operation of 24 Detroit Diesel engines to convert landfill gas to energy at the facility in Pine Grove Township, **Schuylkill County**. PM/PM10 emissions shall not exceed 18.8 TPY, 12 month rolling sum. SOx emissions shall not exceed 12.1 TPY, 12-month rolling sum. CO emissions shall not exceed 249.0 TPY, 12-month rolling sum. NOx emissions shall not exceed 99.0 TPY, 12 month rolling sum. VOC emissions shall not exceed 49.0 TPY, 12 month rolling sum. HAP emissions shall not exceed 9.9 TPY for any single HAP based on a 12 month rolling sum and 25.0 TPY for combined HAPS based on a 12 month rolling sum. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 25 Pa. Code § 123.41 for opacity. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. Monitoring and recordkeeping requirements will be contained in the Plan Approval.

**40-317-027: Stroehmann Bakeries LC** (25 Kiwanis Boulevard, Hazleton, PA 18201) for installation of a new bread oven which will replace an existing bread oven of similar size at the facility in Hazle Township, **Luzerne County**. This facility is a non-Title V facility. The company shall comply with 25 Pa. Code § 123.31 for malodorous emissions. Their existing catalytic oxidizer will control emissions from the oven. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

**36-03052A: Boose Aluminum Foundry Co., Inc.** (77 North Reamstown Road, Reamstown, PA 17567) for installation of a replacement thermal sand reclamation system at the foundry in East Cocalico Township, **Lancaster County**. The new system replaces two existing systems and includes a fabric filter to control PM emissions. Emissions from the foundry will remain essentially the same. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements to ensure facility complies with the applicable air quality regulations.

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

**41-305-010B: Keystone Filler and Manufacturing Co., Inc.** (214 Railroad Street, Muncy, PA 17756) for construction of a portable coal, shale and rottenstone crushing and screening operation in Muncy Creek Township, **Lycoming County**.

The portable crushing and screening operation will consist of a portable crushing plant and associated 200 horsepower diesel engine and a portable screening plant and associated 96 horsepower diesel engine. Fugitive PM emissions including PM10 will be controlled by water spray dust suppression systems. The CO emissions from the 200 horsepower diesel engine will be controlled with a catalytic converter. The air contaminant emissions from the portable crushing and screening operation are not expected to exceed .23 ton of PM, 4.58 tons of NOx, 1.22 tons of CO, .24 ton of SOx and .5 ton of VOCs per year.

The facility in which the portable crushing and screening operation will be located is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Keystone Filler & Manufacturing Company indicates that the portable crushing and screening operation should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the portable crushing and screening operation.

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

1. The portable crushing and screening operation shall not be used to process metallic minerals.

2. Neither the portable crushing plant nor the associated 200 horsepower diesel engine shall be operated onsite more than 2,080 hours in any 12-consecutive month period. Neither the portable screening plant nor the associated 96 horsepower diesel engine shall be operated on-site more than 2,080 hours in any 12-consecutive month period.

3. The portable crushing plant shall be equipped with a water spray dust suppression system which, at a minimum, shall incorporate four spray nozzles located on the plant's feed hopper.

4. The portable screening plant shall be equipped with a water spray dust suppression system which, at a minimum, shall incorporate four spray nozzles located on the plant's feed hopper and four spray nozzles on the screen.

5. Each water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water any time the respective crushing or screening plant is in operation.

6. No visible fugitive emissions shall occur from either the portable crushing plant or the portable screening plant.

7. The 200 horsepower diesel engine shall be equipped with a catalytic converter for carbon monoxide emission control. The engine shall not be operated until this catalytic converter has been installed and is operational.

8. The sulfur content of the diesel fuel used in the two diesel engines shall not exceed .3% by weight.

9. The visible emissions from the diesel engines shall not be equal to or greater than 10% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or be equal to or greater than 30% at any time.

10. The NOx, CO, PM and VOC emissions from the 96 horsepower diesel engine shall not exceed 6.5, 1.3, .1 and .3 grams per horsepower-hour, respectively, nor shall they exceed 1.38, .28, .021 and .064 pounds per hour, respectively, nor shall they exceed 1.44, .29, .022 and .067 tons in any 12-consecutive month period, respectively.

11. The NOx, CO, PM and total hydrocarbon emissions from the 200 horsepower diesel engine shall not exceed 6.85, 2.0, .4 and .97 grams per horsepower-hour, respectively, nor shall they exceed 3.02, .89, .18 and .43 pounds per hour, respectively, nor shall they exceed 3.14, .93, .19 and .45 tons in any 12-consecutive month period, respectively.

12. Following the installation of the catalytic converter, NOx and CO testing shall be performed with a portable analyzer on the 200 horsepower diesel engine.

13. Records shall be maintained of the number of hours the portable crushing plant operates onsite each month, the number of hours the portable screening plant operates onsite each month, the number of hours the 200 horsepower diesel engine operates onsite each month and the number of hours the 96 horsepower diesel engine operates onsite each month.

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

**25-037C: Joseph McCormick Construction Co., Inc.** (1507 Wesleyville Avenue, Erie, PA 16510) for modification of a plan approval to burn alternative fuels, and increase the percentage of RAP at their asphalt plant in Wesleyville Borough, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval for modification of a plan approval to burn alternative fuels and increase the percentage of RAP at the asphalt plant in Wesleyville Borough, **Erie County**. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

**25-069K: Engelhard Corporation** (1729 East Avenue, Erie, PA 16503) Notice is hereby given, under to 25 Pa. Code §§ 127.44(a) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a Plan Approval to, for their plant located in the City of Erie, **Erie County**. This plan approval will authorize the applicant to permanently operate a Catalyst Manufacturing Process. The plan approval will subsequently be incorporated into a State-only Operating Permit at a later date.

Based on the information provided by the applicant and the Department's own analysis, the NOx emissions from the process will be less than 1 ton/yr.

Persons wishing to provide the Department with additional information they believe should be considered may submit the information to the address which follows. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-43-339A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification is sufficient. Written

comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

### OPERATING PERMITS

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

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

**09-00009: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914-1805) for renewal of their Title V Operating Permit in New Britain Township, **Bucks County**. The initial permit was issued on 8-1-2001. The facility is a direct mail printer consisting of six commercial lithographic printing presses and one flexographic printing press. As a result of potential emissions of HAPs and VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under to 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**40-00002: Transcontinental Gas Pipe Line Corp.** (Route 115, Bear Creek, PA 18602) in Buck Township, **Luzerne County**. The facility's major source of emissions is the operation of a natural gas transmission station, which primarily emits NOx.

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

**62-00017: United Refining Co.** (15 Bradley Street, Warren, PA 16365) for renewal of their Title V Operating Permit in Warren City, **Warren County**. The initial permit was originally issued on December 26, 2000. United Refining owns five boilers, FCC heaters, D.H.T. heater No. 1 and No. 2, east and west end reformer heater, crude heater, pretreater heater, saturated gas plant (debut) reboiler, vacuum process heater, prefractionator reboiler No. 2, miscellaneous tank heaters, blow down system, claus sulfur No. 1 and No. 2 and east, west and middle FCC KVG compressors. 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. No sources at the facility 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.

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

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

**35-00055: McGregor Industries, Inc.** (46 Line Street, Dunmore, PA 18512) for operation of a Facility State-only Natural Minor Operating Permit for paint spray booth in Dunmore, **Lackawanna County**.

**40-00098: Koehler-Bright Star, Inc.** (380 Stewart Road, Hanover Township, PA 18706-1459) for operation of a Facility State-only Natural Minor Operating Permit for battery manufacturing operations in Hanover Township, **Luzerne County**.

**40-00100: Coates Toners** (411 Country Club Road, Dallas, PA 18612) for operation of a Facility State-only Natural Minor Operating Permit for filter baghouses in Dallas, **Luzerne County**.

**64-00010: John Sexton Sand and Gravel Co.—Rosencranse Landfill** (4415 West Harrison Street, Suite 535, Hillside, Illinois 60162-1900) for operation of a Facility State-only Natural Minor Operating Permit for closed landfill operations in Berlin, **Wayne County**.

**64-00012: Wayne Memorial Hospital** (601 Park Street, Honesdale, PA 18431) for operation of a Facility State-only Synthetic Minor Operating Permit for an ETO Sterilizer in Honesdale, **Wayne County**.

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

**01-03026: Growmark FS, LLC** (3150 Stoney Point Road, East Berlin, PA 17316) for a renewal of their State-only Operating Permit for operation of their fertilizer plant in Latimore Township, **Adams County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**22-03018: Millersburg Area School District** (799 Center Street, Millersburg, PA 17061) for operation of an anthracite coal-fired boiler at the Lenkerville Elementary School in Upper Paxton Township, **Dauphin County**. This is a non-Title V (State-only) facility. This is a renewal of the facility's State-only operating permit issued in May of 2002.

**22-05036: Millersburg Area School District** (799 Center Street, Millersburg, PA 17061) for operation of two anthracite coal-fired boilers at the High School and Middle School in Millersburg Borough, **Dauphin County**. This is a non-Title V (State-only) facility. This is a renewal of the facility's State-only operating permit issued in March of 2002.

**28-03028: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for operation of an existing limestone crushing plant and an existing concrete batch plant for the facility (Dry Run Quarry) in Fannett Township, **Franklin County**. A wet suppression system will continue to control particulate emissions from the limestone crushing plant while fabric collectors will

control emissions from the concrete batch plant. The permit is for a non-Title V (State-only) facility. The primary crusher located at the limestone crushing plant is subject to the requirements of 40 CFR Part 60, Subpart 000—Standards of performance for Nonmetallic Mineral Processing Plants. The permit will include monitoring, work practice, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit.

**67-03134: Key Plastics, LLC** (3350-3390 Farmtrail Road, York, PA 17402) for operation of three automated paint lines controlled by dry filters and a regenerative thermal oxidizer in Manchester Township, **York County**. The State-only Operating Permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-05063: York Building Products** (950 Smile Way, York, PA 17404-1798) for a renewal of their State-only Operating Permit for operation of their asphalt plant and stone quarry in West Manchester Township, **York County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-05079: York Building Products** (950 Smile Way, York, PA 17404-1798) for a renewal of their State-only Operating Permit for operation of their asphalt plant in Jackson Township, **York County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-05080: York Building Products** (950 Smile Way, York, PA 17404-1798) for a renewal of their State only Operating Permit for operation of their stone quarry in Jackson Township, **York County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**49-00056: The Quikrete Companies, Inc.** (R. R. 1, Box 312, Paxinos, PA 17860) for operation of a dry redi-mix concrete batching and packaging facility in Shamokin Township, **Northumberland County**.

The facility incorporates an 80 ton per hour natural gas-fired rotary sand and gravel dryer, a number of material (sand, gravel, flyash, Portland cement, and the like) storage silos and bins and various pieces of mixing, screening, conveying and packaging equipment. The air contaminant emissions from the facility are not expected to exceed 17.69 tons of NO<sub>x</sub>, 52.70 tons of CO, 19.41 tons of PM including PM<sub>10</sub>, 2.88 tons of VOCs and .12 ton of SO<sub>x</sub> per year.

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



The Department of Environmental Protection (Department) proposes to 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 Plan Approval 49-311-003, issued on March 9, 2004.

The previously-established conditions include:

1. A condition limiting facility throughput to 700,800 tons in any 12-consecutive month period.
2. A condition restricting the fuel used in the rotary dryer to natural gas.
3. Conditions requiring the use of nine fabric collectors to control the emission of PM.
4. A condition limiting the PM emissions from the fabric collectors to .01 grain per dry standard cubic foot of effluent exhaust.
5. A condition prohibiting the emission of visible emissions from the fabric collector exhausts (other than water vapor or steam).
6. A condition requiring the fabric collector used to control the PM emissions from the rotary dryer to be equipped with instrumentation to monitor both the pressure differential across the collector and the inlet gas temperature to the collector on a continuous basis as well as with an inlet gas temperature interlock system.
7. A condition requiring the two fabric collectors used to control the PM emissions from the "Q-line mixing and packaging system" and "C-line and OMB packaging systems" to be equipped with instrumentation to monitor the pressure differential across the collectors on a continuous basis.
8. A condition requiring any air compressor supplying compressed air to the fabric collectors to be equipped with an air dryer and an oil trap.
9. A condition requiring spare fabric collector bags to be kept onsite.
10. A condition requiring the maintenance of records of the facility throughput each month.

The Department additionally proposes to incorporate into the operating permit a new condition requiring the annual submission of a report of the monthly facility throughputs for the prior 12-consecutive months.

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

**56-00299: Hoover Conveyor and Fabrication Corp.** (P. O. Box 179, 262 Industrial Park Road, Meyersdale, PA 15552) for operation of surface coating and small coal-fired furnace at Meyersdale Plant in Meyersdale Borough, **Somerset County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

**17841607 and NPDES Permit No. PA0100803, Energy Resources, Inc.**, (P. O. Box 259, Brockway, PA 15824), to renew the permit for the Bigler Prep Plant in Bradford Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received January 6, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**Permit No. 32960102 and NPDES No. PA 0213314. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface auger mine in Canoe Township, **Indiana County**, affecting 262 acres. Receiving streams: UNTs to Canoe Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 22, 2006.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**02060101 and NPDES Permit No. PA0250881. Castor Farm Associates, Inc.** (McNeilly Professional Bldg., 405 McNeilly Road, Pittsburgh, PA 15226). Application for commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 25.8 acres. Receiving streams: UNTs to Peters Creek, classified for the following usage: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 13, 2006.

**03000106 and NPDES Permit No. PA0202843. P & N Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Revision to an existing bituminous surface mine to add 1.4 acres, revise E & S controls and change land use from forestland to wildlife habitat, located in Plumcreek Township, **Armstrong County**, affecting 82.1 acres. Receiving streams: UNT to Cherry Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: March 23, 2006.

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

**33990109 and NPDES Permit No. PA0241539. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801). Renewal of an existing bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 66.0 acres. Receiving streams: two UNTs to Perryville Run and Perryville Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 17, 2006.

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

**17060102. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801), commencement, operation and restoration of a bituminous surface mine in Brady Township, **Clearfield County**, affecting 116.0 acres. Receiving streams: UNT to Beech Run, Beech Run and East Branch Mahonning, classified for the following use: HQ-CWF. The first downstream potable water supply intake from the point of discharge is E. Branch Mahonning Creek. Application received: March 16, 2006.

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

**13060101. Keystone Anthracite Marketing Corp. d/b/a KAMC** (P. O. Box 126, Paxinos, PA 17860), commencement, operation and restoration of an anthracite surface mine operation in Nesquehoning Borough, **Carbon County** affecting 191.8 acres. Receiving stream: none. Application received March 13, 2006.

**54060103 and NPDES Permit No. PA0224545. Gale Mining Company** (1441 Oak Road, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine and refuse disposal operation in Tremont Township, **Schuylkill County** affecting 308.0 acres. Receiving stream: Lorberry Creek, classified for the following use: CWF. Application received March 15, 2006.

**40660324R4. Coal Contractors (1991), Inc.** (P. O. Box 39, Hazleton, PA 18201), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 925.0 acres. Receiving stream: none. Application received March 17, 2006.

**54753035R4 and NPDES Permit No. PA05956080. N & L Coal Company** (1380 Tioga Street, Coal Township, PA 17866), renewal of an existing anthracite surface mine operation includes NPDES Permit for discharge of treated mine drainage in West Mahanoy Township, **Schuylkill County** affecting 103.16 acres. Receiving stream: Mahanoy Creek. Application received March 17, 2006.

**54920101R2. N & L Coal Company** (1380 Tioga Street, Coal Township, PA 17866), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 459.0 acres. Receiving stream: none. Application received March 17, 2006.

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**6477SM5C2 and NPDES Permit PA0009059. ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamiltonban and Washington Townships, **Adams and Franklin Counties**. Receiving stream: Miney Branch. Application received March 17, 2006.

**45930802. Bruce George Paving & Construction** (R. R. 2 Box 331, Kunkletown, PA 18058), Stage I and II bond release for a quarry operation in Eldred Township, **Monroe County** affecting 2.0 acres on property owned by Sterling Borger. Application received March 20, 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

*Noncoal applications received*

*Effluent limits*

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

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

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

**E15-752. County of Chester, Department of Facility Management**, 14 East Biddle Street, 1st Floor, P. O. Box 2748, West Chester, PA 19380-0991, East Pikeland Township, ACOE Philadelphia District.

To remove the existing Pickering Road Bridge, a 61' 4" long, 14.5-foot wide structure, and to replace it with a 62-foot long, 28-foot wide structure with similar vertical and horizontal alignment across Pickering Creek (HQ-TSF).

The site is located approximately 100 feet northwest of intersection of Pickering Creek Road and Church Road (Malvern PA. USGS Quadrangle N: 19.35 inches W: 13.15 inches).

**E51-217. WT Construction**, 5716 12th Avenue, Brooklyn, NY 11219, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain The Trump Tower, a 43-story condominium facility along the Delaware River (WWF, MF) waterfront. The facility will be constructed within the footprint of Pier 35 1/2 utilizing 818 steel piles driven through the existing filled crib structure to provide structural support. Leasehold of the property within Commonwealth submerged lands is authorized by a pending act of the General Assembly. Work will also include the construction of a walkway and platform at the pier's terminus to provide public access. The site is located approximately 400 feet north of the intersection of Spring

Garden street and Columbus Boulevard (Phila PA, NJ USGS N: 15.75; W: 1.75 inches).

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

**E45-487. East Stroudsburg Area School District**, P. O. Box 298, East Stroudsburg, PA 18301, in East Stroudsburg Borough, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To remove an abandoned wooden bridge across Sambo Creek (CWF, MF) and to restore and stabilize the streambanks and to construct and maintain the following water obstructions as part of the East Stroudsburg Area School District South Campus Senior High School Addition and Alterations Project: 1) a bridge having a single span of 80 feet and an underclearance of 6.1 feet across Sambo Creek; and 2) an 11.0-foot R.C.P. extension of an existing 36-inch diameter R.C.P. stream enclosure in a tributary to Brodhead Creek (TSF) for the purpose of widening an existing road on the south side of the school. The project is located on the west side of North Courtland Street, approximately 0.5 mile south of SR 0447 (East Stroudsburg, PA Quadrangle N: 1.0 inch; W: 8.8 inches).

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

**E01-259 (Samuel Green)**, 399 Montclair Road, Gettysburg, PA 17325-7712 in Straban Township, **Adams County**, ACOE Baltimore District.

To relocate approximately 160 linear feet of a UNT to Rock Creek (WWF). The project is located at the corner of Hanover Road (SR 116) and Mountclair Road (TR 534) (Gettysburg, PA Quadrangle N: 13.32 inches; W: 9.71 inches; Latitude: 39° 49' 24"; Longitude: 77° 11' 39") in Straban Township, **Adams County**.

**E22-500, Capitol View Commerce Center**, Cameron Management, Inc., 3000 Canby Street, Harrisburg, PA 17103, City of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To build a combined printing and multistory office building with associated parking involving the construction and maintenance of 58,000 cy of fill and 22,500 cy of cut in the floodway of Paxton Creek (WWF) (Harrisburg West, PA Quadrangle Latitude: 40° 16' 13" N, Longitude: 76° 52' 38" W, 3.5 inches North, 0.3 inch West), and three 18-inch CMP stormwater discharge pipes in Paxton Creek (Harrisburg West, PA Quadrangle (Latitude: 40° 16' 18" N, 40° 16' 09" N, 40° 16' 06" N, Longitude: 76° 52' 43" W, 76° 52' 38" W, 76° 52' 37" W, N: 3.9 inches, 3.5 inches, 3.2 inches, W: 0.5 inch, 0.4 inch, 0.3 inch)) at a site bounded by Herr Street, Cameron Street, State Street and Paxton Creek in the City of Harrisburg, Dauphin County.

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

**E14-488. Curtin Township Supervisors**, 351 Orviston Mountain Road, Howard, PA 16841. Marsh Creek Culvert, in Curtin Township, **Centre County**, ACOE Baltimore District (Howard, PA Quadrangle N: 8 inches; W: 14.2 inches).

The Curtin Township Supervisors is requesting permit authorization for operation and maintenance to a twin cell culvert crossing in Marsh Creek (CWF). The Crossing was installed under Emergency Permit (EP14055003) during the summer of 2005. Obtaining the Joint Permit

authorization was a final action of the Emergency Permit. This crossing consists of two 72" by 96" corrugated culvert pipes placed side by side with rock headwalls. The project impacted 700 square feet of Marsh Creek and is located just of Summit Hill Road.

**E14-486. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Cove Point DTI Pipelines and Centre County Compressor Station, in Potter Township, Spring Township, Boggs Township, Snowshoe Township, Curtin Township, **Centre County**, ACOE Baltimore District (from Barrville, PA Quadrangle N: 18.87 inches; W: 13.97 inches to Snow Shoe NE, PA Quadrangle N: 7.88 inches; W: 10.13 inches).

To construct, operate and maintain a 24-inch gas transmission pipeline with the following encroachments: 1) Temporary wetland impacts totaling 7.54 acres with 3.91 acres of palustrine emergent wetlands (PEM), 2.99 acres of palustrine forested open water wetlands (PFO) and 0.15 acre of palustrine scrub shrub wetlands (PSS) for construction of the pipeline and 0.45 acre of (PEM) and 0.04 acre (PFO) for construction of temporary access roads. Impacts to EV wetlands associated with this project total 5.65 acres. The applicant proposes to replace the functions and values of palustrine forested open water wetlands (2.99 acres) and palustrine scrub shrub wetlands (0.15 acre) that will be permanently converted to palustrine emergent wetlands because of the right of way maintenance requirements; and 2) Temporary stream impacts from the construction of pipeline crossings will total 4,730 linear feet and construction of temporary access roads will impact 1,447 linear feet of a variety of streams classified as CWF, HQ or EV watersheds.

There are a total of 63 individual stream crossings and 66 wetland crossings. Stream crossings for access roads and pipelines would normally qualify for a general permit or waiver except for three stream crossings with a total impact of 395 linear feet. Temporary wetland crossings for access roads would normally qualify for a general permit, but 21 pipeline wetland crossings require separate authorization because they would not meet the conditions of a general permit.

**E47-084. Sunny Brook Park Association**, P. O. Box 124, Danville, PA 17821. Pedestrian Bridge, in Valley Township, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 20.32 inches; W: 17.21 inches).

The Sunny Brook Park Association is applying for a Small Projects permit application to cross Mahoning Creek with a Pedestrian Bridge. The bridge is proposed to have the low cord at the 25 year flood elevation and the existing bank elevations and grades are intended to remain constant. The proposed structure intends to disturb 25 linear feet of Mahoning Creek, which is classified as a TSF.

**E08-434. Towanda Borough**, 724 Main Street, Towanda, PA, 18848. Mix Run Enclosure, in Towanda Borough, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 3.84 inches; W: 9.91 inches).

Towanda Borough is applying for a Small Projects Permit to replace a 1,440 linear foot enclosure of Mix Run. The proposed structure is comprised of 1,040 linear feet of 112 inch by 75 inch corrugated aluminized steel pipe arch and 400 linear feet of 96 inch corrugated aluminized steel pipe to outfall to the Susquehanna River. Mix Run is classified as a WWF.

**E41-561. Transcontinental Gas Pipe Line Corporation**, 2800 Post Oak Boulevard, Houston, TX 77056. Water Obstruction and Encroachment Joint Permit Application, Leidy to Long Island Expansion Loop—Hughesville Loop, in Wolf and Muncy Townships, **Lycoming County**, ACOE Baltimore District (Huntersville, PA Quadrangle N: 4 inches; W: 14.5 inches).

To construct, operate and maintain approximately 3.41 miles of 42-inch steel gas pipeline within the Susquehanna River watershed (WWF) for the expansion of and existing line. Construction of the gas line will require the 13 stream and four wetland crossings that are as follows:

<i>Stream Name</i>	<i>Crossing Length (ft.)</i>	<i>Latitude</i>	<i>Longitude</i>
~ <b>Wetlands</b> ~			
UNT Carpenters Run	97	41° 16' 41"	76° 47' 37"
UNT Carpenters Run	38	41° 16' 41"	76° 47' 35"
UNT Carpenters Run	No impact	N/A	N/A
UNT Oak Run	2	41° 16' 41"	76° 46' 41"
UNT Oak Run	7	41° 16' 36"	76° 46' 11"
Wolf Run	46	41° 16' 33"	76° 45' 36"
Wolf Run	51	41° 16' 33"	76° 45' 37"
UNT Wolf Run	46	41° 16' 31"	76° 45' 19"
UNT Wolf Run	5	41° 16' 30"	76° 45' 02"
UNT Wolf Run	No impact	N/A	N/A
UNT Wolf Run	73	41° 16' 26"	76° 44' 34"
UNT Carpenters Run	No impact	N/A	N/A
Wolf Run	No impact	N/A	N/A
~ <b>Streams</b> ~			
UNT Carpenters Run	19	41° 16' 41"	76° 47' 37"
UNT Carpenters Run	12	41° 16' 41"	76° 47' 34"
UNT Carpenters Run	8	41° 16' 42"	76° 47' 48"
UNT Oak Run	14	41° 16' 38"	76° 46' 41"
UNT Oak Run	11	41° 16' 36"	76° 46' 11"
UNT Oak Run	N/A	41° 16' 36"	76° 46' 15"
Wolf Run	18	41° 16' 33"	76° 45' 35"
UNT Wolf Run	10	41° 16' 19"	76° 45' 03"
UNT Wolf Run	12	41° 16' 28"	76° 44' 51"
UNT Wolf Run	20	41° 16' 26"	76° 44' 38"
UNT Wolf Run	21	41° 16' 26"	76° 44' 33"
UNT Wolf Run	12	41° 16' 26"	76° 44' 34"
UNT Carpenters Run	N/A	N/A	N/A
Wolf Run	N/A	N/A	N/A
UNT	N/A	N/A	N/A
UNT Muncy Creek	N/A	N/A	N/A

Gas line crossings shall be constructed with a minimum of 3 feet of cover. Trench plugs or clay dikes shall be used at every gas line crossing a waterway or wetland to ensure the hydrology of the streams or wetland is not altered. The project will impact 365 linear feet of jurisdictional wetlands and 157 linear feet of waterway. The project is located between the western right-of-way of SR 0220 and right-of-way of SR 2051 eastern approximately 3 miles north of Pennsdale.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA48-007NE. Nestle Waters North America, Inc.**, 405 Nestle Way, Breinigsville, PA 18031. Washington Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To remove an abandoned stormwater outfall structure and road crossing in Greenwalk Creek (CWF, MF) and restore the stream channel to existing conditions and to restore and stabilize a de minimus wetland area less than 0.05 acre that was previously impacted by the construction of a gravel lot and spring water loading station. The project is located 1/4 mile north of Delabole Road, adjacent to the Greenwalk Trout Hatchery (Bangor, PA Quadrangle N: 20.3 inches; W: 14.1 inches).

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

**EA05-006, Broad Top Township**, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633 in Broad Top Township, **Bedford County**, ACOE Baltimore District.

*Project Description*

To construct and maintain a passive AMD treatment system on approximately 0.30 acre of the right bank's floodway and floodplain of Longs Run (WWF) consisting of 120 linear feet of riprap lined conveyance channel, a 0.07 acre aerobic treatment wetland, and a 50-foot long by 13-foot wide riprap lined spillway discharging to Longs Run (WWF) for the purpose of increasing alkalinity and reducing metals in Longs Run at a site (Hopewell, PA Quadrangle N: 1.4 inches, W: 17.5 inches; Latitude: 40° 07' 57", Longitude: 78° 14' 58") approximately 1,400 feet northeast of the intersection of SR 0915 and Longs Run Road (T-134) in Broad Top Township, Bedford County.

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

**EA19-001NC. United States Fish and Wildlife Service**, 315 S. Allen St., Suite 322, State College, PA 16801.

Ned Lurowist Partners Project, North Centre Township, **Columbia County**, Baltimore ACOE District (Bloomsburg, PA Quadrangle N: 8.5 inches, W: 0.8 inches). The applicant proposes to increase habitat diversity in existing wetlands on the property and to create an additional 1.4 acres of wetland by constructing two low dikes and a large pothole. Dike and pothole construction will permanently affect 1.0 acre of PEM wetland, including 0.7 acre of reed canary grass (*Phalaris arundinacea*), and water level manipulation will seasonally influence another 1.75 acres of PEM wetland. Final wetland acreage on the property will be increased from 5.2 to 6.6 acres.

**DAM SAFETY**

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

**D30-066. George Enterprise**, 512 Princeton Avenue, Morgantown, WV 26505. To modify, operate and maintain Leonard George Dam across a tributary to Dunkard Creek (WWF), impacting 1,100 feet of stream for the purpose of recreation and wildlife habitat. (Osage, PA Quadrangle N: 18.2 inches; W: 3.5 inches) in Perry Township, **Greene County**.

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**ACTIONS**

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**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 &amp; Address</i>	<i>County &amp; 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
PA0228320 SP	Davidson Township Municipal Authority Box 7112 Muncy Valley, PA 17758	Sullivan County Davidson Township	Muncy Creek 4C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239712	Bear Creek Watershed Authority—Bruin STP 259 Argyle Street Petroia, PA 16050	Parker Township Bruin Borough Butler County	Bear Creek 17-C	Y
PA0239421	Bear Creek Watershed Authority—Fairview STP 259 Argyle Street Petroia, PA 16050	Fairview Township Fairview Borough Butler County	UNT to Bear Creek 17-C	Y
PA0239739	Bear Creek Watershed Authority—Karns City STP 259 Argyle Street Petroia, PA 16050	Fairview Township Karns City Borough Butler County	South Branch Bear Creek 17-C	Y
PA0094200	Bear Creek Watershed Authority—Petroia STP	Petroia Borough Fairview Township Butler County	South Branch Bear Creek 17-C	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. PA0051926**, Industrial Waste, **Exelon Generation Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility know as Limerick Generating Station in to the Schuylkill River, Possum Hollow Run and Sanatoga Creek in Watershed 3D.

**NPDES Permit No. PA0053716**, Sewage, **Jeffrey and Lori Scott**, 800 North Tower Road, Quakertown, PA 18951. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an UNT to Butter Creek in Watershed 3E-Perkiomen.

**NPDES Permit No. 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 Action/Activity: Approval for a new permit to discharge 42,863 gpd of treated sewage to Stony Creek in Watershed 3F-Lower Schuylkill.

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

**NPDES Permit No. PAS212217**, Industrial Stormwater, **Catskill Stone Limited, Inc.**, R. R. 1, Box 2114B, Equinunk, PA 18417. This proposed facility is located in Manchester Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

**NPDES Permit No. PA0247677**, Sewage, **East Waterford Sewer Authority**, R. R. 1, Honey Grove, PA 17035. This proposed facility is located in Tuscarora Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to the Tuscarora Creek in Watershed 12-B.

**NPDES Permit No. PA0021636 Amendment No. 1**, Sewage, **Fleetwood Borough**, 110 West Arch Street, Suite 104, Fleetwood, PA 19522. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Willow Creek in Watershed 3-B.

**NPDES Permit No. PAS603503 Amendment No. 1**, Industrial Waste, **Royal Green Corporation, LLC**, P. O. Box 9, Temple, PA 19560. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Schuylkill River in Watershed 3-C.

**NPDES Permit No. PA0013862 Amendment No. 1**, Industrial Waste, **Corixa Corporation**, 206 North Biddle Street, Marietta, PA 17547. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-J.

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

**NPDES Permit No. PA0029491**, Sewage, **Clarion Area Authority**, 14 North Fifth Avenue, Clarion, PA 16214-1102. This proposed facility is located in Monroe Township, **Clarion County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Trout Run and Piney Dam.

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

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

**WQM Permit No. 4606402**, Sewerage, **Lower Pottsgrove Township Authority**, 21299 Buchert Road, Pottstown, PA 19464. This proposed facility is located in Lower Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of additional pump to the existing Porter Rd. pump station and a additional pump to the existing Sanatoga Lake pump station.

**WQM Permit No. WQG02460608**, Sewerage, **Montgomery Township Municipal Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605. This proposed facility is located in Montgomery Township, **Montgomery County**.

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

**WQM Permit No. WQG02090609**, Sewerage, **Sellersville Borough**, 140 Church Street, Sellersville, PA 18960. This proposed facility is located in Sellersville Borough, **Bucks County**.

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

**WQM Permit No. 4675406**, Sewerage, **Amendment No. 4, Borough of Ambler**, 122 East butler Avenue, Ambler, PA 19002. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Action/Activity: Chlorination and dechlorination of the facility.

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

**WQM Permit No. 3406402**, Sewerage, **East Waterford Sewer Authority**, R. R. 1, Honey Grove, PA 17035. This proposed facility is located in Tuscarora Township, **Juniata County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a gravity sewer collection system, pump station, and extended aeration sewage treatment plant.

**WQM Permit No. 6705414**, Sewerage, **Red Lion Municipal Authority**, P. O. Box 190, Red Lion, PA 17356-0190. This proposed facility is located in Red Lion Borough, **York County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of the replacement of the existing East Walnut Street Pump Station with construction of a 58,502 gpd suction lift pump station.

**WQM Permit No. 0687409 Amdnment 06-1**, Sewerage, **Fleetwood Borough Authority**, 110 West Arch Street, Suite 104, Fleetwood, PA 19522-1322. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/modification of sewerage facilities consisting of a 30-foot diameter secondary clarifier, raw sewage grinder, blower building, blowers, 10-inch diameter air feed line, modification to oxidation ditch rotors, flow division box, and WAS/RAS pump station with associated pumps and piping.

**WQM Permit No. PA0013862**, Industrial Waste, **Corixa Corporation**, 206 North Biddle Street, Marietta, PA 17545. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of Industrial Waste Treatment Facilities.

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

**WQM Permit No. 6505201**, Industrial Waste, **Highridge Water Authority, Tubmill Water Treatment Plant**, 17 Maple Avenue, Blairsville, PA 15717. This proposed facility is located in Fairfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Approval for the installation of treatment facilities to treat wastewaters from the six filters, clarifier and the settling basin.



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

**WQM Permit No. 4306401**, Sewerage, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is located in City of Heritage, **Mercer County**.

Description of Proposed Action/Activity: This project is for the replacement/rehabilitation of the Bobby Run Interceptor Sewer.

**WQM Permit No. 6204404**, Sewerage, **Amendment No. 1, Eldred Township**, R. D. 2, Box 123A, Pittsfield, PA 16340. This proposed facility is located in Eldred Township, **Warren County**.

Description of Proposed Action/Activity: This project is to install two reed beds at the recently completed wastewater treatment facility.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505027	Owen J. Roberts School District OJR High School Addition 901 Ridge Road Pottstown, PA 19465-8402	Chester	South Coventry Township	Pigeon Creek (HQ-MF-TSF) French Creek (EV-HQ-TSF)
PAI011505061	New London Presbyterian Church Proposed New Church P. O. Box 269 New London, PA 19360	Chester	New London Township	Hodgson Run (HQ-TSF-MF)

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

**NPDES Permit No. PAI023505002**. In response to the Order of the Environmental Hearing Board (Board) dated October 24, 2005, on March 20, 2006, the Department of Environmental Protection (Department) decided to take no action with respect to NPDES Permit No. PAI023505002 issued to **Hemingway Development Limited Partnership** for the discharge of stormwater from construction activities at its proposed project site in Moosic Borough, **Lackawanna County**. The permit remains in effect. The Department issued NPDES Permit No. PAI023505002 on September 6, 2005. On September 21, 2005, PRIZM Asset Management Company, Preit Services, LCC, and Diann Van Louvender appealed the Department's September 6, 2005, issuance to the Environmental Hearing Board. On October 24, 2005, the Board issued an Order requiring the Department to renounce the permit application associated with NPDES Permit No. PAI023505002 and accept public comments. The Department renounced the revised permit application on November 19, 2005. The Department also held a public hearing on the revised permit application on December 20, 2005.

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023505002	Hemingway Development, LP 2 Glenmaura National Blvd. Moosic, PA 18507-1762	Lackawanna	Moosic Borough	Spring Brook CWF Stafford Meadow Brook HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032105004	Matthew Madden Carlisle Developers, LLC (Sable Chase) 320 South Hanover Street Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run HQ-CWF
PAI033605008	Loren Martin Terra Gro, Inc. (Composting Facility) 106 Lynwood Drive P. O. Box 790 Terre Hill, PA 17581-0790	Lancaster	Salisbury Township	Pequea Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062505001	Cross Pointe Subdivision Bruce T. Minnick 5725 Thomas Road Fairview, PA 16415	Erie	Millcreek Township	Tributary Thomas Run HQ-CSF; MF

## 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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Thornbury Township Chester County	PAG2001505020	Britton Place Associates, Inc. 1657 Warpath Road West Chester, PA 19392	Radley Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Brookhaven Borough Delaware County	PAG2002305067	McDonald's Company 3025 Chemical Road Suite 200 Plymouth Meeting, PA 19462	Chester Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004606017	Greenway Development, LP 350 Main Street Suite 209 Doylestown, PA 18901	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG2004606014	Greenway Development, LP 3625 Welsh Road Willow Grove, PA 19422	Tributary Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Collegetown Borough Montgomery County	PAG2004605064	Ursinus College Main Street Collegetown, PA 19426	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Merion Township Montgomery County	PAG2004605224	Lubert Adler Management, Inc. 1811 Chestnut Street Philadelphia, PA 19103	UNT Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004605215	Universal Health Services, Inc. 367 South Gulph Road King of Prussia, PA 19406	Crow Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004605046	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Doe Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605016	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Landis Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004605176	Nicholas Braccia 536 Easton Road Horsham, PA 19044	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004605151	Gambone Development 1030 West Germantown Pike Fairview Village, PA 19409	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605189	Piazza Family Limited Partnership 401 South Schuylkill Avenue Norristown, PA 19403	UNT Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004605007	Nolan Capital, LLC 4541 Bellaire Drive South, Suite 100 Fort Worth, TX 76109	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004606043	Merk and Company, Inc. P. O. Box B West Point, PA 19486	UNT Towamencin Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG2004604225	Danny Jake Corporation 3625 Welsh Road Willow Grove, PA 19090	UNT Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004605223	Summit Realty Advisors, LLC 621 Delaware Street P. O. Box 428 New Castle, DE 19720	Towamencin and Skippack Creeks (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004605147	Upper Providence Township 1286 Black Road P. O. Box 406 Oaks, PA 19456	UNT Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004605190	Cypress Equities Northeast, LLC 15601 Dallas Parkway Suite 400 Addison, TX 75001	Crow Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Moreland Township Montgomery County	PAG2004605198	The Great Britains 900 South York Road Willow Grove, PA 19090	Pennypack Creeek (TSF/MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004605177	Souderton Area High School 760 Lower Road Souderton, PA 18964	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105051	Target Corporation T2124 Philadelphia West Target P. O. Box 111 Minneapolis, MN 55440-0111	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2005106001	Nine Arch Associates, Inc. Pearl Condominiums Development 150 North Broad Street Philadelphia, PA 19102	Delaware River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitehall Township Lehigh County	PAG2003905032	Martin Zawarski Nic Zawarski & Sons 1441 Linden St. Bethlehem, PA 18018	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Upper Saucon Township Lehigh County	PAG2003906011	Kara Benson—Harvery ALDI, Inc. 2700 Saucon Valley Rd. Center Valley, PA 18034	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Lower Saucon Township Northampton County	PAG2004806013	MMSCC—2 c/o Lehigh Gas Corp. 3773 Corporate Parkway Suite 100 Center Valley, PA 18034	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Lower Nazareth Township Northampton County	PAG2004806007	T & S Development Co. 623 Selvaggio Drive Suite 200 Nazareth, PA 18064	Nancy Run (source to SR 3007 Bridge) CWF-MF	Northampton County Conservation District (610) 746-1971
Dunmore Borough Lackawanna County	PAG2003506004	Mark Paradise 100 Colliery Rd. Dickson City, PA 18519	Roaring Creek CWF	Lackawanna County Conservation District (570) 281-9495
Schuylkill Haven Borough Schuylkill County	PAG2005406004	Schuylkill Haven Area School District 120 Haven St. Schuylkill Haven, PA 17972	Tributary to Schuylkill River 100' CWF	Schuylkill County Conservation District (570) 622-3742
Lions Club Park Todd Township Fulton County	PAG2002906004	McConnellsburg Lions Club c/o Donald Fowler 113 W. Wood St. McConnellsburg, PA 17233	Big Cove Creek CWF	Fulton County Conservation District Seleen Shimer (717) 485-3547, Ext. 121
Bern Township Berks County	PAG20006050891	Charles T. Nifenecker Victory Baptist Church 25 Victory Circle Reading, PA 19605	Tulpehocken WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wyomissing Borough Berks County	PAG2000605117	Mark Pottschmidt Stanbery Acquisitions, LLC 250 East Broad St., Suite 200 Columbus, OH 43215	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG2000606023	Alan Lontz Twin Valley School District 4851 N. Twin Valley Road Elverson, PA 19520-9340	Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Halifax Township Dauphin County	PAG2002206003	Dane Harman D & G Harman, LLC 352 Mountain House Rd. Halifax, PA 17032	New England Run CWF Armstrong Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002205015	Steven Shirk 2226 Manchester Blvd. Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
South Hanover Township Dauphin County	PAG2002206007	Peter and Mary Houts 70 Hillymede Rd. Hummelstown, PA 17036	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002205069	Magnolia Terrace Partners, LP K C Lezzer P. O. Box 118 Curwensville, PA 16833	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Silver Spring Township Cumberland County	PAG2002106003	Sun Motor Cars SAV, Ltd. Daniel Sunderland 444 Carlisle Pike Camp Hill, PA 17011	Hogestown Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Lower Allen Township Cumberland County	PAG2002106011	Graystone Bank Andrew Samuel 112 Market Street Harrisburg, PA 17011	Cedar Run Creek CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Lower Allen Township Cumberland County	PAG2002106008	Lower Allen VFW Post 7530 Lower Allen Veterans of Foreign Wars Pat McNichol 205 Hummel Avenue Camp Hill, PA 17011	UNT to Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAG2002106015	Pinehurst—Watts Tract Pinehurst Hills, LP Bob Borden 2171 Tall Oaks Lane York, PA 17403	Sears Run WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Burnside Borough Clearfield County	PAG2001706002	Burnside Borough Council P. O. Box 208 Burnside, PA 15721	West Branch Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-8130

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Stillwater Borough Columbia County	PAG2001906001	Stillwater Christian Church Frank Beishline 42 Wesley St. Stillwater, PA 17878	UNT to Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Town of Bloomsburg Columbia County	PAG2001906006	Bloomsburg University Eric C Milner Buckingham Maintenance Center 400 E. 2nd St. Bloomsburg, PA 17815	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
North Towanda Township Bradford County	PAG2000806001	LGN Mgmt., LLC 155 Phillips Drive South Williamsport, PA 17702	Sugar Creek WWF	Bradford County Conservation District R. R. 5, Box 5030-C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539
Allegheny County West Deer Township	PAR10A509R	Bob Ferguson Links at Deer Run 2762 McMorran Road Gibsonia, PA 15044	Dawson Creek (CWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Ohio and Kilbuck Townships	PAG20002040691	Animal Friends Camp Horne Road Facility 2643 Penn Avenue Pittsburgh, PA 15222-4261	Lowries Run (TSF)	Allegheny County Conservation District (412) 241-7645
Allegheny County West Mifflin Borough	PAG20002041001	United States Department of Energy 814 Pittsburgh McKeesport Blvd. West Mifflin, PA 15122-0109	Thompson Run & Bull Run (WWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette Township	PAG20002050901	CSG Properties, LLC 101 International Drive Oakdale, PA 15071	Robinson Run (WWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Monroeville	PAG2000205113	Haymaker Pointe, LP 772 Pine Valley Drive Pittsburgh, PA 15239	Turtle Creek (TSF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Crafton Borough	PAG2000205131	Greicon Properties 8 Alice Street Pittsburgh, PA 15205	Chartiers Creek (WWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Hampton Township	PAG2000205134	Minnock Construction Co. 7202 Old McKnight Road Pittsburgh, PA 15237	Pine Creek (CWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County McKeesport	PAG2000205135	McHolme Builders, Inc. 315 Paydays Drive Elizabeth, PA 15037	Long Run (TSF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Bridgeville Borough	PAG2000206004	Bridgeville Borough 425 Bower Hill Road Bridgeville, PA 15017	McLaughlin Run (WWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Scott Township	PAG2000206006	Jerry Fitzgerald 800 Hope Hollow Road Carnegie, PA 15106	Georges Run (WWF)	Allegheny County Conservation District (412) 241-7645

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County City of Pittsburgh	PAG2000206008	Department of Conservation and Natural Resources P. O.Box 387 195 Park Road Prospect, PA 16052	Monongahela & Allegheny Rivers (WWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Plum Borough	PAG2000206014	Hanson Aggregates, PMS, Inc. 2200 Springfield Pike Connellsville, PA 15425	Pucketa Creek (TSF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Neville Township	PAG2000206015	Jones Development Company 4600 Madison, Suite 725 Kansas City, MO 64112	Monongahela & Allegheny Rivers (WWF)	Allegheny County Conservation District (412) 241-7645
Allegheny County Pine Township	PAG2000206021	Manor Development Group 109 Gateway Avenue Wexford, PA 15090	Pine Creek (CWF)	Allegheny County Conservation District (412) 241-7645
Armstrong County East Franklin Township	PAG2000306001	Scott Hooks Construction R. D. 3 Box 398 Kittanning, PA 16201	Glade Run (TSF)	Armstrong County Conservation District (724) 548-3425
Cambria County Dean and Gallitzin Townships	PAG2001106001	Clearfield Creek Watershed Association 216 Beldin Hollow Road Ashville, PA 16613	Little Laurel Run (CWF)	Cambria County Conservation District (814) 472-2120
Greene County Dunkard Township	PAG2003006003	BioMost, Inc. 3016 Unionville Road Cranberry Township, PA 16066	UNT to PA Fork of Dunkard Creek (WWF)	Greene County Conservation District (724) 852-5278
Westmoreland County North Huntingdon Township	PAG2006505056	Hal Turkowski HET Co. 144 Dexter Drive Monroeville, PA 15146	Turtle Creek (TSF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Penn Township	PAG2006505067	Maynard-Kachonik, LLC P. O. Box 320 Mt. Braddock, PA 15465	Bushy Run Creek (TSF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006505077	Jim Burczyk JRC Development 120 Skyview Drive Jeannette, PA 15644	UNT of Possum Hollow to Yough River (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County New Stanton Borough	PAG2006505079	MAWC P. O. Box 730 Greensburg, PA 15601	Sewickley Creek (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County East Huntingdon Township	PAG2006505080	Rodney Ansell R. D. 3, Box 297 Mt. Pleasant, PA 15666	Jacobs Creek (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Upper Burrell Township	PAG2006505081	Westmoreland Bus. & Res. Park-Phase IV 2 North Main Street Suite 601 Greensburg, PA 15601	Pucketa Creek (TSF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006505082	Norwin School District 281 McMahan Drive North Huntingdon, PA 15642	UNT to Tinkers Run (WWF)	Westmoreland County Conservation District (724) 837-5271

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County Hempfield Township	PAG2006506005	New Stanton Developer 110 Kilarney Drive Hunker, PA 15639	Sewickley Creek (WWF)	Westmoreland County Conservation District (724) 837-5271
Erie County Fairview Township	PAG2002506006	Kahkwa Club 3300 Kahkwa Club Road Erie, PA 16506	Walnut Creek CWF	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAR10K177R	Malano Developer 2236 West 36th Street Erie, PA 16506	UNT Millcreek WWF, MF Walnut Creek CWF, MF	Erie Conservation District (814) 825-6403
Elk County Jay Township	PAG2092406003	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	UNT to Bennett Branch Sinnemahoning Creek WWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Springdale Borough Allegheny County	PAR806208	United Refining Company P. O. Box 780 15 Bradley Street Warren, PA 16365-0780	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Haycock Township Bucks County	PAG040036	Thomas Marrone 2141 Mountain View Drive Quakertown, PA 18951	UNT to Tohickon Creek Watershed 2D Three Mile Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Berks County Albany Township	PAG043839	James W. and Sandra M. Adams 750 Hawk Mountain Road Kempton, PA 19529-9201	Pine Creek/CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Richmond Township Tioga County	PAG045203	Holly Everitt P. O. Box 677 Wellsboro, PA 16901	North Elk Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-8(SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Fulton Township	PAG080004	Philadelphia Water Department 7800 Penrose Ferry Road Philadelphia, PA 19154	Hannum Farm No. 2	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707



*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Little Britain Township	PAG080004	Philadelphia Water Department 7800 Penrose Ferry Road Philadelphia, PA 19154	Wood 2 Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Operations Permit** issued to **Buckingham Township**, P. O. Box 413, Buckingham PA 18912, (PWS ID 1090159) Buckingham Township, **Bucks County** on March 23, 2006 for the operation of facilities approved under Construction Permit No. 0904503.

**Permit No. 0905511, Minor Amendment.** Public Water Supply.

Applicant	<b>Doylestown Hospital t/a Pine Run Community</b> 777 Ferry Road Doylestown, PA 18901
Township	Doylestown

County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Ebert Engineering, Inc. P. O. Box 540 Skippack, PA 19774
Permit to Construct Issued	March 23, 2006

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

**Permit No. 2520047, Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b> Lackawaxen Township <b>Pike County</b>
Responsible Official	Keith E. Gabage Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issue Date	March 27, 2006
Description of Action	Transfer of PWS Permit No. 5281503-T1 and 5268502 from CS Water and Sewer Associates (c/o Apple Tree Management Group, Inc.) to Aqua Pennsylvania, Inc.

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

**Permit No. 0605507, Public Water Supply.**

Applicant	<b>Valley Run Water System</b>
Municipality	Washington Township
County	<b>Berks</b>
Type of Facility	Addition of Well No. 4 and associated treatment and storage facilities located on the Gehringer Farm Tract to the Valley Run Water System.
Consulting Engineer	George W Ruby, P. E. Ruby Engineering P. O. Box 127 Rexmont, PA 17085-0127
Permit to Construct Issued:	3/22/2006

**Permit No. 0105510, Public Water Supply.**

Applicant	<b>Adams County Facility Center</b>
Municipality	Straban Township

County **Adams**  
 Type of Facility Installation of an orthophosphate feed system for lead and copper corrosion control treatment.  
 Consulting Engineer Janet R McNally, P. E.  
 William F. Hill & Assoc., Inc.  
 207 Baltimore St.  
 Gettysburg, PA 17325  
 Permit to Construct Issued: 3/22/2006

**Permit No. 3805508**, Public Water Supply.

Applicant **Horning's Market**  
 Municipality Jackson Township  
 County **Lebanon**  
 Type of Facility Construction of a new noncommunity system with UV, softening and nitrate treatment utilizing an existing well.  
 Consulting Engineer Charles A Kehew, II, P. E.  
 James R. Holley & Assoc., Inc.  
 18 South George St.  
 York, PA 17401  
 Permit to Construct Issued: 3/22/2006

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

**Permit No. 4496031—Amendment 15—Operation** Public Water Supply.

Applicant **Tulpehocken Spring Water, Inc.**  
 Township or Borough Benton and Sugarloaf Townships  
 County **Columbia**  
 Responsible Official Gary L. Troutman  
 Tulpehocken Spring Water, Inc.  
 R. R. 1, Box 114T  
 Northumberland, PA 17857  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 3/24/2006  
 Description of Action Authorizes use of Group Mountain Springs source, Sugarloaf Mountain Spring, as an additional raw water source of supply for the existing Oak Park Bottling Plant. Approves operation of pretreatment facilities, including filtration and ozonation, pumping facilities and a 30,000-gallon raw water storage tank.

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant **Wellsboro Municipal Authority**  
 Township or Borough Borough of Wellsboro  
 County **Tioga**

Responsible Official John W. Orr, Chairperson  
 Wellsboro Municipal Authority  
 28 Crafton Street  
 Wellsboro, PA 16901  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer William S. Bray, P. E.  
 P. O. Box 535  
 Wellsboro, PA 16901  
 Permit Issued Date 3/24/06  
 Description of Action Operation of the rehabilitated Filter No. 1, relocated chlorine residual analyzer, filter-to-waste recycle system, filter effluent master meter, and flow meters and water level sensors in Mann Well, Clark Well, Wooden Shanty Well, Pump House Well, Banik Well and World's End Well.

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant **McClure Municipal Authority**  
 Township or Borough McClure Borough  
 County **Snyder**  
 Responsible Official Quentin Wagner, Chairperson  
 McClure Municipal Authority  
 P. O. Box 138  
 McClure, PA 17841-0138  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 3/24/06  
 Description of Action Operation of 290,000 gallon glass lined bolted steel tank; distribution lines along Brown and Walker Streets.

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant **McClure Municipal Authority**  
 Township or Borough McClure Borough  
 County **Snyder**  
 Responsible Official Quentin Wagner, Chairperson  
 McClure Municipal Authority  
 P. O. Box 138  
 McClure, PA 17841-0138  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date 3/24/06  
 Description of Action Operation of 60 linear feet of 4-inch diameter class 350 ductile iron waterline from Well No. 1 to an aboveground discharge point at the existing raw water reservoir.

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant **McClure Municipal Authority**  
 Township or Borough McClure Borough  
 County **Snyder**

Responsible Official     Quentin Wagner, Chairperson  
 McClure Municipal Authority  
 P. O. Box 138  
 McClure, PA 17841-0138

Type of Facility         Public Water Supply—Operation

Consulting Engineer     N/A

Permit Issued Date     3/24/06

Description of Action    Operation of Well No. 1 pump  
 replacement and pitless adapter  
 installation.

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

**Operations Permit** issued to **Beverly Health Care—  
 Mountain View Manor**, 138 Mountain View Drive,  
 Hillsdale, PA 15746, (PWS ID 5320017) Montgomery  
 Township, **Indiana County** on March 28, 2006 for the  
 operation of facilities approved under Construction Per-  
 mit No. 5320017-A1.

**Operations Permit** issued to **Municipal Authority  
 of the Borough of Somerset**, 340 West Union Street,  
 Somerset, PA 15501, (PWS ID 4560042) Jefferson Town-  
 ship, **Somerset County** on March 28, 2006 for the  
 operation of facilities approved under Construction Per-  
 mit No. 5601504.

**Operations Permit** issued to **Gallitzin Water Au-  
 thority**, 411 Convent Street, Gallitzin, PA 16641, (PWS  
 ID 4110011) Gallitzin Township, **Cambria County** on  
 March 27, 2006 for the operation of facilities approved  
 under Construction Permit No. 1101501.

**Operations Permit** issued to **Gallitzin Water Au-  
 thority**, 411 Convent Street, Gallitzin, PA 16641, (PWS  
 ID 4110011) Gallitzin Borough, **Cambria County** on  
 March 27, 2006 for the operation of facilities approved  
 under Construction Permit No. 1101502.

**Permit No. 0206501MA, Minor Amendment.** Public  
 Water Supply.

Applicant               **Western Allegheny County  
 Municipal Authority**  
 403 Virginia Drive  
 Oakdale, PA 15071

Borough or Township    North Fayette Township

County                 **Allegheny**

Type of Facility         McKee Road Water Storage Tank

Consulting Engineer     Nichols & Slagle Engineering,  
 Inc.  
 333 Rouser Road  
 Airport Office Park  
 Building 4, Suite 600  
 Moon Township, PA 15108

Permit to Construct     March 21, 2006  
 Issued

**Permit No. 0405501MA, Minor Amendment.** Public  
 Water Supply.

Applicant               **Ambridge Water Authority**  
 600 11th Street  
 P. O. Box 257  
 Ambridge, PA 15003

Borough or Township    Economy Borough

County                 **Beaver**

Type of Facility         Interconnection with the  
 Municipal Authority of the  
 Borough of West View

Consulting Engineer     NIRA Consulting Engineers Inc.  
 950 Fifth Avenue  
 Coraopolis PA 15108

Permit to Operate       March 28, 2006  
 Issued

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

**Operations Permit** issued to **Petroleum Valley Re-  
 gional Water Authority**, P. O. Box P, Bruin, PA 16022,  
 PWS ID 5100147, Bruin Borough, **Butler County**, on  
 March 28, 2006, for the operation of facilities constructed  
 under Permit No. 1004501, issued October 13, 2004.  
 These facilities include a water distribution system; po-  
 table water storage and pressure booster station to supply  
 public water to 799 existing domestic connections in the  
 service area.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Cherryhill Township	184 Spaulding Road Penn Run, PA 15765	Indiana

*Plan Description:* The approved plan provides for con-  
 struction of a 2,000-gpd Small Flow Treatment Facility to  
 serve the proposed Kenwood Commons, a five-apartment  
 complex. The property is located along Manor Road. The  
 proposed discharge point is to Rose Run, classified as a  
 CWF. Any required NPDES permits or WQM permits  
 may be obtained in the name of the applicant as appro-  
 priate. The Department's review of the sewage facilities  
 revision has not identified any significant impacts result-  
 ing from this proposal.

### 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 (Depart-  
 ment) to publish in the *Pennsylvania Bulletin* a notice  
 of submission of plans and reports. A final report is sub-  
 mitted 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 select-  
 ing the environmental media of concern, documenta-

tion 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:

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

**Valley Forge Military Academy & College**, Radnor Township, **Delaware County**. Thomas Petrecz, Penn E & R, 2755 Bergery Rd., Hatfield, PA 19440 on behalf of Christine Audain, Valley Forge Military Academy & College has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Lee Cleaners**, Upper Moreland Township, **Montgomery County**. Richard Sacks, Sigma Env Svcs Inc. 1514 Harmon Rd., Harleysville, PA 19438 on behalf of Chris Anderson, Goodman Prop. 636 Old York Rd., Jenkintown, PA 19046 has submitted a Final Report concerning remediation of site soil contaminated with PCE. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Former Worthington Steel Facility**, East Whiteland Township, **Chester County**. Jeffrey Walsh, Penn Env. & Remediation, Inc. 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Guy Wolfington, Malvern Hill Assoc., LP, 700 South Henderson Rd., Suite, 225, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics, chlorinated organics and Background.

**Holloway Res.**, Willistown Township, **Chester County**. Richard D. Trimip, Trimpi Assoc., Inc. 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Gary and Pat Holloway, 766 South Warren Avenue, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**308 and 382 North Hanover St.**, Borough of Pottstown, **Montgomery County**. Jeremy Bolyn, Patriot Env Mgmt, Inc., P. O. Box 629, Douglassville, PA 19518 on behalf of John Harrelson, 20 Chambers Rock Rd.,

Landenberg, PA 19340 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco Inc. R & M Andover Rd.**, West Brandywine Township, **Chester County**. Lisa Holderbach, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Thomas Finley, 40 Andover Rd., Glenmoore, PA 19343, John and Fay Searle, 44 Andover Rd., Glenmoore, PA 19343, Steve and Colleen Brown, 48 Andover Rd., Glenmoore, PA 19343, and Reginald and Barbara Owens, 51 Andover Rd., Glenmoore, PA 19343 has submitted a Remedial Investigation, Risk Assessment Report and Cleanup Plan Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site-Specific Standard.

**Schmidts Brewery**, City of Philadelphia, **Philadelphia County**. Charlene Drake, React Env. Professional Service Group, 6901 Kingsessing, Ave., 2nd Floor, Philadelphia, PA 19142 on behalf of Wayne Dunlop, Northern Liberties Development, LP, 969 N. 2nd St., Philadelphia, PA 19123 has submitted a Baseline Env Report concerning remediation of site soil and groundwater contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Industrial Area.

**Warminster General Hospital**, Warminster Township **Bucks County**. Kim Walters, Environmental Solutions Group, Inc., 1200 First State Rd., Suite 1220, Newport, DE 19804 on behalf of Chuck McClinton, Warminster General Hospital, 255 Newtown Rd., Warminster, PA 18974 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PAH and No. 4 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**309 Office Furniture**, Hilltown Township, **Bucks County**. Thomas Jones, Penn Env. & Remediation, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Wally Rosenthal, 309 Office Furniture, c/o J. R. Associates, 1711 Bethlehem Pike, Hatfield, PA 19440 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Anna E. Kirchoff Property**, Manheim Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Anna E. Kirchoff, c/o Judith Hoar, Esq., Trout, Ebersole & Groff, LLP, 1705 Oregon Pike, Lancaster, PA 19601-4200, resubmitted a Final Report concerning remediation of site soils contaminated with leaded and unleaded gasoline from a nonregulated underground storage tank. The report is intended to document remediation of the site to the residential Statewide Health Standard.

**Clearview Shopping Center**, Hanover Borough, **York County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Clearview Associates, c/o Springwood Real Estate Services, 146 Pine Grove Circle, Suite 200, York, PA 17403, submitted a Final Report concerning remediation of groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to the Statewide Health Standard.

**Dutch Valley Food Distributors, Inc.**, Marion Township, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Dutch Valley Food Distributors, Inc., P. O. Box 465, Myerstown, PA 17067, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health Standard.

**Former Service America**, Manchester Township, **York County**. Core Compliance Group Inc., 131 Glenbrook Drive, Cranberry Township, PA 16066, on behalf of The Compass Group, 2400 Yorkmont Road, Charlotte, NC 28217, resubmitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX, MTBE, methylene chloride and lead. The report is intended to document remediation of the site to the Statewide Health Standard.

**The EICH Group Realty**, Bedford Borough, **Bedford County**. GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238, on behalf of The EICH Group Realty, 108 East Pitt Street, Bedford, PA 15522-1317, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Calumet Lubricants Rouseville Plt. 1**, Rouseville Township, **Venango County**. Daniel Bremer, Rybricon Env. Consulting, 302 Seneca Street, 2nd Floor, Oil City PA 16301 on behalf of Dan Chapman, Calumet Lubricants Co., 1884 Allegheny Ave., Reno, PA 16343 has submitted a Remedial Investigation Report and a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with diesel fuel, fuel oil, kerosene, lead, motor oil, polynuclear aromatic hydrocarbons and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standards. Submissions published in *The Derrick* February 6, 2006.

## 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.*

**601—701 Washington St., Prop.**, Whitmarsh Township **Montgomery County**. Michael Gonshor, P. G., Roux Assoc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Scott Backer, 601 Washington St. Assoc., LP, 700 South Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Remedial Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with inorganic. The Remedial Investigation Report, Remedial Assessment Report and Cleanup Plan was approved by the Department on March 13, 2006.

**309 Office Furniture**, Hilltown Township **Bucks County**. Thomas Jones, Penn Env & Remediation, 2755 Berger Rd., Hatfield, PA 19440 on behalf of Wally Rosenthal, 309 Office Furniture, c/o J. R. Associates, 1711 Bethlehem Pike, Hatfield, PA 19440 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 21, 2006.

**Skelp Level Road Site**, East Bradford Township **Chester County**. Claire E. Macker, Spring Mill Corporate Ctr., 110 E. Hector St., Suite 6057, Conshohocken, PA 19428 on behalf of Sunoco Prod. Co., 1 N. 2nd St., Hartsville, SC 29550 has submitted a Final Report

concerning the remediation of site soil and groundwater contaminated with arsenic. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 28, 2006.

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

**Former Service America**, Manchester Township, York County. Core Compliance Group Inc., 131 Glenbrook Drive, Cranberry Township, PA 16066, on behalf of The Compass Group, 2400 Yorkmont Road, Charlotte, NC 28217, resubmitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX, MTBE, methylene chloride and lead. The Final Report demonstrated attainment of the State-wide Health Standard, and was approved by the Department on March 22, 2006.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

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

#### *Hazardous Waste Transporter License Issued*

**F. T. Silfies, Inc.**, 623 Selvaggio Dr., Nazareth, PA 18064. License No. PA-AH 0726. Effective 3/6/06.

**Environmental Services, Inc.**, 90 Brookfield St., Suite D, South Windsor, CT 06074. License No. PA-AH 0725. Effective 3/10/06.

#### *Hazardous Waste Transporter License Renewed*

**Environmental Specialists, Inc.**, 243 Marshall Rd., McDonald, OH 44437. License No. PA-AH 0587. Effective 3/20/06.

**South Jersey Pollution Control, Inc.**, 209 Harmony Rd., P. O. Box 28, Mickleton, NJ 08056. License No. PA-AH 0145. Effective 3/20/06.

**United Oil Recovery, Inc.**, 14 West Main St., Meriden, CT 06451. License No. PA-AH 0378. Effective 3/16/06.

**J and D Trucking, Inc.**, 3526 NW Blvd., Vineland, NJ 08360. License No. PA-AH 0652. Effective 2/21/06.

**Elk Transportation, Inc.**, 1420 Clarion St., Reading, PA 19061. License No. PA-AH 0413. Effective 2/27/06.

**Universal Environmental Nevada, Inc.**, P. O. Box 10120, Reno, NV 89510, License No. 0709, Effective 3/6/06.

**Duquesne Light Company**, 2601 Preble Ave., Pittsburgh, PA 15233, License No. PA-AH 0462. Effective 3/9/06.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Chem-Freight, Inc.**, 515 Lycaste St, Detroit, MI 48214. License No. PA-AH 0074. Effective 3/16/06.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

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

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Orchard Hill Memorial Park, Inc.**, 187 Route 94, Lafayette, NJ 07848, License No. PA-HC 0163. Effective 3/10/06.

**Coast Medical Supply, Inc.**, 200 Turnillo Way, Suite 110, Tinton Falls, NJ 07712, License No. PA-HC 0214. Effective 3/9/06.

**Marcor Remediation, Inc.**, 246 Cockeysville Rd., Suite 1, Hunt Valley, MD 21030, License No. PA-HC 0218. Effective 3/3/06.

#### HAZARDOUS WASTE

**Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for postclosure care of the hazardous waste disposal facility.**

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

#### *Intent To Issue Permit:*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PAD004810222. Kelly Run Sanitation, Inc.** Postclosure care of a hazardous waste landfill located in Forward Township, **Allegheny County**. The application for permit renewal and modification for postclosure care of the hazardous waste facility was considered for intent to issue by the Regional Office on March 31, 2006.

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

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 101494. Waste Mgmt. of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township and Borough of Tullytown, **Bucks County**. Permit issued to modify the Tullytown Resource Recovery Facility Landfill's leachate management plan to provide for the option of discharge to a POTW. The permit was issued by the Southeast Regional Office on March 21, 2006.

**Permit No. 100148. Waste Mgmt. Disposal Services of Pennsylvania, Inc.**, 1121 Bordentown Road, Morrisville, PA 19067, Falls Township, **Bucks County**. Permit issued to modify the GROWS Landfill's leachate management plan to provide for the option of discharge to a POTW and to increase available onsite leachate storage capacity. The permit was issued by the Southeast Regional Office on March 21, 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.**

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

**54-310-037GP3: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) on March 22, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device in East Union Township, **Schuylkill County**.

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

**GP1-32-00013: Indiana Regional Medical Center** (835 Hospital Road, Indiana, PA 15701) on March 22, 2006, to install a 600 bhp steam boiler at Medical Center in White Township, **Indiana County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**64-303-010: Leeward Asphalt, LLC** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 21, 2006, to modify a batch asphalt plant to utilize waste derived liquid fuel (WDLF) in Palmyra Township, **Wayne County**.

**39-318-114: Apollo Metals, Ltd.** (1001 14th Avenue, Bethlehem, PA 18018) on March 20, 2006, to construct an electroplating operation and associated air cleaning devices in Bethlehem, **Lehigh County**.

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

**06-05069I: East Penn Manufacturing Co., Inc.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on March 23, 2006, to modify various sources at their storage battery assembly plants in Richmond Township, **Berks County**.

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

**63-00014F: Orion Power Midwest, LP** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on March 16, 2006, to operate four coal-fired boilers at the Elrama Power Plant in Union Township in **Washington County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**23-0001W: Sunoco, Inc.—R and M** (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on March 24, 2006, to operate a desulphurize gasoline (Tier II) in Marcus Hook Borough, **Delaware County**.

**23-0001Z: Sunoco, Inc.—R and M** (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on March 28, 2006, to operate four auxiliary boilers in Marcus Hook Borough, **Delaware County**.

**09-0075A: Dunmore Corp.** (145 Wharton Road, Bristol, PA 19007) on March 24, 2006, to operate two coaters and mixing equipment in Bristol Township, **Bucks County**.

**15-0078C: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on March 24, 2006, to operate two emergency generators in East Whiteland Township, **Chester County**.

**23-0014F: Kimberly-Clark Corp.** (Front Street and Avenue of the States, Chester, PA 19103) on March 27, 2006, to operate a ventilation system in City Of Chester, **Delaware County**.

**09-0117A: Heucotech, Ltd.** (99 Newbold Road, Fairless Hills, PA 19030) on March 27, 2006, to operate a plant expansion in Falls Township, **Bucks County**.

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

**56-00011B: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on March 22, 2006, a Plan Approval for their Central City Sand Plant in Shade Township, **Somerset County** was extended.

**30-00077A: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251) on March 22, 2006, for their Holbrook Compressor Station in Richhill Township, **Greene County**. The Plan Approval was extended.

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

**37-0237A: Essroc Cement—McQuiston Plant** (300 Small Ferry Road, Bessemer, PA 16112) on February 28, 2006, to reactivate a limestone crushing and screening plant controlled with a baghouse in North Beaver Township, **Lawrence County**.

**42-206A: Holm Industries** (700 1/2 Elk Avenue, Kane, PA 16735) on February 28, 2006, to modify two existing calcining furnaces and associated control equipment at their Kane facility in the Borough of Kane, **McKean County**.

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

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Michael Saffko, Facilities Permitting Chief, (570) 826-2531.*

**35-00004: Cascades Tissue Group PA, Inc.** (901 Sathers Drive, Vogelbacher Industrial Park, Pittston Township, PA 18640) on March 21, 2006, to operate a Facility Title V Operating Permit in Ransom Township, **Lackawanna County**.

**35-00025: Environmental and Recycling Services, Inc.** (1100 Union Street, Taylor, PA 18517) on March 21, 2006, to operate a Facility Title V Operating Permit in Taylor Borough, **Lackawanna County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**39-00044: Houghton International, Inc.** (6681 Snow-drift Road, Allentown, PA 18106-9353) on March 21, 2006, to operate a Facility State-only Natural Minor Operating Permit in Upper Macungie Township, **Lehigh County**.

**39-00070: Cedar Crest College** (100 College Drive, Allentown, PA 18104-6196) on January 26, 2006, to operate a Facility State-only Natural Minor Operating Permit in Allentown City, **Lehigh County**.

**48-00040: 220 Ingraham Operating Corp.** (236 Greenpoint Avenue, Brooklyn, NY 11222) on March 21, 2006, to operate a Facility State-only Natural Minor Operating Permit in City of Bethlehem, **Northampton County**.

**48-00042: Molded Acoustical Prod. Inc.** (3 Danforth Road, Easton, PA 18045-7821) on March 21, 2006, to operate a Facility State-only Natural Minor Operating Permit in Palmer Township, **Northampton County**.

**45-00015: Selig Construction Co., Inc.** (P. O. Box 185, Pocono Lake, PA 18347-0185) on March 21, 2006, to operate a Facility State-only Natural Minor Operating Permit in Tobyhanna Township, **Monroe County**.

**54-00049: US DOJ—Federal Corrections Institute—Minersville** (P. O. Box 700, Minersville, PA 17954-0700) on March 21, 2006, operation of a Facility State-only Natural Minor Operating Permit in Butler Township, **Schuylkill County**.

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

**38-05009: Lebanon Methane Recovery, Inc.** (920 Rosstown Road, Lewisberry, PA 17339-9242) on March 23, 2006, for two landfill gas fired engine-generators, which primarily emit NOx in North Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

**65-00962: CCF Industries, Inc.** (190 Route 66, Apollo, PA 15613) on March 21, 2006 for a wooden drawer manufacturing process at their Apollo Plant in Washington Township, **Westmoreland County**.

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

**43-00321: Northeast Industrial Manufacturing, Inc.** (640 Keystone Road, Greenville, PA 16125) on March 24, 2006, for a Natural Minor Permit for surface coating operations at a roll off container manufacturing plant in Hempfield Township, **Mercer County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00087: Air Products Co., Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on March 23, 2006, to operate an industrial gas processing facility in Falls Township, **Bucks County**. This amendment is to address a discrepancy in the applicable requirements for the facility. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.461.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**TV-04-00044: Horsehead Corp.** (300 Frankfort Road, Monaca, PA 15061) for reactivation and limited operation of existing ore dryer and scrubber for up to 280 hours per consecutive 12-month period at their Monaca plant in Potter Township, **Beaver County**. Emission increases shall not exceed the following: NOx emissions by 0.53 tpy, CO emissions by 0.27 tpy, PM10 emissions by 0.6 tpy and VOC emissions by 0.014 tpy at this facility. These increases in emissions have been approved by the Department as de minimis emission increases in accordance with 25 Pa. Code 127.449.



**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

**20-00293: Meadville Sandblasting, Inc.** (15921 South Mosiertown Road, Meadville, PA 16335) on March 22, 2006, State-only Operating Permit No. 20-00293 was revoked by the Department due to the permanent closure of the facility in Hayfield Township, **Crawford County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company** (P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to perform evaluations of potential stream remediation area sites along UNT 3 Dunkard Fork and Wharton Run. No additional discharges. Permit issued March 21, 2006.

**30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company** (P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add acreage for corridor development mining. Underground Acres Proposed 5.21, SCP Acres Proposed 1327.39. No additional discharges. Permit issued March 21, 2006

**30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin, Jefferson and Cumberland Townships, **Greene County** to add underground permit and subsidence control plan acres and perform stream remediation activity to Muddy Creek and its primary tributary. Underground Acres Proposed 2,392.0, SCP Acres Proposed 2,392.0. No additional discharges. Permit issued March 27, 2006.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**26050104 and NPDES Permit No. PA0250724, Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Nicholson Township, **Fayette County**, affecting 228.7 acres. Receiving streams: UNTs to Jacobs Creek and Georges Creek to the Monongahela River. Application received: June 2, 2005. Permit issued: March 22, 2006.

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

**17030114 and NPDES No. PA0243604, Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801), transfer of an existing bituminous surface-auger mine from Johnson Brothers Coal Company, Inc. (1390 lee Run Road, Mahaffey, PA 15757), located in Knox Township, **Clearfield County**, affecting 71.0 acres. Receiving stream: UNT to Potts Run classified for the following use: CWF. There are no public (community or noncommunity) surface water supplies on receiving streams within 10 miles downstream of the proposed permit area. Application received: March 20, 2006.

**17910109 and NPDES No. PA0206580, Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for reclamation only of a bituminous surface mine in Bell Township, **Clearfield County**, affecting 83.6 acres. Receiving stream: UNTs of Whiskey Run classified for the following use: CWF. Application received March 14, 2006. Permit issued March 22, 2006.

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

**54950104R2, City of Philadelphia Trustee, Girard Estate** (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 397.3 acres. Receiving stream: none. Application received October 28, 2005. Renewal issued March 21, 2006.

**49773204R4, Gilberton Coal Company** (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing and surface mine operation in Mt. Carmel, Conyngham and Butler Townships, Northumberland, **Columbia and Schuylkill Counties** affecting 958.0 acre. Receiving stream: none. Application received June 26, 2005. Renewal issued March 23, 2006.

**54743007R4 and NPDES Permit No. PA0123617, Schuylkill Reclamation Corp.** (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and coal refuse disposal operation in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres. Receiving stream: West Creek. Application received January 11, 2005. Renewal issued March 24, 2006.

*Noncoal Permits Actions*

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

**20062801, Hillside Stone** (9397 Fauncetown Road, Titusville, PA 16354) Commencement, operation and restoration of a small noncoal sandstone and shale operation in Troy Township, **Crawford County** affecting 5.0 acres. Receiving streams: UNT to East Branch Sugar Creek. Application received: February 13, 2006. Permit Issued: March 22, 2006.

**43990801. Sylvan Resources, LLC** (2880C State Route 18, Adamsville, PA 16110). Final bond release for a small noncoal mining operation in Hempfield Township, **Mercer County**. Restoration of 1.0 acre completed. Receiving streams: UNT to Shenango River. Application received: January 31, 2006. Final bond release approved: March 21, 2006.

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

**14920301 and NPDES Permit No. PA0207039. Con- Stone, Incorporated** (P. O. Box 28, Bellefonte, PA 16823), renewal of NPDES Permit, Haines Township, **Centre County**. Receiving streams: None. NPDES renewal application received March 21, 2006.

**08050806. Lester West** (R. R. 2, Box 248A1, Wysox, PA 18854). Commencement, operation and restoration of a small noncoal operation (flag-stone) in Standing Stone Township, **Bradford County**, affecting 3.0 acres. Receiving stream: UNT. Application received: June 3, 2005. Permit issued: March 21, 2006.

**14060801. A & A Construction Co., Inc.** (1262 Ridge Road, Clarence, PA 16829), commencement, operation and restoration of a small noncoal (topsoil, gravel, shale, sandrock) strip mine operation in Burnside and Snow Shoe Townships, **Centre County**, affecting 2 acres. Receiving stream: UNT to North Fork Beech Creek. Application received February 13, 2006. Permit issued: March 21, 2006.

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

**7775SM6C5 and NPDES Permit No. PA0119121. Glen-Gery Corp.** (P. O. Box 7001, Wyomissing, PA 19601), boundary correction to an existing quarry operation and to update NPDES Permit in Perry Township, **Berks County** affecting 115.0 acres. Receiving stream: UNT to Schuylkill River. Application received March 22, 2005. Correction issued March 23, 2006.

**7775SM9A2C7 and NPDES Permit No. PA0595659. Glen-Gery Corp.** (P. O. Box 7001, Wyomissing, PA 19601), boundary correction to an existing quarry operation and to update NPDES Permit in Perry Township, **Berks County** affecting 225.0 acres. Receiving stream: UNT to Schuylkill River. Application received March 22, 2005. Correction issued March 23, 2006.

**64900302C4 and NPDES Permit No. 0595047. Ciccone Construction, Inc.** (2149 Owego Turnpike, Honesdale, PA 19431), renewal of NPDES Permit for a quarry operation in Palmyra Township, **Wayne County**. Receiving stream: UNT to Middle Creek. Application received January 13, 2006. Renewal issued March 23, 2006.

**66060801. Raymond C. Hayduk, Jr.** (P. O. Box 554, Dalton, PA 18414), commencement, operation and restoration of a quarry operation in Lemon Township, **Wyoming County** affecting 2.0 acres. Receiving stream: none. Application received December 27, 2005. Permit issued March 23, 2006.

**45052801. RGC Development, LP** (P. O. Box 86, Bath, PA 18014), commencement, operation and restoration of a quarry operation in Coolbaugh Township, **Monroe County** effecting 3.0 acres. Receiving stream: none. Application received September 23, 2005. Permit issued March 23, 2006.

**06010301C3 and NPDES Permit No. PA0224146. Berks Products Corp.** (P. O. Box 421, Reading, PA 19603), correction to an existing quarry operation to include an additional NPDES discharge point for discharge of treated mine drainage in Maxatawny Township, **Berks County** affecting 38.4 acres. Receiving stream: Maiden Creek. Application received December 21, 2005. Correction issued March 23, 2006.

**67050301. County Line Quarry, Inc.** (P. O. Box 99, Wrightsville, PA 17368), commencement, operation and restoration of a quarry operation in Wrightsville Borough and Hellam Township, **York County** affecting 67.6 acres. Receiving stream: none. Application received July 8, 2005. Permit issued March 23, 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.**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56064001. Dynamic Materials Corporation**, 1138 Industrial Park Drive, Mt. Braddock, PA 15465. Explosion welding of metals project in Black and Addison Townships, **Somerset County**. Duration of blasting 365 days. Permit Issued March 23, 2006.

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

**42064001. National Earth Services, Inc.** (245 Butler Avenue, Lancaster, PA 17601). Blasting activity permit for the expansion of the McKean County Landfill in Sergeant and Hamlin Townships, **McKean County**. This blasting activity permit will expire on March 20, 2007. Application received: March 20, 2006. Application Issued: March 20, 2006.

**61064001. Wampum Hardware** (130 Weston Road, Grove City, PA 16127). Blasting activity permit for a building foundation in Richland Township, **Venango County**. This blasting activity permit will expire on March 27, 2006. Application received: March 20, 2006. Application Issued: March 20, 2006.

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

**06064102. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Caramist Village in South Heidelberg Township, **Berks County** with an expiration date of March 15, 2007. Permit issued March 20, 2006.

**06064109. Allan A. Myers, Inc. d/b/a Independence Construction Materials** (P. O. Box 98, Worcester, PA 19490), construction blasting for Anns Choice in Warminster Township, **Bucks County** with an expiration date of June 30, 2007. Permit issued March 20, 2006.

**09064110. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Anns Choice in Warminster Township, **Bucks County** with an expiration date of December 31, 2006. Permit issued March 20, 2006.

**21064116. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for a single dwelling in West Pennsboro Township, **Cumberland County** with an expiration date of March 16, 2007. Permit issued March 20, 2006.

**28064125. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Schreiber Foods Warehouse in Shippensburg Borough, **Franklin County** with an expiration date of October 15, 2006. Permit issued March 20, 2006.

**28064126. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Quality Inn & Suites in Chambersburg Borough, **Franklin County** with an expiration date of March 3, 2007. Permit issued March 20, 2006.

**28064127. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Chambersburg Crossing in Chambersburg Borough, **Franklin County** with an expiration date of March 3, 2007. Permit issued March 20, 2006.

**28064128. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Melrose Meadows in Antrim Township, **Franklin County** with an expiration date of February 21, 2007. Permit issued March 20, 2006.

**28064129. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Penn Land Thornwood in Southampton Township, **Franklin County** with an expiration date of February 22, 2007. Permit issued March 20, 2006.

**28064130. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Big Dog Rentals in Greene Township, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 20, 2006.

**28064131. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for utilities on Walker Road in Greene Township, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 20, 2006.

**28064132. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Maple Run in Chambersburg Borough, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 20, 2006.

**28064133. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Scotland Run in Greene Township, **Franklin County** with an expiration date of February 20, 2007. Permit issued March 20, 2006.

**36064127. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Bradford Commons in Upper Leacock Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued March 20, 2006.

**36064128. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Wellsley Manor in Manheim Township, **Lancaster County** with an expiration date of March 15, 2007. Permit issued March 20, 2006.

**36064129. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Parkside Development in East Hempfield Township, **Lancaster County** with an expiration date of March 15, 2007. Permit issued March 20, 2006.

**40064107. DC Guelich Explosives, Inc.** (R. R. 3 Box 125A, Clearfield, PA 16830), construction blasting for Hazleton Elementary Middle School in the City of Hazleton, **Luzerne County** with an expiration date of March 31, 2007. Permit issued March 20, 2006.

**46064110. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Summers Grove in Upper Pottsgrove Township, **Montgomery County** with an expiration date of March 1, 2007. Permit issued March 20, 2006.

**48064105. Austin Powder Co.** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Parkview Estates in Palmer Township, **Northampton County** with an expiration date of March 16, 2007. Permit issued March 20, 2006.

**48064106. Austin Powder Co.** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Columbia Gas Line in Upper Mt. Bethel, Washington and Smithfield Townships, **Northampton and Monroe Counties** with an expiration date of July 1, 2007. Permit issued March 20, 2006.

**67064112. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Glenbrook in Fairview Township, **York County** with an expiration date of March 17, 2007. Permit issued March 20, 2006.

**09064111. Austin Powder Co.** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Richland Market Place in Richland Township, **Bucks County** with an expiration date of March 20, 2007. Permit issued March 21, 2006.

**35064102. Austin Powder Co.** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Valley View Business Park in Jessup Borough, **Lackawanna County** with an expiration date of March 31, 2007. Permit issued March 21, 2006.

**45064123. Austin Powder Co.** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Spring Lake Estates in Smithfield Township, **Monroe County** with an expiration date of March 20, 2007. Permit issued March 21, 2006.

**48064107. Austin Powder Co.** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Greenock Lehigh Township, **Northampton County** with an expiration date of July 1, 2007. Permit issued March 21, 2006.

**28064001. National Earth Services** (245 Butler Ave., Lancaster, PA 17601) and DC Guelich Explosives Co., (P. O. Box 245, Thomasville, PA 17364), construction blasting for Mt. View Reclamation Project in Montgomery and Antrim Townships, **Franklin County** with an expiration date of March 31, 2007. Permit issued March 21, 2006.

**67064013. Springfield Contractors, Inc.** (290 Seaks Run Road, Glen Rock, PA 17327), construction blasting at Roth's Farm Village Subdivision in Jackson Township, **York County** with an expiration date of March 31, 2007. Permit issued March 21, 2006.

**28064134. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Cedar Brook in Antrim Township, **Franklin County** with an expiration date of March 20, 2007. Permit issued March 23, 2006.

**36064130. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Townsedge Development in Conoy Township, **Lancaster County** with an expiration date of March 20, 2007. Permit issued March 23, 2006.

**09064112. Eastern Blasting Co., Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting for Highcroft Estates in Wrightstown Township, **Bucks County** with an expiration date of March 23, 2007. Permit issued March 24, 2006.

**40064108. Austin Powder Co.** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Crestwood Industrial Park in Wright Township, **Luzerne County** with an expiration date of March 30, 2007. Permit issued March 24, 2006.

**45064124. Silver Valley Drilling & Blasting, Inc.** (R. R. 4 Box 4196, Saylorsburg, PA 18353), construction blasting for County Club of the Poconos with an expiration date of April 1, 2007. Permit issued March 24, 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

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

**E45-471. John McGowan and Sons, Inc.,** 2636 Aquetong Road, New Hope, PA 18938. Middle Smithfield Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To maintain fill that was placed in a de minimis area of wetlands equal to approximately 135 ft<sup>2</sup> during the construction of a deck attached to a single family dwelling. The project is located at Lot 132-A of Country Club of the Poconos residential subdivision on the south side of Fairway Drive West (Bushkill, PA-NJ Quadrangle N: 11.8 inches; W: 14.5 inches).

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

**Permit No. E21-372, Members 1st Federal Credit Union,** 5000 Louise Dive, P. O. Box 40, Mechanicsburg, PA 17055.

Permit to place approximately 280 linear feet of fill material along the left floodway of Burd Run (CWF) and to construct and maintain an 18-inch RCP stormwater outfall with a 13-foot wide riprap apron and an 18-inch RCP stormwater outfall with a 24-foot wide riprap apron along the left bank of Burd Run to facilitate the construction of a credit union at a site (Walnut Bottom, PA Quadrangle N: 10.75 inches, W: 17.0 inches; Latitude: 40° 03' 35", Longitude: 77° 29' 49") approximately 140 feet downstream of Conestoga Drive (T-349) in Shippenburg Township, **Cumberland County**.

**Permit No. E01-257, Paul Berkentine, Burkentine & Sons,** 1500 Baltimore Pike, Hanover, PA 17331.

Permit giving its consent to fill 0.38 acre of palustrine emergent wetlands for the purpose of constructing a road; to construct and maintain a 6-inch depressed 30-inch ALCMP driveway culvert and two 4-inch utility conduits within the fill over the culvert in an UNT to Conewago Creek (WWF); and to construct and maintain twin 24-inch outfall pipes to an UNT to Pine Run (WWF) (Hampton, PA Quadrangle N: 39° 53.775', W: 77° 2.462') in Hamilton Township, **Adams County**. All activities are associated with the residential development called Cedar Ridge located in the northeast of the intersection of SR 0094 and Cedar Road (T-575). The permittee is required to provide a minimum of 0.38 acre of replacement wetlands. The wetland replacement will be constructed on Lot 17 located in the north corner of the development.

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

**E03-430. Cowanshannock Creek Watershed Association,** P. O. Box 307, Rural Valley, PA 16249. To impact wetlands in Cowanshannock Township, **Armstrong County**, Pittsburgh ACOE District. (Rural Valley, PA

Quadrangle N: 8.4 inches; W: 2.7 inches and Latitude: 40° 47' 58"—Longitude: 79° 16' 18"). To reconstruct and maintain approximately 2,200 linear feet of Cowanshannock Creek (WWF) and temporarily impact 0.02 acre of wetlands (PSS). The project is located at the West Shamokin High School off Route 85.

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

**E10-411, Nasser Elyaderani**, 7 Kevin Drive, Sewickley, PA 15143. Cranberry Center Commercial Property Development, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 40° 40' 53.16"; W: 80° 08' 20.37").

To place and maintain 30 cubic yards of fill within the floodway of Brush Creek (WWF) and to fill 0.014 acre of PEM wetlands for the purpose of developing 2.8 acres of property into a commercial development at the northeast corner of the intersection of Freedom and Powell Roads.

**E25-705, Robert Minich**, 140 Sunset Beach Road, North East, PA 16428. Retaining Wall Modification and Home Construction, in North East, **Erie County**, ACOE Pittsburgh District (Northeast, PA-NY Quadrangle N: 21.1 inches; W: 11.2 inches).

The applicant proposes to conduct the following activities within the floodway of Sixteen Mile Creek at the property located at 140 Sunset Beach Road: 1) to reconstruct and maintain a damaged 36-foot long by 8-foot high retaining wall with new dimensions of 36 feet long by 10 feet high and consisting of 2-foot by 2-foot by 6-foot concrete blocks; and 2) to remove the existing house and to construct and maintain house and deck having dimensions of approximately 90 feet by 22 feet within the approximate footprint and same hydraulic shadow location of the existing structure. This permit application is the result of an enforcement action, and the structures have already been constructed. The retaining wall was damaged during the hurricane related floods of 2004. Sixteenmile Creek is a perennial stream classified as a WWF and migratory fishery. The project proposes to directly impact approximately 50 feet of stream and approximately 2,000 square feet of floodway.

**E61-273, Department of Transportation, District 1-0**. SR 3013, Section B00, in Sandycreek Township and Victory Township, **Venango County**, ACOE Pittsburgh District (Polk, PA Quadrangle N: 41° 20' 30"; W: 79° 53' 00").

The applicant proposes to remove the existing structure and to construct and maintain a three-span steel girder bridge having clear spans of 130 feet, 175 feet and 130 feet and an approximate underclearance of 40 feet, approximately 2 miles southwest of the intersection of SR 0008 and SR 3013 over Sandy Creek on SR 3013, Section B00 in Venango County. Sandy Creek is a perennial stream classified as a WWF. Project includes a temporary construction causeway. The project proposes to impact approximately 40 feet of stream.

**E62-405, Joseph M. White and Karen D. White**, 20 Riverside Drive, Warren, PA 16365. Boat Ramp and Dock, in Glade Township, **Warren County**, ACOE Pittsburgh District (Clarendon, PA Quadrangle N: 17.8 inches; W: 7.6 inches).

The applicant proposes to construct and maintain a solid fill boat ramp in the floodway of the Allegheny River having length of 70 feet (approximately 30 feet from the river bank to the river as described in the application), a width ranging from 20 feet to 12 feet and a maximum depth of 5 feet at the property located at 20 Riverside Drive. The project includes removal of two piles of existing fill in the floodway measuring approximately 25 feet by 25 feet by 4 feet high on the upstream side and 12 feet by 12 feet by 4 feet on the downstream side. The Allegheny River is a perennial stream classified as a WWF. The project proposes to impact approximately 20 feet of the Allegheny River and an approximately 75-foot length of the Allegheny River floodway.

**WL1606601, Columbia Gas Transmission., Pine Creek Retirement Project**, in Hawthorne Borough, **Clarion County**, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 5.1 inches; W: 1.9 inches).

The applicant proposes to retire by abandonment in ground 2,760 feet of 2-inch natural gas pipeline 15502 in Hawthorne Borough, Clarion County and Redbank Township, Armstrong County. The project does not include replacement. There is an exposed section of line 15502 at Pine Creek that is required to be lifted and removed as part of the project approximately 600 feet east of Route 28 at the railroad crossing over Pine Creek at the northeast corner of Hawthorne Borough and involving: 1) the removal of 45 feet of 2-inch gas pipeline over Pine Creek in Hawthorne Borough; and 2) the retirement of 2,760 feet of 2-inch natural gas pipeline by abandonment in Hawthorne Borough, Clarion County and Redbank Township, Armstrong County. Pine Creek is a perennial stream classified as CWF.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA63-004. Molycorp, Inc.**, 300 Caldwell Avenue, Washington, PA 15301. Approval of a permit waive in accordance with 25 Pa. Code § 105.12(a)(16) in Canton Township, **Washington County**, Pittsburgh ACOE District (Washington West, PA Quadrangle N: 7.9 inches; W: 3.7 inches and Latitude: 40° 10' 07"—Longitude: 80° 16' 35"). The following activities will be conducted as part of the Decommissioning Plan approved by the Nuclear Regulatory Commission and Act 2 Cleanup Plan approved by the Department:

1. To permanently impact 0.71 acre of PEM/PSS wetlands during waste removal and regarding.
2. To restore and stabilize 800 linear feet of stream bank along Chartiers Creek (WWF).
3. To remove and abandoned concrete obstruction in Chartiers Creek (WWF).
4. To construct and maintain approximately 2,600 linear feet of temporary sheet piling and earthen berms along the eastern bank of Chartiers Creek (WWF).
5. To construct and maintain various stormwater outfalls to Chartiers Creek (WW). The project is located at Caldwell Avenue near the Jessop Exit from I-70.

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

**D64-166EA. Department of the Army, Philadelphia District, Corps of Engineers**, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390. Borough of Prompton, **Wayne County**, ACOE Philadelphia District.

Project proposes to modify an existing dam across West Branch Lackawaxen River (HQ-TSF,MF) to address hydrologic deficiencies. The project will directly impact approximately 220 linear feet of stream channel by constructing a rip-rapped extension to the dam spillway. The dam is located approximately 2,700 feet northeast of the intersection of SR 170 and US 6. (Honesdale, PA Quadrangle, N: 16.15", W: 10.65").

**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.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
06-65-007	Luther P. Miller, Inc. 641 S. Edgewood Ave. Somerset, PA 15501 Attn: Troy Miller	Westmoreland	Ligonier Township	Four ASTs storing diesel and kerosene	40,000 gallons total

**SPECIAL NOTICES**

**Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101**

**CORRECTION**

The Department of Environmental Protection (Department) hereby announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996). A correction was made to change the applicant from the Authority to the County. This bulletin was originally published at 36 Pa.B. 322 (January 21, 2006).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101; for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste; and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northwest	Mercer	Mercer County	Recycling Sustainability Study	\$13,261

[Pa.B. Doc. No. 06-575. Filed for public inspection April 7, 2006, 9:00 a.m.]

**Application for Solid Waste Variance**

**Advanced Recycling Technology, Inc., Building 33, 1080 Opportunity Avenue, Chambersburg, PA 17201**

The Department of Environmental Protection (Department) has tentatively decided to grant a conditional variance from classification as solid waste for certain material produced at the Advanced Recycling Technology, Inc. (ARTI) facility in Chambersburg, PA. This notice announces the opportunity for interested parties to review and comment on the variance application prior to a final decision by the Department. The variance request was submitted to the Department under Federal hazard-

ous waste regulations at 40 CFR 260.30(c) (relating to variances from classification as a solid waste), which are incorporated by reference as Pennsylvania regulations in 25 Pa. Code § 260a.1 (relating to incorporation by reference, purpose, scope and applicability). This variance provision is available for materials that have been reclaimed but must be reclaimed further before the materials are completely recovered. The specific material for which ARTI has requested a variance is its concentrate material that is partially reclaimed from hazardous wastes, which contains economically significant amounts of precious metals. ARTI currently treats precious metal-bearing hazardous wastes, consisting primarily of sludges and spent plating bath solutions generated by electroplat-

ing operations, to produce these concentrates under a permit-by-rule in accordance with 25 Pa. Code § 270a.60(b)(5) (relating to permits-by-rule). Currently, the partially reclaimed material produced at the ARTI facility is regulated as hazardous waste subject to the special provisions of 40 CFR Part 266, Subpart F (relating to recyclable materials utilized for precious metal recovery), which are incorporated by reference as Pennsylvania regulations in 25 Pa. Code § 266a.20 (relating to incorporation by reference and applicability). If the variance is granted, upon compliance with the following conditions, ARTI may ship the partially reclaimed metal concentrates to metal smelting facilities as nonwaste, commodity-like materials.

#### Conditions and Limitations of Variance

1. This variance applies to metal concentrates produced by ARTI from hazardous wastes containing economically significant amounts of any of the precious metals listed in 40 CFR Part 266, Subpart F and incorporated by reference as Pennsylvania regulation at 25 Pa. Code § 266a.20. Hazardous waste used to produce the precious metal containing concentrates to which this variance applies must be managed in accordance with the requirements of 40 CFR Part 266, Subpart F until the resultant concentrates meet the conditions and limitations of this variance. Treatment activities utilized by ARTI to produce the metal concentrates are subject to the permit-by-rule provisions of 25 Pa. Code § 270a.60(b)(5).

2. The partially reclaimed metal concentrates must have a cyanide concentration of no greater than 590 parts per million (ppm) and may not be placed directly on the land. Cyanide must be analyzed using a method specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, which is incorporated by reference as Pennsylvania regulation at 25 Pa. Code 260a.1.

3. ARTI must send a one-time notification of the variance and its conditions to any foreign country where metal reclamation facilities accepting ARTI concentrates are located. In addition, ARTI must include a notification on all Material Safety Data Sheets shipped with the concentrates that the concentrates may contain up to 590 ppm cyanide and that low pH environments can result in the production of hydrogen cyanide gas.

4. To insure that its customers handle the processed concentrates as valuable commodities in a manner that minimizes loss, ARTI must place a provision stipulating no direct land placement of the materials in its contractual agreements with metal reclamation facilities.

5. ARTI shall maintain records onsite which show that all shipments of concentrate material under this conditional variance were: (1) made to metal reclamation facilities; (2) documented and shipped in accordance with all applicable U.S. Department of Transportation regulations; and (3) documented to have reached the designated destination.

6. This conditional variance from classification as solid waste for the precious metal concentrates partially reclaimed from hazardous waste at ARTI's Chambersburg facility takes effect at the point at which the concentrate is loaded for shipment.

Persons wishing to comment on ARTI's variance request and the Department's tentative decision to conditionally grant the request are invited to submit comments by May 8, 2006, to the Department at the following address. For more detailed information on the specific aspects of ARTI's variance request, to obtain a copy of the request or to submit comments, contact Dwayne Womer; Department of Environmental Protection; Division of Hazardous Waste Management; P. O. Box 8471; Harrisburg, PA 17105; (717) 787-6239; dwomer@state.pa.us. Comments received within the comment period will be considered by the Department in making the final decision regarding ARTI's request. 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 this matter. A public hearing may be held if the Department considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin*.

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

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-576. Filed for public inspection April 7, 2006, 9:00 a.m.]

#### State Water Plan; Policy and Integration Subcommittee Meeting

The Policy and Integration Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss State Water Plan documents to fulfill the requirements of the act of December 16, 2002 (P. L. 1776, No. 220). The meeting will be held at 10 a.m. on April 17, 2006, at Ballard Spahr Andrews & Ingersoll, LLP, 1735 Market Street, 42nd Floor, Philadelphia, PA 19103.

An agenda for the meeting, including meeting materials, will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the 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. 06-577. Filed for public inspection April 7, 2006, 9:00 a.m.]

### State Water Plan; Water Resources Regional Committee Meetings Schedule for 2006

The following is a list of 2006 meetings of the six Water Resources Regional Committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

The six regional committees listed in this notice were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for the Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The 2006 meeting dates of the six Water Resources Regional Committees are as follows:

#### *Delaware Water Resources Regional Committee*

Meetings of the Delaware Water Resources Regional Committee in 2006 will be held at 9:30 a.m. at various locations throughout the Delaware River Basin. The meeting dates are as follows:

May 11, 2006	Lehigh Valley Planning Commission 961 Marcon Boulevard, Suite 301 Allentown, PA 18109
August 11, 2006	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18360
November 9, 2006	PA DEP Southeast Regional Office 2 East Main Street Norristown, PA 19401

Questions concerning these meetings should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

#### *Great Lakes Water Resources Regional Committee*

Meetings of the Great Lakes Water Resources Regional Committee in 2006 will be held at 10 a.m. at the Erie County Conservation District, Headwaters Park, 1927 Wager Road, Erie, PA 16509. The meeting dates are as follows:

May 9, 2006  
August 8, 2006  
November 14, 2006

Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

#### *Lower Susquehanna Water Resources Regional Committee*

Meetings of the Lower Susquehanna Water Resources Regional Committee in 2006 will be held at 9:30 a.m. at the PA DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The meeting dates are as follows:

May 15, 2006  
July 31, 2006  
November 6, 2006

Questions concerning these meetings should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

#### *Ohio Water Resources Regional Committee*

Meetings of the Ohio Water Resources Regional Committee in 2006 will be held at 10 a.m. at the Cranberry Township Municipal Building, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066. The meeting dates are as follows:

May 8, 2006  
August 7, 2006  
November 13, 2006

Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

#### *Potomac Water Resources Regional Committee*

Meetings of the Potomac Water Resources Regional Committee in 2006 will be held at 10 a.m. at various locations throughout the Potomac River Basin. The meeting dates are as follows:

May 19, 2006	Adams County Agricultural and Natural Resource Center 670 Old Harrisburg Road Gettysburg, PA 17325
September 15, 2006, and November 17, 2006	Franklin County Administrative Annex Building 218 N. 2nd Street Chambersburg, PA 17201

Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, [laumohr@state.pa.us](mailto:laumohr@state.pa.us).

#### *Upper/Middle Susquehanna Water Resources Regional Committee*

Meetings of the Upper/Middle Susquehanna Water Resources Regional Committee in 2006 will be held at 10 a.m. at various locations throughout the Upper/Middle Susquehanna River Basin. The meeting dates are as follows:

May 18, 2006	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711
August 17, 2006	PA DEP Northcentral Regional Office 208 West Third Street, Suite 101 Williamsport, PA 17701-6448
November 15, 2006	Centre County Solid Waste Authority 253 Transfer Road Bellefonte, PA 16823

Questions concerning these meetings should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).



Persons with a disability who require accommodations to attend any of the meetings should contact the 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. 06-578. Filed for public inspection April 7, 2006, 9:00 a.m.]

alternative formats, such as audiotape, Braille, TDD (717) 783-6514 or TT (800) 654-5984. Persons with a disability who require an alternative format of this document (for example, large print, audio tape or Braille) should contact Carolyn S. Cass to make the necessary arrangements.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-579. Filed for public inspection April 7, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Chronic Renal Disease Program Income Criteria

The Department of Health (Department) hereby provides notice of intent to implement the following income criteria for the Chronic Renal Disease Program, effective February 1, 2006.

#### Income

New applicants must have an annual income of 0% to 300% of the Federal Poverty Income Guidelines (FPIG) as published by the United States Department of Health and Human Services (HHS) in the *Federal Register* and any revisions thereto (to the extent services are not covered by Medical Assistance). Current enrollees must meet the same eligibility criteria at the time of renewal as new applicants. A sliding fee scale will be applied to applicants with an annual income of 185% to 300% of the FPIG as published by the HHS in the *Federal Register* and any revisions thereto. Applicants must submit their most recent Federal 1040 tax return to verify annual income. If no Federal 1040 tax return was filed, other supporting documentation of annual income is required.

Questions regarding this notice should be directed to Carolyn S. Cass, Director, Division of Child and Adult Health Services, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17120. Persons with a disability may submit questions to Carolyn S. Cass in

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code, Part IV Health Facilities, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from October 1, 2005, through February, 2006. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, Room 532 Health & Welfare Bldg., Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, William Bordner, Director, Room 528 Health & Welfare Bldg., Harrisburg, PA 17120. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

#### Exception Requests—Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Decision</i>
Chambersburg Hospital	28 Pa. Code § 51.6	ID badges—ED	granted
Bradford Regional Medical Center	28 Pa. Code § 51.23	mobile PET services	granted
Elk Regional Medical Center	28 Pa. Code § 51.23	mobile PET services	granted
Excela RCL PET/CT Imaging, LLC	28 Pa. Code § 51.23	mobile PET services	granted
Titusville Area Hospital	28 Pa. Code § 51.23	mobile PET services	not necessary
Kane Community Hospital	28 Pa. Code § 51.23	mobile PET services	granted
John Heinz Institute of Rehabilitation Medicine	28 Pa. Code § 101.31	hospital requirements	denied
Allied Services Institute of Rehabilitation Medicine	28 Pa. Code § 101.31	hospital requirements	withdrawn
Edgewood Surgical Hospital	28 Pa. Code § 107.2	medical staff membership	granted
Delaware Cty Memorial Hospital	28 Pa. Code § 107.2	medical staff membership	granted
Gettysburg Hospital	28 Pa. Code § 107.2	medical staff membership	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Decision</i>
J. C. Blair Memorial Hospital	28 Pa. Code § 107.2	medical staff membership	granted
Frankford Hospital	28 Pa. Code § 107.2	medical staff membership	granted
Pennsylvania Hospital of the Univ of PA Health System	28 Pa. Code § 107.2	medical staff membership	granted
Phoenixville Hospital	28 Pa. Code § 107.2	medical staff membership	granted
Elk Regional Health Center	28 Pa. Code § 107.2	medical staff membership	granted
Nason Hospital	28 Pa. Code § 107.2	medical staff membership	granted
Penn Presbyterian Medical Center	28 Pa. Code § 107.2	medical staff membership	granted
Sharon Regional Health System	28 Pa. Code § 107.2	medical staff membership	granted
Aliquippa Community Hospital	28 Pa. Code § 107.2	medical staff membership	granted
Healthsouth Rehabilitation Hosp of Mechanicsburg	28 Pa. Code § 107.4(4)	consulting medical staff	granted
J. C. Blair Memorial Hospital	28 Pa. Code § 107.26(b)(2)	tissue committee	granted
Ephrata Community Hospital	28 Pa. Code § 107.62	verbal orders—RCIS	granted
Hamot Medical Center	28 Pa. Code § 107.62	verbal orders	granted
Sharon Regional Health System	28 Pa. Code § 127.32	written orders	denied
Indiana Regional Medical Center	28 Pa. Code § 138.18	EPS studies	denied
Fulton County Medical Center	28 Pa. Code § 153.1	construction standards multiple for ICU, PACU and central services	granted
UPMC Passavant Cranberry	28 Pa. Code § 153.1 c	construction standards 7.7.B2 postanesthetic care units	granted
Lehigh Valley Hospital	28 Pa. Code § 153.1	construction standards 7.2.A4 handwashing stations	denied
UPMC St. Margaret	28 Pa. Code § 153.1	construction standards	not necessary
Westmoreland Regional Hosp	28 Pa. Code § 153.1	construction standards 7.2.A4, 7.2.B3, 7.2.B6, 7.2.B7, 7.2.B8, 7.2.B9, 7.2.B10, 7.2.B15, 7.2.B16, 7.2.B17, 7.2.B19, 7.2.C1	withdrawn
Kensington Hospital	28 Pa. Code § 153.1	construction standards numerous requests	granted/denied
Surgical Institute of Reading	28 Pa. Code § 153.1	construction standards 7.6A; 7.9.C1; 7.9.C7	granted
The Washington Hospital	28 Pa. Code § 153.1	construction standards 7.2.A4; 10.15.A5; 10.15.B8	granted
Mercy Hospital of Pittsburgh	28 Pa. Code § 153.1	construction standards 7.7.A; 7.7.A2	granted
Lehigh Valley Hospital	28 Pa. Code § 153.1	construction standards 7.2.A4 handwashing	granted
Jameson Memorial Hospital	28 Pa. Code § 153.1	construction standards 10.15.A2 patient room size	granted
Select Specialty Hospital—McKeesport, Inc.	28 Pa. Code § 153.1	construction standards 7.2.B19 showers and tubs	granted
Lifecare Hospitals of Pittsburgh—North Campus	28 Pa. Code § 153.1	construction standards 7.2.A4 hand washing stations; 7.2.B20 pt toilet room; 7.2.A2 semi-private pt rooms	granted
York Hospital	28 Pa. Code § 153.1	construction standards 7.2.C1; 7.6.B7 7.6.B8; 7.6.B12;	granted in part

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Decision</i>
Cannonsburg General Hospital	28 Pa. Code § 153.1	construction standards 7.2.C1; 7.2.B1, B2, B5, B6, B7, B9, B11, B12, B13a, B14, B15, B16, B17, B19 and B22; 7.2.A4; 7.2.B4;	granted

**Exception Requests—Ambulatory Surgical Facilities**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Decision</i>
Mt. Airy Ambulatory Endoscopy Surgery Center	28 Pa. Code § 551.3	definitions	denied
Tri-County Surgery Center	28 Pa. Code § 551.3	definitions	denied
Gastroenterology Consultants, Inc.	28 Pa. Code § 551.3	definitions	granted
Valley Pain Center	28 Pa. Code § 551.3	definitions	granted
Ambulatory Endoscopic Surgical Center of Bucks County	28 Pa. Code § 551.3	definitions	granted
Eastern Pennsylvania Endoscopy Center	28 Pa. Code § 551.3	definitions	granted
Liberty Eye Surgery Center	28 Pa. Code § 551.3	definitions	granted
Shadyside Surgi-Center	28 Pa. Code § 551.21	operating time	granted
Leader Surgical Center	28 Pa. Code § 551.21(d)(2)	criteria for surgery— laparoscopic cholecystectomy	granted
Southwestern Amb. Surgery Center	28 Pa. Code § 551.21(d)(2)	criteria for surgery— laparoscopic cholecystectomy	granted
Spartan Health SurgiCenter	28 Pa. Code § 551.21(d)(2)	criteria for surgery— laparoscopic cholecystectomy	granted
Susquehanna Valley Surgery Ctr	28 Pa. Code § 551.21(d)(2)	criteria for surgery— laparoscopic cholecystectomy	granted
Butler Ambulatory Surgery	28 Pa. Code § 551.21(d)(2)	criteria for surgery laparoscopic cholecystectomy	granted
Evangelical Ambulatory Surgery Center	28 Pa. Code § 551.21(d)(2)	criteria for surgery laparoscopic cholecystectomy cholecystectomy—	granted
Physicians Surgical Center	28 Pa. Code § 551.22(3)(ii)	board certification	granted
Surgery Center of Lancaster, L. P.	28 Pa. Code § 551.22(3)(ii)	board certification	granted
Children's Hospital of Pittsburgh North Outpatient Surgical Center	28 Pa. Code § 553, 553.1, 553.3, 553.4, 553.31(b)	governing body	granted
Children's Hospital of Pittsburgh	28 Pa. Code § 555; 555.3;	medical staff	granted
Southwestern Pennsylvania Eye Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
Southwestern Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
The Endoscopy Center of Bucks County	28 Pa. Code § 555.31(a)	anesthesia services	granted
Allegheny Regional Endoscopy	28 Pa. Code § 555.31(a)	anesthesia services	granted
Leo R. McCafferty, M. D. Plastic Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
Carbon-Schuylkill Endoscopy	28 Pa. Code § 555.31(a)a	anesthesia services	granted
College Heights Endoscopy Ctr	28 Pa. Code § 555.31(a)	anesthesia services	granted
Liberty Eye Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
Lancaster Gastroenterology Procedure Center, LLC	28 Pa. Code § 555.31(a)	anesthesia services	granted
Ophthalmology Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
Reading Endoscopy Center, LLC	28 Pa. Code § 555.31(a)	anesthesia services	granted
West Shore Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
Berks Center for Digestive Health	28 Pa. Code § 555.31(a)	anesthesia services	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Decision</i>
Ambulatory Endoscopic Surgical Center of Bucks County	28 Pa. Code § 555.31(a)	anesthesia services	granted
Eastern Pennsylvania Endoscopy Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
Mahoning Valley Ambulatory Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services	granted
Schuylkill Endoscopy Center LLC	28 Pa. Code § 555.31(a)	anesthesia services	granted
Children's Hospital of Pittsburgh North Outpatient Surgical Center	28 Pa. Code § 557	quality Assurance	granted
Children's Hospital of Pittsburgh North Outpatient Surgical Center	28 Pa. Code § 563	medical records	granted
Eyes of York Surgical Center, LLC	28 Pa. Code § 571.1	construction standards 9.2.B3 handwashing station	granted
Brandywine Valley Endoscopy	28 Pa. Code § 571.1	construction standards 4.5 examination room	denied
Elmwood Endoscopy Center, PC	28 Pa. Code § 571.1	construction standards 9.9.A3 station outlets; Table 9.2	not necessary

#### Exception Requests—Nursing Care Facilities

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Decision</i>
Chapel Pointe at Carlisle	28 Pa. Code § 201.3	definitions	granted
Berwick Retirement Village	28 Pa. Code § 201.3	definitions	granted
Masonic Village at Lafayette Hill	28 Pa. Code § 201.3	definitions	granted
St. Monica Manor	28 Pa. Code § 201.3	definitions	granted
Masonic Eastern Star Home—East (facility now known as Masonic Village at Warminster)	28 Pa. Code § 201.3	definitions	granted
Pleasant View Retirement	28 Pa. Code § 201.3	definitions	granted
Marion Manor Corporation	28 Pa. Code § 201.3	definitions	granted
The Ball Pavilion	28 Pa. Code § 201.3	definitions	granted
Ridgeview Elder Care Rehab	28 Pa. Code § 201.3	definitions	granted
Masonic Village at Sewickley	28 Pa. Code § 201.3	definitions	granted
Westmoreland Skilled Care	28 Pa. Code § 201.17	location	granted
St. Joseph Manor	28 Pa. Code § 201.18(e)	management	temp. appr.
Somerset Hospital Center for	28 Pa. Code § 201.18(e)	management	temp. appr.
HRH Transitional Care Unit	28 Pa. Code § 201.18(e)	management	temp. appr.
Barbara J. Egan Nursing and	28 Pa. Code § 205.6(a)	function of building	granted
Fulton County Medical Center	28 Pa. Code § 205.6(a)	function of building	granted
Buffalo Valley Lutheran Village	28 Pa. Code § 205.6(a)	function of building	granted
Friendship Ridge	28 Pa. Code § 205.6(a)	function of building	granted
Bradford Ecumenical Home, Inc.	28 Pa. Code § 205.6(a)	function of building	granted
Guardian Elder Care	28 Pa. Code § 205.6(a)	function of building	granted
Vincentian Home	28 Pa. Code § 205.6(a)	function of building	granted
Mountain Laurel Nursing and	28 Pa. Code § 205.6(a)	function of building	granted
Menno Haven, Inc.	28 Pa. Code § 205.6(a)	function of building	granted
ManorCare Health Williamsport North	28 Pa. Code § 205.6(a)	function of building	granted
Meadows at Shannondell	28 Pa. Code § 205.6(a)	function of building	granted
Belle Reve Health Care Center	28 Pa. Code § 205.19(b)	windows & windowsills	granted
Presbyterian Home of Greater	28 Pa. Code § 205.24	dining room	granted
Pinnacle Health SNF at Seidle	28 Pa. Code § 205.25	kitchen	granted
Presbyterian Home of Greater	28 Pa. Code § 205.27	lounge & recreation rooms	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Decision</i>
Westmoreland Skilled Care	28 Pa. Code § 205.28	nurses' station	denied
Westmoreland Skilled Care	28 Pa. Code § 205.33(a)	utility room	granted
West Shore Health and Rehab	28 Pa. Code § 205.36(e)	bathing facilities	granted
Belle Reve Health Care Center	28 Pa. Code § 205.36 (d)(f)	bathing facilities	granted
Westmoreland Skilled Care	28 Pa. Code § 205.36(h)	bathing facilities	granted
Wesbury United Community	28 Pa. Code § 205.36(h)	bathing facilities	granted
Meadows at Shannondell	28 Pa. Code § 205.36(g)	bathing facilities	granted
Fox Subacute Center	28 Pa. Code § 205.38(a)	toilet facilities	granted
Beverly Healthcare—Oakmont	28 Pa. Code § 205.38(a)	toilet facilities	granted
Stonebridge Health and Rehab	28 Pa. Code § 205.38(b)	toilet facilities	granted
West Shore Health and Rehab	28 Pa. Code § 205.67(e)	electric requirements	granted
St. Joseph's Manor	28 Pa. Code § 205.67(k)	electric requirements	granted
Garden Spot Village	28 Pa. Code § 205.67(k)	electric requirements	granted
Concordia Lutheran Ministries	28 Pa. Code § 211.3(a)	oral & telephone orders	denied
Healthsouth Transitional Rehab	28 Pa. Code § 211.12(f)(1)	nursing services	temp. appr

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-580. Filed for public inspection April 7, 2006, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Altoona Center for Nursing Care  
1020 Greene Avenue  
Altoona, PA 16601  
FAC ID 065402

Greensburg Care Center  
R. R. 12, Box 41  
Greensburg, PA 15601  
FAC ID 073502

Laurelwood Care Center  
100 Woodmont Road  
Johnstown, PA 15905  
FAC ID 380502

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of the building).

Donahoe Manor  
136 Donahoe Manor Road  
Bedford, PA 15522  
FAC ID 040402

Charles M. Morris Nursing & Rehabilitation Center  
200 JHF Drive  
Pittsburgh, PA 15217

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.3 and 205.6(a).

Harmon House Care Center  
601 South Church Street  
Mount Pleasant, PA. 15666  
FAC ID 080602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills).

Beverly Healthcare—Camp Hill  
46 Erford Road  
Camp Hill, 17011  
FAC ID 030502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-581. Filed for public inspection April 7, 2006, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The following property is available for sale by the Department. It is identified as Parcel No. 9, on SR 4034, Section A90G, Erie County and is now or formerly listed as Tax Parcel 27-70-201-18. This parcel contains approximately 55,846 square feet or 1.26 acres of land situated along the Bayfront Connector. The property will be sold in "as is condition." Sale will be subject to execution of a declaration of restrictions by which the property must remain wetland until determined by the Department and the United States Corps of Engineers to be no longer needed. The declaration will allow the Department access to the property to monitor the wetlands. The estimated fair market value of the parcel is \$3,300. It has been determined that the land is no longer needed for present or future transportation purposes except as set forth relating to wetlands.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to William G. Petit, District Engineer, Department of Transportation, Engineering District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301.

ALLEN D. BEIHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 06-582. Filed for public inspection April 7, 2006, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Environmental Quality Board Meeting Cancellation

The April 18, 2006, meeting of the Environmental Quality Board (Board) is cancelled. The next meeting of the Board is scheduled for Wednesday, May 17, 2006, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the May 17, 2006, meeting will be available on the Department of Environmental Protection's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd, (717) 783-8727, [nshepherd@state.pa.us](mailto:nshepherd@state.pa.us).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 06-583. Filed for public inspection April 7, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Aetna Health Inc.; Individual Advantage Plans; Rate Filing

On March 23, 2006, Aetna Health submitted a filing for the Individual Advantage Plans, requesting a rate increase of 25%. The filing will affect approximately 7,490 members and generate additional revenue of \$5 million annually. An effective date of July 1, 2006, is requested.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-584. Filed for public inspection April 7, 2006, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### Meeting Change

The location for the Wednesday, April 12, 2006, meeting of the Pennsylvania Council on Aging (Council) has been changed to the Holiday Inn Harrisburg East, 4751 Lindle Road, Harrisburg, PA 17111, (717) 939-7841.

The meeting is scheduled to begin at 9 a.m. and conclude at 2 p.m. Due to limited seating, persons should contact the Council office to confirm their attendance.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Darlene Sampson, Executive Director at (717) 783-1924 to discuss how the Council may best accommodate their needs.

DARLENE SAMPSON,  
*Executive Director*

[Pa.B. Doc. No. 06-585. Filed for public inspection April 7, 2006, 9:00 a.m.]

# PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

## Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board is scheduled to be held on Tuesday, April 25, 2006, at 2 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda will be available prior to the meeting on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: PEDA). Questions concerning the agenda should be directed to Jeanne Dworetzky, (717) 783-8911, [jdworetzky@state.pa.us](mailto:jdworetzky@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Amanda Richards directly at (717) 772-8911 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,  
*Chairperson*

[Pa.B. Doc. No. 06-586. Filed for public inspection April 7, 2006, 9:00 a.m.]

## Program Opportunity; Small-Scale Community Wind Projects 2006

On behalf of Governor Edward G. Rendell, the Pennsylvania Energy Development Authority (Authority) cordially invites municipalities, authorities and school districts in this Commonwealth to apply to participate in the Authority's Small-Scale Community Wind Project. The Authority will select the 15 best proposals to receive Southwest Windpower's next generation small-scale wind system for permanent deployment at a public building or facility. Appropriate sites could include town halls, libraries, courthouses, visitor centers or any other public building that will enable local communities to see and learn about the system. In some cases, an applicant may designate a site on privately owned land for the proposed project, if the privately owned site is better suited for the project than property owned by the applicant. If it does so, a letter of authorization from the landowner must be included with the application.

The Southwest Windpower system includes a 1.8kW turbine, a 35-foot tower, an inverter, concrete foundation, wiring, an installation manual and technical support from the manufacturer. Department of Environmental Protection (Department) technical staff, the Authority and Southwest Windpower will review the applications to ensure that the selected sites can support a wind project. Successful applications will propose deployment of these small-scale wind systems in locations highly visible to the public, will demonstrate that the applicant has the financial and technical wherewithal to properly install and maintain the system and will include a substantial outreach and education component.

Successful applicants will receive the Southwest Windpower small-scale wind system and basic installation at no charge, but will have to pay any additional costs, including interconnection fees, themselves. Any additional costs incidental to specific project locations also must be borne by the project applicant. In addition, successful projects must agree to allow access to the project site to the Authority and Southwest Windpower in order to allow for the collection of project data.

To qualify, a proposed site must have class 2 winds or better (or an average wind speed of 12 mph or more). Applicants who do not have the site-specific wind speed data should refer to the interactive evaluation tool at [www.pawindmap.org](http://www.pawindmap.org) to determine the estimated class of wind at the proposed site.

Applications for the Authority's Small-Scale Community Wind Project may be obtained by contacting Lawrence Middleton at (717) 783-8411 or [lmiddleton@state.pa.us](mailto:lmiddleton@state.pa.us). Applications may also be obtained by visiting the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Pennsylvania Energy Development Authority (PEDA)). The original and three copies of the completed application must be postmarked (if mailed) or received (if delivered by other means) by 4 p.m. on May 12, 2006, to DEP Grants Center—PEDA, Rachel Carson State Office Building, 400 Market Street, 15th Floor, P. O. Box 8776, Harrisburg, PA 17105-8776.

Faxes will not be accepted. Use staples only, without binding or coversheets of any kind. There is no fee for this application. Attach an additional sheet of paper if necessary, but the Authority will not accept applications of more than five pages total.

The Authority reserves the right to accept or reject any and all applications or to modify the terms of this program opportunity notice.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 06-587. Filed for public inspection April 7, 2006, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Biennial Report to the General Assembly and Governor Pursuant to Section 1415; Doc. No. M-00041802F0003

Public Meeting  
held March 16, 2006

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

### Tentative Order

*By the Commission:*

On November 30, 2004, Governor Edward G. Rendell signed into law SB 677, now known as Act 201. This Act went into effect on December 14, 2004. The Act amended Title 66 by adding Chapter 14 (66 Pa.C.S. §§ 1401—1418), Responsible Utility Customer Protection. The legislation is applicable to electric distribution companies,

water distribution companies and larger natural gas distribution companies (those having annual operating income in excess of \$6 million).

The purpose of the Tentative Order is to propose the data collection methods and data elements that the Commission is considering for the purpose of evaluating the effect of the implementation of Chapter 14 on residential collections as required by 66 Pa.C.S. § 1415. Second, this Order will invite interested parties to comment on our proposals for the entire content of the biennial Commission report as also required by § 1415, and to propose alternative or additional methods and data elements for the Commission to consider.

### Background

Chapter 14 of Title 66 imposes requirements on the Commission at § 1415 pertaining to reporting to the General Assembly and the Governor every two years. The first report is due no later than December 14, 2006 and the final report is due in December, 2014. The reports are to review the implementation of the provisions of Chapter 14 and include, but are not limited to:

1. The degree to which the Chapter's requirements have been successfully implemented.
2. The effect upon the cash working capital or cash flow, uncollectible levels and collection of the affected public utilities.
3. The level of access to utility services by residential customers including low-income customers.
4. The effect upon the level of consumer complaints and mediations filed with and adjudicated by the Commission. (Please note that mediations are currently known as payment arrangement requests under § 1415)

Chapter 14 directs public utilities affected by the Chapter to provide data, as required by this Commission, to complete the reports. The Commission's report may also contain recommendations to the Governor and the General Assembly about legislative or other changes which the Commission deems appropriate.

### Discussion

The provisions of Chapter 14 generally apply to electric, water, and natural gas distribution utilities under § 1403. Chapter 14 includes the Philadelphia Gas Works, a city natural gas distribution operation, within the category of natural gas distribution utilities. The category specifically excludes natural gas distribution utilities with operation revenues of less than \$6 million per year except where the public utility voluntarily petitions the Commission to be included or where the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory. Natural gas distribution utilities that are not connected to an interstate gas pipeline are similarly excluded from the provisions of Chapter 14 under § 1403.

For the purpose of evaluating the impact of implementing Chapter 14, the Commission proposes to require larger utilities to provide more information than smaller utilities in recognition of resource restriction that smaller utilities are more likely to face. Specifically, we propose that larger utilities be required to fully comply with the data reporting requirements while smaller utilities be required to report only a limited number of collection data variables. We propose that larger utilities, subject to full reporting to the Commission pursuant to § 1415, are electric, gas and water distribution utilities with annual operating revenues greater than or equal to \$200 million. The electric distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements using

this criterion are Allegheny Power Company, Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Penn Power Company and PPL Electric Utilities. The natural gas distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements as proposed are Columbia Gas Company, Dominion Peoples, Equitable Gas Company, Natural Fuel Gas Distribution, PECO Energy Company, PG Energy Company, Philadelphia Gas Works and UGI Utilities. The water distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements are Aqua Pennsylvania, Inc. and Pennsylvania American Water Company.

In developing the proposal to limit the size and number of distribution utilities for the purposes of full Chapter 14 collection evaluation reporting, the Commission considered several factors. First, we determined that by having complete information from seven major electric distribution companies (EDCs), eight major natural gas distribution companies (NGDCs) and two major water distribution companies (WDCs), the Commission would capture the vast majority of relevant information to accurately portray the implementation effects of Chapter 14. Second, by excluding a number of smaller distribution companies from full reporting of the collection data requirements, the Commission will reduce the burden for reporting on the smaller companies. Finally, by gathering full data from only the larger utilities we should have a manageable data set for analysis.

The Commission proposes that the smaller utilities covered by Chapter 14 be required to report only a limited number of residential collection data variables. This abbreviated list of collection variables includes the number of residential customers, annual residential billings, annual gross residential write-offs, the number of terminations and the number of reconnections. However, we ask all of the smaller companies to review the full list of collection data variables and provide comments on their ability to provide the data on a variable by variable basis.

### Report Categories

#### 1. *Degree to Which the Requirements of the Chapter Have Been Successfully Implemented*

The first area that the Commission is to report to the General Assembly and the Governor is the degree to which the Chapter's requirements have been successfully implemented. The Commission's initial proposal is that we provide a summary of the implementation of the Chapter 14 proceedings by both the Commission and the utilities. Next, we propose to report on the deficiencies and violations of the utilities in the implementation of the Act. Finally, we propose to survey Protection of Abuse agencies to determine the impact of Chapter 14 on that customer segment.

#### 2. *Residential Collections*

The second area that the Commission is to report to the General Assembly and the Governor is the effect the Chapter has on cash working capital or cash flow, uncollectible levels and residential collections of the affected utilities. The Commission seeks comments on five collection data issues associated with the utility collection reporting requirements including: (1) The content of the list of collection data variables to be included under the reporting requirements, (2) The frequency of utility reporting under the reporting requirements, (3) The periodicity<sup>1</sup> of the reporting on a variable by variable basis, (4)

<sup>1</sup> The quality, state, or fact of being regularly recurrent. Webster's New Collegiate Dictionary 852 (1977)



The accounting protocol on a variable by variable basis, and (5) The due dates for the utility reporting under the reporting requirements. The collection data issues are discussed below:

#### **Issue #1—Establishment of the List of Collection Data Variables**

The Commission has put together a list of potential collection data variables for inclusion in these reporting requirements. These variables are listed in Appendix A. The Commission's intent is to provide a comprehensive picture of the state of residential collection to the General Assembly and Governor. Towards that end, the Commission would like to develop a list of collection variables that we can use to achieve our intent. Some of the initially proposed collection variables are the same as other data currently provided to the Commission in other required reporting. Some of the proposed variables are similar to currently reported data but would require some modification. Finally, while other proposed variables may be new, we believe they have significance under Chapter 14.

Overall, this initial list was designed to allow for a more complete collection analysis than current collection reporting has produced. Most importantly, the final list of collection data variables will produce a comprehensive and common data set for use by the Commission, the utilities, the General Assembly, the Governor and other interested parties.

The initial list of collection variables has been compiled in a manner that will allow for data aggregation into four

broader collection categories such as customer billings, customer payments, utility collection expenses, and customer arrearages.

The data categories have been developed with the overall evaluation of collection data in mind. From the perspective of both data aggregation and data analysis, each of these four major categories can be used in outcome formulas that can serve as meaningful evaluation measurement tools. For example, the total customer payments can be divided by the total customer billings to produce a customer payment ratio. The total collection expenses can be divided by the total customer payments to produce a collection expense ratio. The total dollars in arrearages can be divided by the total dollars in billings to produce an arrearage ratio (the percentage of billings in debt). The total dollars written off can be divided by the total billings to produce a write-offs ratio. The average arrearage can be divided by the average bill to produce an arrearage aging result known as the total weighted arrearage.

Many of the proposed collection data variables match those from other reporting requirements. Generally, we propose to match the due dates of those other reporting requirements to place as little additional burden on the companies as possible. In this way, companies will simply copy the same numbers in two places at the same time. The table below organizes the 54 proposed data variables into 11 primary data categories. The table indicates whether or not the data is duplicated in other reporting requirements and the source of those other reporting requirements, the proposed reporting frequency and the proposed due dates for this reporting.

<i>Data Category</i>	<i>Variable #</i>	<i>Source of Data if Required Elsewhere</i>	<i>Reporting Frequency</i>	<i>Due Date</i>
Number of Customers	1	§ 56.231	Monthly	25th of each month
Collection Operating Expenses	2	Universal Service Reporting	Annual	April 1 of each year
Billing and Payments	3—4	Billing—Submitted Voluntarily Payments—New	Monthly	25th of each month
Write-Offs	5—6	Submitted Voluntarily	Semiannual	July 25 and March 1 of each year
Arrearages	7—18	§ 56.231 and New	Monthly	25th of each month
Terminations and Reconnections	19—25	§ 56.231 and Modified	Monthly	25th of each month
Security Deposits	26—38	New	Monthly	25th of each month
Reconnection Fees	39—42	New	Monthly	25th of each month
Late Payment Fees	43—44	New	Monthly	25th of each month
Field Visit Fees	45—48	New	Monthly	25th of each month
Universal Service Program Costs	49—54	Universal Service Reporting	Annual	April 1 of each year

#### **Issue #2—Frequency of Utility Reporting to the Commission**

The second collection issue is the frequency of reporting. It may be appropriate for the frequency of reporting to vary on a variable by variable basis, depending on the nature of the data and the use of the data. The decisions we make regarding the frequency of utility reporting will have an impact on the overall decision-making process and eventual outcomes of the other reporting issues.

Specifically, the frequency of utility reporting must first be determined before a logical resolution of the other collection issues can be reached. These remaining issues include the periodicity of the reporting on a variable by variable basis, the accounting protocol on a variable by variable basis, and the due dates for the utility reporting under the collection reporting requirements.

There are various options for the applicable time frame or period for the reporting, i.e., the period of time that will be covered by the data reported by the utilities.

There are four options; monthly reporting, quarterly reporting, semi-annual reporting, and annual reporting.

Generally, monthly reporting has the most value for us since it allows for a timely analysis of collection performance. In light of and in consideration of the fact that most of the current collection data reporting to the Commission in compliance with regulations requires monthly reporting, the Commission proposes that many of the collection variables be reported to us on a monthly basis. In this way, we will have as much current collection data as possible.

Consistent with the Universal Service reporting requirements, Universal Service program costs should continue to be reported annually. Finally, we propose that a few variables such as write-offs and collection operating expenses be reported twice per year. In this way, at a minimum we can provide the General Assembly and the Governor with comprehensive data about the first six months of the year in which we issue a report to them. Of course, we will also have complete data from the previous year.

### **Issue #3—Periodicity of the Reporting Requirements on Collection Data Variables**

Periodicity as it relates to residential collection data variables is the period of time that is covered in the reporting of a collection data variable. Examples of the periodicity of reporting include monthly, semi-annual, and annual. The periodicity of the reporting requirements on a variable by variable basis will be dependant upon the frequency of utility reporting, the nature of and availability of the collection data variable, and the appropriateness of the period of time for the reporting of the data.

For example, if the data variable is the “number of terminations” and if the reporting frequency is determined to be “annually,” the periodicity for reporting this variable could be “monthly” for each of the twelve individual months in the reporting period. That is, the utility will provide the number of terminations for each month of the year. Thus, “month” is the unit of periodicity in our example. This type of periodicity allows us to make year-to-date comparisons over multiple years as well as other types of analyses including the comparison of the number of terminations completed during the heating season to the number of terminations completed during non-heating months.

By contrast, another possible outcome for the periodicity could be a single number representing the cumulative number of terminations over the twelve-month period. This type of periodicity would be “annually” and, in this example, does not allow for either year-to-date comparisons of terminations with past years or for any other type of analyses where the timeframe is shorter than yearly.

### **Issue #4—Accounting Protocols on a Variable by Variable Basis**

The nature of the data variable as well as its purpose should be considered in order to determine the accounting protocol for the data variable. For example, the accounting protocol for the number of terminations is simply a cumulative running count of how many terminations took place during the reporting period.

The number of residential customers may be a monthly average for the 12 months of the year. As for the calculation of the number of customers for each individual month, the accounting protocol may be the number as of the last day of the month. In contrast, the monthly number of customers could be the average of the daily

counts for the month instead of the end of month number. These examples illustrate the importance of establishing clear accounting protocols.

### **Issue #5—Utility Reporting Due Dates**

From an evaluation perspective we believe it would dramatically improve the statistical significance of the evaluation and subsequent Commission reporting if we can establish the trend line of the collection data prior to the enactment of Chapter 14. Thus, we propose that the pre-Chapter 14 trend line be established from 2000 to 2004. Throughout 2005 the Commission and the utilities were still in the process of resolving numerous policy issues regarding the implementation of Chapter 14. Thus, we acknowledge that 2005 collection data will likely be impacted by the pace and scope of the Chapter 14 implementation process. Arguably, 2006 collection data will reflect fewer transitional issues as fewer Chapter 14 implementation policy issues remain unresolved.

The Commission previously recognized the importance of the gathering of multi-year data for trend analysis as part of the Reliability Performance Benchmarks and Standards. In the applicable reporting requirements at § 57.195, the performance benchmark for each reliability metric represents the statistical average of the EDC's annual, system-wide, reliability performance index values for the five-year period from 1994-1998. The benchmark serves as an objective level of performance that each EDC should strive to achieve and maintain, and is a reference point for comparison of future reliability performance. In similar fashion, we are asking the large utilities to report on the five years leading up to Chapter 14, 2000 through 2004. Our needs for time series data in this proceeding are a bit different. In lieu of benchmarking, we are proposing to establish a pre-Chapter 14 trend line that will be long enough to provide a meaningful view of the trend lines leading up to Chapter 14. For example, in recent months there has been much discussion and debate about the number of residential terminations. The trend is generally upwards in recent years but the increase varies depending on the year that you begin the trend analysis. Further, we propose going back to 2000 because two major events that impacted the ability of utilities to gather and report historical collections data were over by then, Y2K and industry restructuring.

Initially, the Commission suggests that separate reporting for each year 2000, 2001, 2002, 2003, 2004 and 2005 is due on or before June 1, 2006. Subsequent reporting will initially address data from 2006. We propose that the 2006 data with a monthly reporting frequency for the months of January, February, March, April and May 2006 be reported to the Commission by June 25, 2006. Subsequent monthly reporting is due no later than the 25th of the following month beginning with June 2006 data due no later than July 25, 2006. Semi-annual reporting for the first six months of the year is due no later than July 25th of each year beginning with January through June 2006 data due no later than July 25, 2006. Semi-annual reporting for the second six months of the year is due by March 1st of the following year beginning with July through December 2006 data due no later than March 1, 2007. This will allow enough time for these variables to be reported with accuracy and completeness. Data with annual reporting is due no later than April 1 of the following year beginning with 2006 annual data due no later than April 1, 2007.

Most of the duplicative historical collections data included in these proposed reporting requirements have not been placed in the public domain. Given this fact, the Commission would prefer that the utilities provide the prior years of previously submitted data to us under these reporting requirements before this data appears in the public domain. This will eliminate any chance of transcription errors on the part of the Commission and this exercise will serve as a means for the utilities to validate the accuracy of the previously reported data before it is placed in the public domain. In addition, the Commission offers to share its available data records of past utility reporting with the utilities in an effort to validate or verify past data and to facilitate the submission of the previously reported data by the utilities.

The Commission asks that you direct questions related to the proposed collection data reporting requirements to David Mick of the Bureau of consumer Services at (717) 783-3232 or dmick@state.pa.us.

### 3. *Level of Access to Utility Service*

The third area that the Commission is to report to the General Assembly and the Governor is the impact that Chapter 14 has had on the level of access to utility services by residential customers, including impacts on low income customers. This may be the most challenging of the four areas of evaluation required by Chapter 14. This area is challenging because historically there has been minimal systematic data collected to address this topic.

The Commission does receive limited information that pertains to termination from utilities through the annual Cold Weather Survey (CWS) pursuant to our regulations at 52 Pa. Code § 56.100. The CWS data gathering is conducted by the electric and natural gas distribution companies once a year in November. The utilities survey residential properties where heat-related service was terminated during the calendar year and not reconnected. Survey results are reported to the Commission categorized according to whether household is known to be low income, known to be non-low income or income status unknown. The CWS reports to the Commission do not provide any indication as to how long the household has been without utility service. A further limitation of the CWS is that if you were terminated in a prior year, you will not be in the pool of customers to be surveyed in the current year.

There are several potential measures of access to utility service that are not currently reported to, or gathered by, the Commission that may be relevant. We seek comments on whether the Chapter 14 evaluation should consider implementing these new measures. First, utilities could record and report to the Commission on the number of applicants that apply for utility service but whose application is denied. Potentially this information could be gathered by determining whether the customer seeking the application is low income or non-low income. Similarly, customers whose service applications have been denied by a utility may contact the Commission. In many cases, the Commission may not be permitted to issue a payment arrangement that would facilitate reconnection of service. As in the case with utilities, the Commission could tabulate these utility access denials and include the figures in the report to the General Assembly and the Governor as information related to the degree of access to utility service. Another potential measure the Commission could use to gather information is determining the number of payment arrangement requests.

### 4. *Effect on the Level of Consumer Complaints and Payment Arrangement Requests Filed and Adjudicated with the Commission*

The fourth area that the Commission is required to report to the General Assembly and the Governor is the effect of Chapter 14 on the level of consumer complaints and payment arrangement requests filed and adjudicated with the Commission. The Commission can readily provide data including the number of consumer complaints, the number of payment arrangement requests, the number of non-CAP (Customer Assistance Program) customers turned away from the Commission seeking a payment arrangement request, the number of CAP customers who were denied a payment arrangement by the Commission, the number of payment arrangement requests that the Commission took in but dismissed without a decision for payment terms and the number of customers who made a payment agreement with the Commission that were under a Protection from Abuse Order. We do not have the ability to report on the distribution of payment arrangement requests by the number of months that customers are given to pay their arrearage. However, we can provide data on income levels and, in turn, that information can be used to approximate the distribution of payment arrangement data by the number of months to pay since the number of months to pay is determined by income level.

### Conclusion

The Commission's Tentative Order lays out a framework for meeting its obligation to issue a biennial report to the Governor and General Assembly reviewing the implementation of the provisions of Chapter 14 as directed at § 1415.

The Commission proposes specific residential collection data reporting requirements that are aimed at measuring the impact of Chapter 14 on utility collection. The Commission believes that this can be accomplished through the initiation of Interim Guidelines for Collection Data Reporting Requirements. The reporting of comprehensive, accurate and uniform residential collection data will facilitate the use of residential collection data in future policy decisions regarding Chapter 14.

We are hereby proposing by this Tentative Order Interim Guidelines to be in effect pending the promulgation of final regulations, should we find that a rule-making is necessary. These guidelines, when finalized after the receipt of public comment, are intended to provide certain utilities affected by Chapter 14 to submit data required for the Commission to complete the report to the General Assembly and Governor.

To accommodate public comment on these Tentative Interim Guidelines, we will direct that this Order be published in the *Pennsylvania Bulletin* and will establish a thirty day comment period from the date of publication. We urge that all interested persons file comments. Note that reply comments will be permitted. Accordingly, comments should address all relevant issues including the identification of the additional costs, if any, that are anticipated to be incurred by the industry to comply with these interim guidelines. Additional costs are those that are in excess of the current costs to comply with similar existing state or federal requirements; *Therefore,*

*It Is Ordered That:*

1. Voluntary Interim Reporting Guidelines attached to this Tentative Order are hereby proposed to provide a framework for data reporting for the Commission to meet its obligation to issue a biennial report to the General

Assembly and Governor reviewing the implementation of the provisions of Chapter 14 as directed at § 1415. These guidelines, once finalized, are intended to remain in place pending a decision on a formal rulemaking to promulgate regulations.

2. This Tentative Order, including Appendix A, be published in the *Pennsylvania Bulletin*.

3. Written comments, an original and 15 copies, shall be filed with the Commission within thirty (30) days of entry of this Order, at Docket No. M-00041802F0003. Attention: Secretary, P. O. Box 3265, Harrisburg, PA. 17105-3265. Reply Comments may be filed within 45 days of date of entry of this Order. In addition, one copy in electronic format (Microsoft Word 2002 or readable equivalent) on diskette shall be provided to the Secretary and copies shall be emailed to Terrence J. Buda (tbuda@state.pa.us), Cyndi Page (cypage@state.pa.us), and David Mick (dmick@state.pa.us). Comments and Reply Comments shall be posted on the Commission's Website at [www.puc.state.pa.us](http://www.puc.state.pa.us).

4. A copy of this order and any accompanying statements of the Commissioners be served upon all jurisdictional electrical distribution utilities, natural gas distribution utilities, water distribution utilities covered by Chapter 14, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, posted on the Commission's web site, and shall be made available, upon request, to other interested parties.

5. A final order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this Tentative Order.

#### APPENDIX A

### Interim Guidelines for Residential Collection Data Reporting Requirements of the Electric, Natural Gas, and Water Distribution Companies in Accordance with the Provisions of § 1415(2)

#### I. PURPOSE

The purpose of these interim guidelines is to set forth the reporting requirements for residential collection data that will allow the Commission to measure the effect of Chapter 14 upon the cash working capital or cash flow, uncollectible levels and collections of the affected public utilities.

#### II. DEFINITIONS

*Active Residential Account*—A residential account that is currently receiving utility service.

*CAP*—Customer Assistance Program

*CARES*—Customer Assistance and Referral Evaluation Services

*Inactive Residential Account*—A residential account that has either been terminated or discontinued, the final bill has passed, and the amount owing has not yet been written off by the utility.

*LIURP*—Low Income Usage Reduction Program

*Reconnection for Customer Payment*—A residential account that was terminated for any reason covered under § 1406(a) or § 1406(c) and subsequently restored after meeting the utility's terms for restoration if the terms for restoration included a customer payment or payment agreement. Also, if the terms for restoration of service included a prior balance for the same customer at the same location and the customer's service is restored after meeting the utility's terms and conditions for service restoration, the restoration of service should be counted

as a Reconnection for Customer Payment. This is true regardless of how much time has passed up to a limit of four years and regardless of whether the customer's current status is as an applicant or ratepayer under Chapter 14.

#### III. REQUIRED COMPANIES

All electric, gas or water distribution companies that have filed their most current financial disclosure to the Commission showing annual operating revenues greater than or equal to \$200,000,000 are required to fully report on all collection data variables listed in Section IV. All small companies covered by Chapter 14 are required to report only variables #1, #3, #5 and #19 through #25 in Section IV.

#### IV. PROPOSED LIST OF COLLECTION DATA VARIABLES

The proposed list of collection data variables appears below. A designation of the proposed utility reporting frequency for each variable appears after each variable: (M) is equal to monthly reporting; (S) is equal to semi-annual reporting; (A) is equal to annual reporting. In addition, if a variable has not been previously reported to the Commission either voluntarily or through regulation, it is designated as (New). Otherwise, the variable is either identical or similar, possibly needing modification, to one that is currently reported. Collection data reporting shall be categorized as follows:

1. The total number of residential customers (M)
2. The total dollar amount of annual collection operating expenses (S)
3. The total dollar amount of annual residential billings (M)
4. The total dollar amount in customer payments including all payments made on behalf of the customer (M) (New)
5. The total dollar amount of gross residential write-offs (S)
6. The total dollar amount of residential recoveries (S)
7. The total number of active residential accounts in arrears and not on a payment agreement (M)
8. The total dollar amount in arrears for active residential accounts in arrears and not on a payment agreement (M)
9. The total number of active residential accounts in arrears and on a payment agreement (M)
10. The total dollar amount in arrears for active residential accounts in arrears and on a payment agreement (M)
11. The total number of active residential accounts in arrears and in CAP (M) (New)
12. The total dollar amount in arrears for active residential accounts in arrears and in CAP (M) (New)
13. The total number of active CAP recipients who have pre-program arrearages that have not yet been fully written-off (M) (New)
14. The total dollar amount in arrears for active CAP recipients who have pre-program arrearages that have not yet been fully written-off (M) (New)
15. The total number of active residential accounts that have current billings not yet due (M) (New)
16. The total dollar amount for active residential accounts that have current billings not yet due (M) (New)

17. The total number of inactive residential accounts in arrears (M) (New)

18. The total dollar amount in arrears for inactive residential accounts in arrears (M) (New)

19. The total number of terminations for non-payment of arrearages as defined at § 1406(a)(1) or § 1406(a)(2)(M)

20. The total number of terminations for non-payment of security deposits as defined at § 1406(a)(3)(M)

21. The total number of terminations for non-payment of both an arrearage and a security deposit as defined at either § 1406(a)(1) or § 1406(a)(2) and § 1406(a)(3) (M)

22. The total number of terminations for other reasons including failure to permit access, unauthorized use of service, fraud, meter tampering, and safety as defined at § 1406(a)(4), § 1406(c)(1)(i), § 1406(c)(1)(ii), § 1406(c)(1)(iii), and § 1406(c)(1)(iv)(M)

23. The total number of reconnections for customer payment (M)

24. The total number of reconnections for medical certification (M)

25. The total number of reconnections for reasons other than customer payment or medical certification (M) (New)

26. The total number of applicants that are billed a security deposit for new service (M) (New)

27. The total dollar amount of security deposits billed to applicants for new service (M) (New)

28. The total dollar amount of security deposits paid by applicants for new service (M) (New)

29. The total number of customers that are billed a security deposit for current/existing service while service is still on (M) (New)

30. The total dollar amount of security deposits billed to customers for current/existing service while service is still on (M) (New)

31. The total dollar amount of security deposits paid by customers for current/existing service while service is still on (M) (New)

32. The total number of applicants or customers that are billed a security deposit as a condition of reconnection (M) (New)

33. The total dollar amount of security deposits billed to applicants or customers as a condition of reconnection (M) (New)

34. The total dollar amount of security deposits paid by applicants or customers as a condition of reconnection (M) (New)

35. The total dollar amount of security deposits on-hand (S) (New)

36. The total number of customers that had dollars in previously collected security deposits applied to unpaid account balances (M) (New)

37. The total dollar amount in previously collected security deposits applied to unpaid account balances (M) (New)

38. The total dollar amount in security deposit interest paid to customers (S) (New)

39. The total number of customers that were billed a reconnection fee as a condition of reconnection (M) (New)

40. The total dollar amount of reconnection fees billed to customers as a condition of reconnection (M) (New)

41. The total number of customers who paid reconnection fees as a condition of reconnection (M) (New)

42. The total dollar amount of reconnection fees paid by customers as a condition of reconnection (M) (New)

43. The total dollar amount in late payment fees billed to customers (M) (New)

44. The total dollar amount of late payment fees paid by customers (M) (New)

45. The total number of customers billed a field visit fee (M) (New)

46. The total dollar amount of field visit fees billed to customers (M) (New)

47. The total number of customers that paid a field visit fee (M) (New)

48. The total dollar amount of field visit fees paid by customers (M) (New)

49. The total dollar amount of actual LIURP spending for the year just completed (A)

50. The total dollar amount of CAP administrative costs for the year just completed (A)

51. The total dollar amount of CAP credits for the year just completed (A)

52. The total dollar amount of CAP pre-program arrearage forgiveness for the year just completed (A)

53. The total dollar amount of CARES program costs for the year just completed (A)

54. The total dollar amount of Hardship Fund administrative costs assessed to ratepayers for the year just completed (A)

#### V. COLLECTION DATA DICTIONARY AND VARIANCES

Following the Commission's issuance of the Final Order for Interim Reporting Guidelines, the Commission will prepare a data dictionary that will contain a definition for each collection data variable along with all pertinent reporting instructions for each variable. Companies that can not meet the requirements must seek a variance from the Commission. Variances from the data dictionary by individual companies will be documented and a report on the variances will be issued as an appendix in the Commission's report to the Governor and the General Assembly. The data dictionary and report on variances will also be filed at this Docket.

JAMES J. MCNULTY,  
*Secretary*

#### Statement of Commissioner Kim Pizzigrilli

*Public Meeting March 16, 2006; MAR-2006-BCS-0003\*  
Biennial Report to the General Assembly and Governor  
Pursuant to Section 1415; Doc. No. M-00041802F0003*

In accordance with the Responsible Utility Customer Protection Act (66 Pa.C.S. §§ 1401—1418), the Commission is required to submit a report to the Governor and the General Assembly every two years to review the implementation of the Act including the degree to which the requirements have been successfully implemented; the effect upon the cash working capital or cash flow, uncollectible levels and collections of the affected public utilities; the level of access to utility services by residential customers, including low income customers; and the effect upon the level of consumer complaints and mediations filed with and adjudicated by the Commission. The

Commission's initial report is due in December of 2006. Public utilities are to provide data to the Commission in order to complete the report.

Today, the Commission issues a Tentative Order seeking comments regarding proposed data collection methods and elements. I commend the Bureau of Consumer Services for putting forth this proposal in a timely manner; however, I also look forward to the comments filed in response to this Tentative Order. It is imperative that the Commission receive the proper data to fulfill its statutory reporting requirement but at the same time, we should strive to avoid redundancy and unnecessary reporting requirements. For those reasons, I support the issuance of the Tentative Order and look forward to reviewing comments on how best to meet the Commission's needs while maximizing efficiency and minimizing reporting redundancy.

**Statement of Commissioner Terrance J. Fitzpatrick**

*Public Meeting March 16, 2006; MAR-2006-BCS-0003\*  
Biennial Report to the General Assembly and Governor  
Pursuant to Section 1415; M-00041802F0003*

Chapter 14 of Title 66 requires the Commission to report to the General Assembly and Governor every two years regarding the effect of the implementation of The Responsible Utility Customer Protection Act on residential collections. 66 Pa.C.S. § 1415. Today the Commission issues a Tentative Order that invites interested parties to comment on proposed data collection methods and elements that the Commission is considering for the purpose of preparing to complete this report.

I appreciate the time and effort of the Bureau of Consumer Services in preparing this proposal to initiate the process for this critical report; however, I am concerned that some of the methods and content included in this proposal may be redundant and potentially burdensome on the companies required to provide this information. I also recognize the short timeframe the Commission is confronted with in developing a process and format for the first report which is due no later than December 14, 2006. While I am voting in support of issuing this Tentative Order for comment, I am reserving judgment on the appropriate methods and data that should be collected by the Commission for this report. I look forward to the comments of all interested parties and will review them closely before voting on a Final Order setting forth a finalized reporting process.

[Pa.B. Doc. No. 06-588. Filed for public inspection April 7, 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 May 1, 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-00122533. Patricia M. Kreider** (9 Prospect Road, Strasburg, Lancaster County, PA 17579)—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.

**A-00122530. Faye E. Wise** (2480 B, Leaman Road, Ronks, Lancaster County, PA 17572)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County to points in Pennsylvania, and return.

**A-00122535. Erin E. Miranda** (115 Buckley Drive, Harrisburg, Dauphin County, PA 17112)—persons upon call and demand, in the City of Harrisburg and within an airline distance of 10 statute miles of the limits of said city.

**A-00122528. George H. Wise, Jr.** (2480 B, Leaman Road, Ronks, Lancaster County, PA 17572)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County to points in Pennsylvania, and return.

**A-00122143. Promobile Transportation, Inc.** (9 Ivy Lane, Yardley, Bucks County, PA 19067-1807) a corporation of the Commonwealth—persons in paratransit service from points in the City and County of Philadelphia to points in Pennsylvania, and return. *Attorney:* Craig A. Doll, 25 W. Second Street, P. O. Box 403, Hummelstown, PA 17036-0403.

**A-00122545. Steven J. Butts** (339 Churchtown Road, Narvon, PA 17555)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Lancaster and Chester, to points in Pennsylvania, and return.

**A-00122549. Andrea Richards t/a Roadstar Limousine** (717 Timber Lane, West Chester, Chester County, PA 19380), a corporation of the Commonwealth—persons, in limousine service, from points in the Counties of Chester and Delaware, to points in Pennsylvania, and return.

**A-00122540. Arthur L. Refford** (6 Harristown 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.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.**

**A-00120280, Folder 1, Am-A. Louis Steiner** (127 Fairfax Road, Pittsburgh, Allegheny County, PA 15221)—persons in limousine service, between points in Pennsylvania, excluding service between points in Allegheny County, which is to be a transfer of all the limousine rights authorized under the certificate issued at A-00098496, F.3 and F.3, Am-A to Greater Johnstown

Yellow Cab, Inc., subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

**Applications 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 persons by transfer of rights as described under each application.**

**A-00122526. Richard Breski, Jr. t/a Good Fellas Limousine Service** (1020 Church Street, Steelton, Dauphin County, PA 17113)—persons in limousine service, between points in Pennsylvania, excluding service between points in Allegheny County, which is to be a transfer of all the limousine rights authorized under the certificate issued at A-00107598, F.1 and F.1, Am-A to Esquire Limousine, Inc., subject to the same limitations and conditions. *Attorney:* Craig A. Doll, 25 West Second Street, P. O. Box 403, Hummelstown, PA 17036.

**A-00122551. Citycar Services of New Jersey, LLC** (461 Southard Street, Trenton, Mercer County, NJ 08638), a limited liability company of the State of Delaware—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all the rights authorized under the certificate issued at A-00113559 to Touch of Class Transportation, Inc., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 J. F. Kennedy Blvd., Philadelphia, PA 19102.

**A-00122547. PJA, Inc. t/a Hansen's Errand Service** (2319 South Shore Drive, Erie, Erie County, PA 16025-2145), a corporation of the Commonwealth—persons, in paratransit service, from points in the Counties of Cambria, Cameron, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Lycoming, McKean, Potter, Tioga, Union, Venango and Warren to points in Pennsylvania, and return, subject to the following conditions: (1) Provided that the transportation between or from points in the Counties of Cambria and Union shall be limited to transportation requested by and paid for by insurance carriers for the transportation of insured persons to medical facilities in connection with workers compensation claims; and (2) Provided further that no right, privilege or authority shall be granted to provide service with a point of origin within any medical facility in Union County or service between points in Union County; which is to be a transfer of all the rights authorized under the certificate issued at A-00111191 to Hansen's Errand Service, Inc., subject to the same limitations and conditions. *Attorney:* Craig Zonna, 150 East 8th Street, Erie, PA 16501-1269.

**Application 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 the application.**

**A-00119213, Folder 2. Heather Noumeh t/a Royal Limousine Service** (1623 E. Washington Street, Allentown, PA 18109)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Lehigh and Northampton, 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-00122534. Pack And Go Movers, Inc.** (4 Skyview Lane, Thorndale, PA 19372)—household goods in use,

from points in the Counties of Lancaster, Lebanon, Lehigh, Berks, Montgomery, Bucks, Philadelphia, Delaware and Chester, to points in Pennsylvania.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-00116227, F. 5000. Limo Van, Inc. t/a Limo Van Express** (4644 Huckleberry Road, Orefield, Lehigh County, PA 18069), a corporation of the Commonwealth—for the approval of the transfer of 100 shares of issued and outstanding shares held by Richard W. Muller, Sr. (deceased) to Richard W. Muller, Jr. *Attorney:* Craig A. Doll, 25 West Second Street, P. O. Box 403, Hummelstown, PA 17036.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-589. Filed for public inspection April 7, 2006, 9:00 a.m.]

## Telecommunications

**A-311067F7009. Bentleyville Communications Corporation and Dobson Cellular Systems, Inc.** Joint petition of Bentleyville Communications Corporation and Dobson Cellular Systems, Inc. for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bentleyville Communications Corporation and Dobson Cellular Systems, Inc., by its counsel, filed on March 28, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bentleyville Communications Corporation and Dobson Cellular Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-590. Filed for public inspection April 7, 2006, 9:00 a.m.]

## Telecommunications

**A-310489F7039. Cellco Partnership d/b/a Verizon Wireless and Comcast Phone, LLC.** Joint petition of Cellco Partnership d/b/a Verizon Wireless and Comcast Phone, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Cellco Partnership d/b/a Verizon Wireless and Comcast Phone, LLC, by its counsel, filed on March 16, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Cellco Partnership d/b/a Verizon Wireless and Comcast Phone, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-591. Filed for public inspection April 7, 2006, 9:00 a.m.]

### Telecommunications

**A-311067F7038. Marianna & Scenery Hill Telephone Company and Dobson Cellular Systems, Inc.** Joint petition of Marianna & Scenery Hill Telephone Company and Dobson Cellular Systems, Inc. for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Marianna & Scenery Hill Telephone Company and Dobson Cellular Systems, Inc., by its counsel, filed on March 28, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Marianna & Scenery Hill Telephone Company and Dobson Cellular Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-592. Filed for public inspection April 7, 2006, 9:00 a.m.]

### Telecommunications

**A-310814 F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and US LEC of Pennsylvania, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and US LEC of Pennsylvania, Inc. for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and US LEC of Pennsylvania, Inc., by its counsel, filed on March 24, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and US LEC of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-593. Filed for public inspection April 7, 2006, 9:00 a.m.]

### 2006 Price Change Opportunity Filing

Public Meeting  
held March 2, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson, concurring and dissenting in part—statement attached; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Verizon Pennsylvania Inc. 2006 Price Change Opportunity Filing; Doc. Nos: R-00051228 and P-00930715F1000*

*Office of Small Business Advocate v. Verizon Pennsylvania Inc.; Doc. No. R-00051228C0001*

*Office of Consumer Advocate v. Verizon Pennsylvania Inc.; Doc. No. R-00051228C0002*

### Order

*By the Commission:*

#### I. BACKGROUND

Before us for disposition is the Verizon Pennsylvania Inc. ("Verizon PA" or "Company") annual 2006 Price Change Opportunity ("PCO") filing and the associated revenue increases. Verizon PA's annual 2006 PCO filing was made under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398 (66 Pa.C.S. §§ 3011—3019) ("Act 183") and pursuant to the Company's Alternative Regulation and Network Modernization Plan ("Chapter 30 Plan") that this Commission approved at Docket No. P-00930715F1000.<sup>1</sup>

As a result of the passage of Act 183, companies with Chapter 30 Plans are entitled to significantly lower inflation offset values within their respective price cap formulas in exchange for a commitment to accelerated broadband deployment. Inflation offsets previously ranging from 2% to 2.93% were reduced to either 0% or 0.5%, depending on each company's Chapter 30 Plan. In Verizon PA's case, the inflation offset was reduced from 2.93% to 0.5%. Accordingly, annual PCO filings have the potential for substantial revenue and rate impacts on end-user consumers.

Under the Company's Price Stability Mechanism ("PSM"), the PCO calculates the allowable change (increase or decrease) in rates for noncompetitive services based on the annual change in the Gross Domestic Product Price Index ("GDP-PI"). The PSM also contains special provisions for protected services and addresses revenue neutral adjustments to the rates of noncompetitive services. The PSM set forth in Verizon PA's Chapter

<sup>1</sup> *Petition for Amended Alternative Regulation and Network Modernization Plan of Verizon Pennsylvania Inc.*, Docket No. P-00930715F1000 (Order entered May 20, 2005).



30 Plan is a complete substitution of the rate base/rate of return regulation. Noncompetitive services are defined as regulated services or business activities that have not been determined or declared to be competitive.

## II. COMPANY FILING

On December 30, 2005, Verizon PA filed its annual PCO filing using the change in 2004 and 2005 second quarter GDP-PI (Gross Domestic Product—Price Index) of 2.66% that produced an overall 2.16% increase allowable for noncompetitive revenues. According to this filing, the Company is entitled to an annual revenue increase of \$16,765,000. The proposed price increases equal \$15,535,600. The Company proposes to bank the difference of approximately \$1.2 million, consistent with the PCO banking methodology and timing that has been approved for Sprint/United.<sup>2</sup>

Verizon PA proposes to implement its PCO by increasing rates for the following services: Residence and Business Dial Tone Line, Return Check Charge and certain Operator Surcharges on local calls. The proposed tariff revisions to Tariff Telephone Pa. P.U.C. Nos. 1, 180A, 182, 182A, 185B, 185C and 500 were filed to become effective March 1, 2006, and voluntarily postponed until March 3, 2006.

Verizon PA requests permission to continue in 2006 to use the on-going value of its 2003 PCO to support the Company's payments to the Pennsylvania Universal Service Fund ("Pa. USF") per the Commission's Order entered October 11, 2005, at Docket Nos. P-00930715 and P-00001854. Verizon PA also proposes to continue to bank the difference each year between the 2003 value of the PCO and its payments into the Pa. USF.

Verizon PA also proposes to account for the two-month plus two-day delay in implementation of the 2006 PCO by using a portion of the banked value associated with the Company's 2003 PCO. Verizon PA states that in past years when the implementation of its PCOs was delayed past January 1st (e.g., during the Global proceeding), the financial impact of the delay was accounted for in some manner (e.g., support for the Company's Lifeline program).

On December 30, 2005, the Office of Small Business Advocate ("OSBA") filed a Formal Complaint. The OSBA contends that the Company's proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

On January 10, 2006, the Office of Consumer Advocate ("OCA") filed a Formal Complaint. The OCA contends that the Company's proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law. The OCA also disagrees with the Company's proposal to recover the two-month delay in implementation of the 2006 PCO and with the banking of the remaining 2006 PCO increase.

On January 26, 2006, Verizon PA filed Answers to the complaints and Motions to Dismiss the complaints reaffirming its position on the various issues contained in the filing.

On February 6, 2006, OCA and OSBA filed Answers to Verizon's Motion to Dismiss Complaint. On February 13, 2006, Joseph D. Wacker also filed a Formal Complaint.

<sup>2</sup> *Petition for Amended Alternative Regulation and Network Modernization Plan of United Telephone Co.*, Docket No. P-00981410F1000 (Order entered June 23, 2005).

## III. DISCUSSION

### 1. PCO Calculations and Rate Increases

The annual Verizon PA PCO submissions under Chapter 30 laws must conform to its Commission-approved Amended Chapter 30 Plan. Our review of the calculations submitted by Verizon PA indicates that they are accurate and consistent with the terms of the Company's Price Stability Mechanism/Price Change Opportunity formula approved in its Chapter 30 Plan at Docket No. P-00930715F1000. In addition, we are of the opinion that the proposed rate increases appear to be reasonable and in conformance with the Company's Chapter 30 Plan. Therefore, we shall approve Verizon PA's 2006 PCO calculation and proposed rate increases subject to findings of the Office of Administrative Law Judge ("ALJ") regarding the complaints filed by OCA and OSBA and subject to refund.

### 2. Banked Revenues

As noted, the Company proposes to bank the remainder of the 2006 PCO increase consistent with the PCO banking methodology and timing that has been approved for Sprint/United. The approved Chapter 30 Plans for Sprint/United and other ILECs contain certain provisions for banking. We note that the OSBA does not object to the banking and the OCA did not object to the proposal to bank a portion of the increase. The OCA, however, did suggest that the Commission set restrictions on Verizon PA's use of the banked portions similar to restrictions that exist in other ILEC Chapter 30 plans. The OCA did not state whether the Sprint/United banking rules would be acceptable. We further note that in our Order entered October 11, 2005, at Docket Nos. P-00930715 and P-0001854, we directed Verizon PA to bank a portion of its 2003 PCO filing to be used to fund its required contribution to the Pa. USF. Here we placed a restriction on the use of the funds, similar to that which the OCA requested, without Verizon PA's Chapter 30 Plan containing any banking provisions. Finally, it is noted that if the banking is not permitted, the only alternatives available to Verizon PA are to (1) forego that portion of the PCO that they desire to bank or (2) increase rates by the full \$16.7 million instead of the proposed \$15.5 million. In our opinion, we cannot force Verizon PA to forego an increase to which it is entitled. As such, the only option available to Verizon PA would be to make the increases larger than proposed. However, we do not support giving Verizon PA, or any utility, an increase greater than that requested. Therefore, in order to ensure an equitable balance between Verizon PA's entitlement while avoiding further rate increases beyond what Verizon PA proposed in this filing, we shall approve Verizon PA's proposal to bank the \$1.2 million remainder of its 2006 PCO increase consistent with the following banking methodology and timing that we previously approved for Sprint/United.<sup>3</sup>

1. After 2001, annual price decreases calculated under the PSI filed on September 1 of each year may be banked for application in future years, not to exceed four (4) consecutive years.<sup>4</sup> Such banking of decreases will be with interest at a rate set forth in 66 Pa.C.S. § 1308.

<sup>3</sup> The reference to "PSI filed on September 1 of each year" in the Sprint/United banking methodology should be modified to read "PCO filed on November 1 of each year" for Verizon PA.

<sup>4</sup> For annual price increases, the Company may apply them in future years, without limitation as to time.

2. The banked price changes must be implemented no more than four (4) years after the annual price change is applied.

3. If a decrease is greater than \$500,000, the Company will implement the decrease immediately.

This adoption of the Sprint/United banking methodology shall constitute an agreement between the Commission and Verizon PA pursuant to § 3013(b) of Act 183. We note the remaining banked value of the Company's 2003 PCO is a negative \$512,140 inclusive of interest which, when netted against the remaining 2006 PCO banked increase of \$1.2M results in a net banked increase of approximately \$700,000. We make no determination at this time whether the recoveries of banked amounts are affected by a company's past or future competitive service declarations. However, we are mindful of Sections 3016(b) and (f) and encourage the Company to recover its banked revenue increases from the appropriate group of its non-competitive customers, consistent with applicable provisions of Chapter 30 (66 Pa.C.S. §§ 3001, et al.).

The Company requests permission to continue in 2006 to use the on-going value of its 2003 PCO of negative \$17.4M to support its payments to the Pa. USF and bank the difference. This request is made pursuant to the Commission's Order entered October 11, 2005, at Docket Nos. P-00930715 and P-00001854. In this Order, Verizon PA was directed to bank the difference each year between its available 2003 PCO monies and its required contribution to the Pa. USF and account for this in the annual PCO filings including interest on the banked amounts. These banked amounts are specific to the on-going value and use of the 2003 PCO and is a method of accounting for the difference, since the Pa. USF amount can vary from year to year. Verizon PA has complied with the October 11, 2005 Order. Therefore, in light of the discussion in the October 11, 2005 Order mentioned above, we shall permit Verizon PA to continue using its available 2003 PCO money to fund its required contributions to the Pa. USF and bank the difference utilizing the Sprint/United methodology.

The Company also proposes to account for the two-month plus two-day delay in implementation of the 2006 PCO by using a portion of the banked value associated with the Company's 2003 PCO. In past years, the one-time financial value of Verizon PA's PCOs not fully implemented on January 1 has been accounted for in some manner (e.g., support for the Company's Lifeline program). We also note that by not accounting for the delay value in the manner proposed, Verizon PA could have recovered the 2006 PCO revenue increase over the remaining 10 months resulting in additional increases in end-user rates. In addition, the banked decrease from the 2003 PCO will be reduced. We believe this accounting for the delay value is reasonable and in the public interest. Therefore, we shall approve Verizon PA's proposal for the delay value of the 2006 PCO; *Therefore,*

*It Is Ordered That:*

1. Verizon Pennsylvania Inc.'s 2006 PCO filed on December 30, 2005, is in compliance with its Commission-approved Amended Chapter 30 Plan.

2. The tariffed rate increases proposed by Verizon Pennsylvania Inc. be permitted to go into effect as filed subject to findings of the Office of Administrative Law Judge regarding the complaints filed by the Office of Consumer Advocate and the Office of Small Business Advocate and subject to refund investigation and recoupment.

3. Verizon Pennsylvania Inc.'s proposal to bank the remainder of its 2006 PCO increase is approved.

4. The banking methodology and timing approved by the Commission for Sprint/United at Docket No. P-00981410F1000, Order entered June 23, 2005, be adopted by Verizon Pennsylvania Inc.

5. Verizon Pennsylvania Inc. be permitted to continue using its available 2003 PCO money to fund its required contributions to the Pennsylvania Universal Service Fund and bank the difference utilizing the Sprint/United methodology.

6. Verizon Pennsylvania Inc.'s proposal to account for the delay value of the 2006 PCO is approved.

7. The Commission Order in this matter be published in the *Pennsylvania Bulletin*.

8. A copy of this Order be served on the Office of Consumer Advocate, Office of Small Business Advocate, the Office of Trial Staff and the Office of Administrative Law Judge.

JAMES J. MCNULTY,  
*Secretary*

**Statement of Vice Chairperson James H. Cawley**

*Public Meeting: March 2, 2006; MAR-2006-FUS-0426\**

*Verizon Pennsylvania Inc. 2006 Price Change Opportunity Filing; Doc. Nos: R-00051228 and P-00930715F1000*

*Office of Small Business Advocate v. Verizon Pennsylvania Inc.; Doc. No. R-00051228C0001*

*Office of Consumer Advocate v. Verizon Pennsylvania Inc.; Doc. No. R-00051228C0002*

Before us for disposition is the Staff recommendation regarding the Verizon Pennsylvania Inc. ("Verizon PA" or "Company") 2006 Price Change Opportunity ("PCO") filing that was made on December 30, 2005. This filing was submitted under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398, 66 Pa.C.S. §§ 3011-3019 ("Act 183" or "new Ch. 30"), and the Company's Amended Alternative Regulation and Network Modernization Plan ("Amended NMP"), that this Commission approved at Docket No. P-00930715F1000.<sup>5</sup>

Given my concerns with this filing, I reluctantly concur with allowing the proposed revenue and rate increases to go into effect subject to refund pending the adjudication of the formal complaints by the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA). The Legislature's deletion of Section 1308 from Section 3019(h) (quoted below) may preclude us from suspending and investigating these types of filings no matter how flawed they may be. The Commission can always act on the validity of a Ch. 30 PCO filing. However, in this case, where formal complaints have been filed against Verizon PA's 2006 PCO submission, the Commission can express its concerns, not prejudge the outcome of the case, and permit the related issues to be fully adjudicated in the context of the pending complaints.

My concerns are that (1) the filing's rates may be unlawfully excessive and discriminatory; (2) the Company's 2003 "banked" negative revenues might more properly have been used to reduce the rate increases proposed by this 2006 filing; and (3) the Company appears to have

<sup>5</sup> *Petition for Amended Alternative Regulation and Network Modernization Plan of Verizon Pennsylvania Inc.*, Docket No. P-00930715F1000, Order entered May 20, 2005.

no right to bank revenue increases it is now entitled to but voluntarily has chosen to forego by not modifying its Amended NMP to include a banking provision under a procedure now mandated by the new Chapter 30.

### 1. The Statutory Preeminence of Amended NMP Safeguards and Possibly Excessive Rates.

Verizon PA's PCO is governed by its post-Act 183 Ch. 30 Amended NMP which was formulated and approved by the Commission to include significant *safeguards* from the "old" Bell Atlantic Pa. pre-Act 183 Ch. 30 NMP. Indeed, unlike other ILECs who completely replaced their original NMPs with new ones, Verizon PA produced its Amended NMP through the simple additive introduction of supplements to its "old" pre-Act 183 Ch. 30 NMP. It would appear that those supplements did not supersede pre-existing safeguards governing the Company's revenue and rate changes that can be implemented through the PCO mechanism. The Company's post-Act 183 Ch. 30 Amended NMP still contains the following language that governs the implementation of PCO revenue and rate increases:

After the period of prohibited price increases described in Section B.2., Bell [Verizon PA] will apply the price stability formula described in Section A.2. to all protected services revenues to determine the Price Change Opportunity for protected services. If the Price Change Opportunity is positive, Bell may propose tariff rate changes to increase revenues for protected services by no more than the Price Change Opportunity for all protected services. *In addition, for Residential Local Exchange Services and Business Local Exchange Services provided to small businesses with three (3) or fewer lines, revenue increases from tariff rate changes are limited to the lesser of (a)<sup>6</sup> . . . or (b) the overall average percentage increase in total noncompetitive service revenues proposed by Bell [Verizon PA] pursuant to the PSM [Price Stability Mechanism].*

Verizon PA Amended NMP, Part 1.B.3, p. 10 (emphasis added).

This language may not have been superseded by the post-Act 183 amending supplement "Part 5—Act 183 Supplement—Changes In the Non-NMP Sections of the Plan," and, thus, may constitute valid and currently applicable safeguards that still govern the proposed PCO revenue and rate increases of the Company.

The Company is proposing an overall increase in its non-competitive services revenues of 2.16%. A simple mathematical calculation indicates that the proposed revenue increases for the non-competitive service categories of local exchange services for residential and single-line and multi-line business customers appear to be respectively 2.40% and 3.71% and, thus, higher than the overall proposed increase of 2.16%.<sup>7</sup> These percentage increases appear to be contrary to the above-referenced Verizon NMP Amended NMP safeguard language which was originally put in place so that the non-competitive service categories involving residential and small business customers would not disproportionately absorb the allocations of the overall revenue increases arising from the Company's PCO mechanism.

<sup>6</sup> This part is no longer applicable since it refers to the old and superseded formula (GDP-PI minus the 2.93% inflation offset).

<sup>7</sup> The results of these calculations do not breach the confidentiality protection accorded to the underlying data that Verizon PA has classified as proprietary.

The statutory language at Section 3019(h) of the new Ch. 30 law elevates to preeminence the Amended NMPs of individual ILECs, especially on matters of rate making:

**Implementation.**—The terms of a local exchange telecommunications company's alternative form of regulation *and network modernization plans* shall govern the regulation of the local exchange telecommunications company and, consistent with the provisions of this chapter, *shall supersede any conflicting provisions of this title or other laws of this Commonwealth and shall specifically supersede all provisions of Chapter 13* (relating to rates and rate making) other than sections 1301 (relating to rates to be just and reasonable), 1302 (relating to tariffs; filing and inspection), 1303 (relating to adherence to tariffs), 1304 (relating to discrimination in rates), 1305 (relating to advance payment of rates; interest on deposits), 1309 (relating to rates fixed on complaint; investigation of costs of production) and 1312 (relating to refunds).

66 Pa.C.S. § 3019(h) (emphasis added).

Thus, it appears that the various provisions and rate making safeguards contained in an ILEC's Ch. 30 Amended NMP are statutorily paramount and expressly govern price stability mechanism (PSM) revenue and rate increases such as those proposed by Verizon PA. Consequently, the safeguards in the individual ILEC Ch. 30 NMPs must be followed.

Therefore, there appears to be no merit to the argument that Section 3015(a)(3) of the new Ch. 30 law, 66 Pa.C.S. § 3015(a)(3), provides sufficient safeguards for non-rural ILEC PSM revenue and rate increases.<sup>8</sup> That subsection simply concerns the level of rate increases for residential ILEC customers that are affected by Ch. 30 PSM revenue and rate increases. The argument appears to ignore the preeminence of the ILEC Ch. 30 Amended NMP safeguards conferred by Section 3019(h). Furthermore, Section 3015(a)(3) does not provide any protections to small business customers. They must be protected by the safeguards in the Company's Amended NMP as provided by Section 3019(h). I sincerely doubt that the General Assembly in enacting Act 183 was concerned with the welfare of only a single class of ILEC non-competitive service customers.

The Recommended Decision in the pending OCA and OSBA formal complaint proceedings should address these issues and provide appropriate recommendations to the Commission, including procedural alternatives if Verizon PA's PCO filing is found to be incompatible with the safeguards contained in its Amended NMP.

### 2. Possible Rate Discrimination.

Although the Commission apparently has no choice but to permit the proposed \$15,535,600 PCO revenue and rate increase to go into effect as filed pending the resolution of the OCA and OSBA complaints, I am concerned that the rates may be discriminatory. Basic

<sup>8</sup> See generally Verizon PA Motion to Dismiss Complaint of the Office of Small Business Advocate, Docket No. R-00051228C0001, filed January 26, 2006, at 3-4; and Verizon PA Motion to Dismiss Complaint of the Office of Consumer Advocate, Docket No. R-00051228C0002, filed January 26, 2006, at 7-8.

local exchange services of residential and small business customers will absorb the bulk of the proposed PCO revenue increase. It appears that the pending complaint proceedings will explore whether the PCO revenue increase could (or must) be lawfully allocated to other non-competitive service categories of the Company in accordance with its Ch. 30 Amended NMP and the statutory mandates of Act 183.

Those complaint proceedings will also provide the legal and evidentiary basis for a future decision on whether the provision of rate discounts to certain categories of small business customers that sign-up for the Verizon PA 24-month Dial Tone Line Term Plan, where such customers still subscribe to non-competitive local exchange services of the Company, gives rise to unlawful rate discrimination. That Plan has already been filed with the Commission as a competitive services offering under the Company's informational Tariff 500.<sup>9</sup>

My additional concern involves the relationship of the Company's PCO revenue and rate increase, the concept of "protected services" as these are defined under the new Ch. 30 law, 66 Pa.C.S. § 3012, and Verizon PA's flexible provision of "bundled packages of services" "which include nontariffed, competitive, noncompetitive or protected services," and the "services of an affiliate, in combinations and at a single price selected by the company." 66 Pa.C.S. § 3016(e)(2). Verizon PA provides such "service bundles" as "competitive service" offerings to both residential and business customers under its informational Tariff 500. It does not appear that Verizon PA has included any revenues from the "protected" local exchange service portions of such "service bundles" in its overall non-competitive service category revenues on which the overall PCO revenue and rate increase is calculated. Correspondingly, the Company's PCO filing does not provide sufficient information indicating whether the "protected" local exchange service portion of these "service bundles" is affected in any way by the proposed PCO-related local exchange service dial tone line rate increases. Verizon PA is implementing increases in dial tone line rates for "competitive" services that are provided to single-line and multi-line business customers under the Company's informational Tariff 500. Those rate increases "mirror" the corresponding PCO rate increases that affect the dial tone line rates for Verizon PA's "non-competitive" local exchange services to single-line and multi-line business customers.<sup>10</sup>

The complaint proceedings should address the issue of whether there is unlawful rate discrimination if the "non-competitive" basic local exchange service residential and small business customers absorb PCO related revenue and rate increases, but such rate increases are not reflected in the corresponding "protected services" portion of residential and small business customers that subscribe to the Company's "service bundles" offered under its informational Tariff 500. More specifically, are "protected services" offered as parts of a "service bundle" somehow transformed into "competitive" services? If so, is such transformation compatible with the statutory mandate and classification of telecommunications services under Act 183? And should the "protected service" portion of "service bundles" be accounted in the Company's PCO mechanism in some fashion? These issues are important

<sup>9</sup> Verizon PA, Business 24-Month Dial Tone Line Term Plan, Docket No. R-00061347, Pa. P.U.C. Tariff 500, Sec. 47, Orig. Sheets 1 & 2, filed February 28, 2006, effective March 3, 2006. See also Verizon PA Revised Executive Summary, 2006 PCO Filing, Docket No. R-00051228, filed January 13, 2006, p. 1; and OCA Formal Complaint, Docket No. R-00051228C0002, filed January 10, 2006, ¶ 4.C. at 2.

<sup>10</sup> Verizon PA, 2006 PCO Filing, Docket No. R-00051228, Pa. P.U.C. Tariff No. 500, Sec. 36.C.1.c, Sec. 37.D.2, Sec. 38.D.3, Sec. 39.D.2, and Sec. 40.D.3.

because they relate to basic telephone service consumer protections that are the subject of an ongoing proceeding.<sup>11</sup>

### 3. Banking of 2003 PCO and Pennsylvania USF Obligation Funding

In my concurring and dissenting statement in our disposition of the Verizon PA and Verizon North Inc. 2005 PCO filings, I predicted that under the new Ch. 30 law "Verizon PA can seek and obtain a substantial revenue and rate increase for its non-competitive services when it submits its annual PCO filing for 2006," and that "a much sounder approach" would have been "to apply the remaining and unused amount from the Company's 2003 PCO revenue decrease against the upcoming 2006 PCO revenue and rate increase that will impact the Company's non-competitive services end-user ratepayers."<sup>12</sup> That offset did not occur in this filing; the banked 2003 negative revenues are used for purposes other than reducing the revenue and rate impact of the 2006 PCO on the ratepayers of non-competitive services.<sup>13</sup> I continue to question whether the 2003 revenues might more properly have been used to reduce the rate increases proposed by this 2006 filing.

### 4. Banking of \$1.2 Million of the 2006 PCO Revenue Increase

It is my tentative conclusion that a PCO tariff filing is not the proper method to obtain amendments to an ILEC's Ch. 30 Amended NMP. Act 183 provides for the orderly process of filing a petition in order to obtain such amendments to an ILEC's Ch. 30 Amended NMP.<sup>14</sup> Like many other ILECs, Verizon PA could have inserted a "banking" provision in its Amended NMP, or it could have petitioned for an appropriate modification to its Amended NMP. The Commission would have evaluated and ruled on such a petition within the statutorily prescribed 100-day time interval. 66 Pa.C.S. § 3014(e). Verizon PA did not choose to do either. Instead, it seeks a modification of its Amended NMP through its 2006 PCO tariff filing.

Since Act 183 provides a specific method to modify Amended NMPs, it appears that the Commission may not entertain Verizon PA's request for such a modification in this PCO filing with its 60-day notice period rather than the 100-day notice period provided for revisions to Amended NMPs under 66 Pa.C.S. § 3014(e).<sup>15</sup> I doubt that we may ignore the requirement of Section 3014(e) any more than we may ignore the Legislature's deletion of Section 1308 from Section 3019(h).

Finally, it does not necessarily follow that the Company may alternatively collect the full amount of the revenues to which it is entitled in 2006 should the procedure in Section 3014(e) be found mandatory. The Company hav-

<sup>11</sup> *Petition of Trinsic Communications, Inc. f/k/a Z-tel Communications, Inc. for Waiver of Certain Billing and Collection Rule Requirements Set Forth at 52 Pa. Code Chapter 64 to Permit Provision of Singly-Priced Service Packages to Customers*, Docket No. P-00052169, Order entered February 1, 2006.

<sup>12</sup> *Verizon Pennsylvania Inc. 2005 Price Change Opportunity Filing, Verizon North Inc. 2005 Price Change Opportunity Filing*, Docket Nos. P-00930715 and P-00001854, Order entered October 11, 2005, *Statement of Vice Chairman James H. Cawley Concurring in Part and Dissenting in Part*.

<sup>13</sup> The banked 2003 PCO negative revenues will also be used to offset the revenue effects arising from Verizon PA's two-month plus two-day delay in implementing its 2006 PCO rate changes. This issue is one of the subject areas of OCA's formal complaint at Docket No. R-00051228C0002.

<sup>14</sup> See generally *Petition for revision to the Amended Alternative Regulation and Network Modernization Plan of Commonwealth Telephone Company*, Docket No. P-00961024F1000, Order entered February 10, 2006; and 66 Pa.C.S. § 3013(b).

<sup>15</sup> Nor should the Commission prejudice the propriety of this attempted shortcut. It is an issue included within OCA's complaint. *Answer of the Office of the Consumer Advocate to the Verizon Pennsylvania, Inc. Motion to Dismiss*, Docket No. R-00051228C0002, at 13-17, and Appendix B.

ing voluntarily placed itself in a "use it or lose it" position, it may well be required to "lose" the amount it now wishes to bank.

[Pa.B. Doc. No. 06-594. Filed for public inspection April 7, 2006, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) is requesting prequalification submittals for Project #06-051.1, Design and Build a 200,000 (approximate s.f.) Warehouse for Paper Storage at Pier 74 South. Contractor qualification forms are available from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 11, 2006. The cost of the form is \$35 (includes 7% Pennsylvania Sales Tax and also includes the RFP package). The cost is nonrefundable. Qualification forms must be submitted by 5 p.m., April 27, 2006. RFP packages will be given to all firms qualified by the PRPA. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 06-595. Filed for public inspection April 7, 2006, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Tina P. Dixon; Doc. No. 0134-45-05

On February 8, 2006, Tina P. Dixon, CO235114L, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$250, in addition to the previously imposed civil penalty of \$250, for a total civil penalty of \$500, based on findings respondent violated a lawful disciplinary order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-596. Filed for public inspection April 7, 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

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

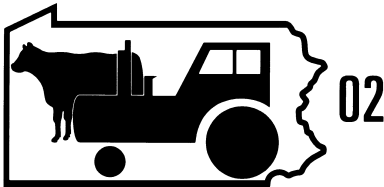
## DO BUSINESS WITH STATE AGENCIES

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.patreasury.org](http://www.patreasury.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



### Agricultural Services

**PGC-2872** Agency is seeking contractor to deliver 200 tons of Game Bird Pheasant Grower Feed to the Loyalsock Game Farm, 136 Game Farm Road, Montoursville, PA 17754. Complete specifications and requirements can be obtained by contacting the agency.

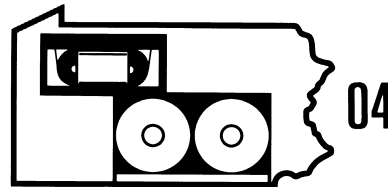
**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive and Procurement, 2001 Elmerton Ave., Harrisburg, PA 17110-9797.  
**Duration:** Upon award through July 31, 2006  
**Contact:** Diane Shultz or Barb Kline, 717-787-6594

**PGC-2873** Agency is seeking contractor to deliver 120 tons of Game Bird Pheasant Grower Feed to the Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403. Complete specifications and requirements can be obtained by contacting the agency.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive and Procurement, 2001 Elmerton Ave., Harrisburg, PA 17110-9797.  
**Duration:** Upon award through July 31, 2006  
**Contact:** Diane Shultz or Barb Kline, 717-787-6594

**PGC-2871** Agency is seeking contractor to deliver approximately 110 Tons of Game Bird Pheasant Starter Feed, or equivalent of, to Southwest Game Farm, RD #1, Box 51-A, New Bethlehem, PA 16242. Complete specifications and requirements can be obtained by contacting the agency.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** From award through August 11, 2006.  
**Contact:** Diane Shultz or Barb Kline, 717/787-6594

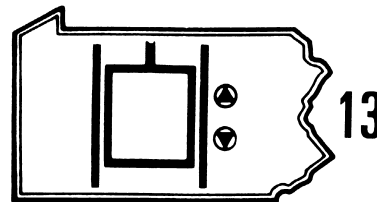


### Audio/Video

**SP 3860001** The Pennsylvania Department of Conservation and Natural Resources (DCNR) and the Department of Environmental Protection (DEP) require the services of a contractor to provide maintenance, service, alterations, installation, modification, engineering assistance, equipment relocation and repairing of radio equipment throughout Pennsylvania. Bid Opening Date/Time: April 11, 2006; 2:00 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** Commence July 1, 2006, and terminate June 30, 2007. Parties may renew for four (4) additional annual terms, with final termination of June 30, 2011, and may increase the unit prices by a rate not to exceed 2 percent annually.

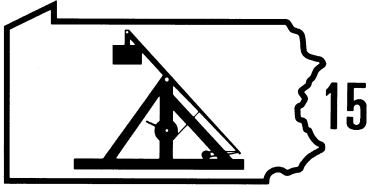
**Contact:** Nancy Weibley, 717-783-4884



### Elevator Maintenance

**DGB-07-004** Elevator Maintenance Service: Qualified providers interested in being included on the bid list for the upcoming solicitation must respond with company name, address, phone/fax, contact person, and Federal ID number (or Social Security number) to the e-mail address below no later than April 4, 2006. Any questions concerning the service can also be sent to the same e-mail address.

**Department:** State System of Higher Education  
**Location:** Clarion University of Pennsylvania, Clarion, PA  
**Duration:** Up to 5 years maximum.  
**Contact:** Dinah Bowman, 814-393-2365, [dbowman@clarion.edu](mailto:dbowman@clarion.edu)



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### Environmental Maintenance Service

**OSM 35(3742)201.1** Abandoned Mine Reclamation Project, Grassy Island. The principal items of work and approximate quantities include 805,900 cubic yards of Grading, 6,555 cubic yards of Drainage Excavation, 6,360 square yards of Rock Lining and 61.7 acres of Seeding. This project issues on April 7, 2006 and bids will be opened on May 2, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. Federal funds have been made available for this project from the \$26,051,154 for Pennsylvania's 2004 AML Grant.

**Department:** Environmental Protection  
**Location:** Olyphant Borough, Lackawanna County  
**Duration:** 420 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820

**OSM 35(1524)102.1** Abandoned Mine Reclamation, Grassy Island Creek. The principal items of work and approximate quantities include 799,200 cubic yards of Grading, 1,100 cubic yards of Ditch Excavation, 1,430 square yards of Rock Lining and 116.5 acres of Seeding. This project issues on April 7, 2006 and bids will be opened on May 2, 2006. Bid documents cost \$15.00 per set and will not be mailed until payment has been received. Federal funds have been made available for this project from the \$26,051,154 for Pennsylvania's 2004 AML Grant.

**Department:** Environmental Protection  
**Location:** Archbald and Jessup Boroughs, Lackawanna County  
**Duration:** 570 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820



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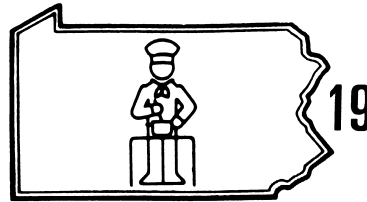
### Financial and Insurance Consulting

**IFB 2006-01 TRE** Actuarial and consultation services for Pennsylvania's Tuition Account Program.

**Department:** Treasury  
**Location:** 218 Finance Building, Harrisburg, PA 17120  
**Duration:** July 1, 2006 through June 30, 2008 with the option of renewing the contract for two 1 year extensions  
**Contact:** Andrea Quigley, 717-783-6098

**PSERS 2006-1** The Public School Employees' Retirement System (PSERS) is requesting the services of a contractor to satisfy the need for actuarial and pension plan consulting services. Services to include an annual actuarial valuation, a five-year experience study, determination of the recommended annual employer contribution rate and other actuarial studies and cost estimates as requested by the Board. Contractor must be able to provide qualifications, references and prior experience in public pension funds or equivalent and ability to handle an account of this magnitude. A copy of the RFP may be obtained at PSERS website at [www.psers.state.pa.us/org/RFP.htm](http://www.psers.state.pa.us/org/RFP.htm). Proposals are due May 8, 2006 at 2:00 p.m.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** Five years  
**Contact:** Terrianna P. Mirarchi, 717-720-4604



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### Food

**CN00019939** Ice Cream.

**Department:** Military Affairs  
**Location:** Pennsylvania Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507  
**Duration:** 07/01/2006 to 06/30/2007  
**Contact:** Rosemarie Rendulic, 814-878-4930

**Foods** Sugar packets, approximately 200 cs.; Rice, approximately 200 bags; Jelly approximately 224 cs.; creamer approximately 200 cs.; salad dressing, 224 cs.; syrup 400 cs.; baking powder, 20 cs.; and pudding mix, 20 cs.

**Department:** Corrections  
**Location:** SCI-Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Contact:** Melissa Walker, 724-364-2200 ext. 1030

**CN00019877** Assorted donuts, Danish and fritters.

**Department:** Military Affairs  
**Location:** Pennsylvania Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507  
**Duration:** 07/01/2006 to 6/30/2007  
**Contact:** Rosemarie Rendulic, 814-878-4930

**CN00019883** Coffee, Regular and Decaf, frozen liquid.

**Department:** Military Affairs  
**Location:** Pennsylvania Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507  
**Duration:** 07/01/2006 to 06/30/2007  
**Contact:** Rosemarie Rendulic, 814-878-4930

**CN00019906** Fresh Cheese and Dairy Products to be delivered weekly through June 30, 2006.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308

**CN00019899** Frozen Miscellaneous Items and Entrees to be delivered weekly through June 30, 2006.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308

**CN00019914** Contractor agrees to provide the State Correctional Institution - Frackville, with 2% milk and skim milk in five (5) gallon plastic containers (bulk) and 2% milk in 1/2 pint containers for the period July 1, 2006 to June 30, 2007. Deliveries to be made twice weekly. Detailed Bid Package available from Purchasing Office.

**Department:** Corrections  
**Location:** State Correctional Institution, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** July 1, 2006 to June 30, 2007  
**Contact:** Mary Lou Neverosky, Purchasing Agent, 570/773-2158, Ext.419

**CN00019891** Milk.

**Department:** Military Affairs  
**Location:** Pennsylvania Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507  
**Duration:** 07/01/2006 to 06/30/2007  
**Contact:** Rosemarie Rendulic, 814-878-4930

**Bread** White bread, approximately 50,000 loaves. This to be an emergency order - only to be used in the event of an emergency.

**Department:** Corrections  
**Location:** SCI-Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** 7/1/06 through 6/30/07  
**Contact:** Judy Cook, 724-364-2200 ext. 1029

**CN00019884** Bread.

**Department:** Military Affairs  
**Location:** Pennsylvania Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507  
**Duration:** 07/01/2006 to 06/30/2007  
**Contact:** Rosemarie Rendulic, 814-878-4930

**CN00019907** Fresh Fruits and Vegetables to be delivered twice weekly through June, 2006.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308



**CN00019913** Post Mix, Soda Syrup, to be furnished in Bag-In-A Box type containers, five (5) gallons per box. To be regular and diet cola ONLY. Also, CO2 50 lb. tanks as required. Bid prices to include vendor provided and maintained dispenser systems to be located in the Inmate and Staff Dining Rooms at the State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931. Site visit will be required before submitting bid. Anticipated contract period is July 1, 2006 to June 30, 2009.

**Department:** Corrections  
**Location:** State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** July 1, 2006 to June 30, 2009  
**Contact:** Mary Lou Neverosky, Purchasing Agent, 570/773-2158, Ext. 419

**CN00019904** Fresh Pastries to be delivered weekly through June 30, 2006.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308

**CN00019902** Frozen Fruits and Vegetables to be delivered weekly through June 30, 2006.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308

**CN00019898** Fresh and Frozen Poultry and Poultry Products to be delivered weekly through June 30, 2006.

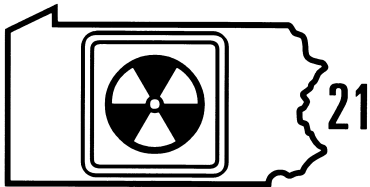
**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308

**CN00019905** Fresh Breads and Rolls to be delivered weekly through June 30, 2006.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308

**CN00019900** Fresh and Frozen Meats and Meat Products to be delivered weekly through June 30, 2006.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** April 3, 2006 through June 30, 2006  
**Contact:** Kathy Zeigler, (724) 656-7308



**Hazardous Material Services**

**DGB-07-0001** Hazardous Spill Services: Qualified providers interested in being included on the bid list for the upcoming solicitation must respond with company name, address, phone/fax, contact person, and Federal ID number (or Social Security number) to the e-mail address below no later than April 4, 2006. Any questions concerning the service can also be sent to the same e-mail address.

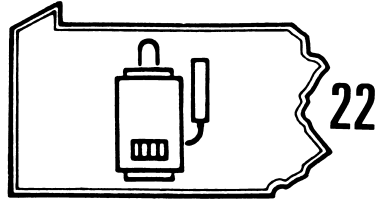
**Department:** State System of Higher Education  
**Location:** Clarion University of Pennsylvania, Clarion, PA  
**Duration:** Up to 5 years maximum.  
**Contact:** Dinah Bowman, 814-393-2365, dbowman@clarion.edu

**DGB-07-003** Water Treatment Service for Heating and Air Conditioning Systems: Qualified providers interested in being included on the bid list for the upcoming solicitation must respond with company name, address, phone/fax, contact person, and Federal ID number (or Social Security number) to the e-mail address below no later than April 4, 2006. Any questions concerning the service can also be sent to the same e-mail address.

**Department:** State System of Higher Education  
**Location:** Clarion University of Pennsylvania, Clarion, PA  
**Duration:** Up to 5 years maximum.  
**Contact:** Dinah Bowman, 814-393-2365, dbowman@clarion.edu

**CN00019935-Infectious Waste Removal** Infectious Waste Removal. The vendor shall furnish all labor, equipment, materials, and supplies necessary for the packaging, receipt, removal, transportation, handling, storage, and disposal of infectious/chemotherapeutic waste material as requested by the Hollidaysburg Veterans Home. This includes all hazardous waste bags needed to do the service. These bags will be supplied to the home on an as-needed basis. The vendor shall perform its services in accordance with the terms and conditions set forth in this bid proposal. The vendor must pick up one (1) time each month. Preferably, the fourth Monday of the month, each month. The facility may request more pickups if needed. Vendor must be registered with the Commonwealth. In order to do so, please visit [www.vendorregistration.state.pa.us/](http://www.vendorregistration.state.pa.us/). If you would like a bid packet, please either e-mail or fax or request, along with your Vendor Registration Number, to the information below. Bid opening is April 17, 2006 at 11:00 AM.

**Department:** Military Affairs  
**Location:** Old Route 220 and Meadows Intersection, Hollidaysburg, PA 16648  
**Duration:** Approximately July 1, 2006 through June 30, 2007 with renewal options.  
**Contact:** Becky J. Clapper, 814/696-5395 FAX



**HVAC Services**

**C-42E75-04-002.2** Provide all labor, material, devices and equipment required for the installation of new oil fired unit heaters for AFIST Facility. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, April 26, 2006 at 2:00 PM.

**Department:** Military Affairs  
**Location:** Pennsylvania National Guard Armory, 1483 Stoystown Road, Friedens, PA 15541-9726  
**Duration:** 180 days from Notice to Proceed  
**Contact:** Brenda Lower, 717-861-2118, blower@state.pa.us

**CN00019926** The Department of Transportation, District 11-1, is seeking a qualified contractor to provide plumbing services on an as-needed basis at various facilities and locations in Allegheny County. Work includes servicing, maintaining, testing, repairing, upgrading, and replacing plumbing items.

**Department:** Transportation  
**Location:** Various facilities located in Allegheny County.  
**Duration:** The purchase order will be for an original period of one year from the effective date. The purchase order will be renewable by mutual consent for one additional one year period.  
**Contact:** Tim Claypoole, (412) 781-3260

**30113422 GRN** Contractor to provide technical support and maintenance for "Concept V FT" EPS (Emergency Power System) and "Illuminator C" IPS (Interruptible Power System) systems maintained at SCI Greene, 7/01/06 through 6/30/07.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** 7/01/06 through 6/30/07  
**Contact:** Laura Mohr, Purchasing Agent, 724/852-5534



**Janitorial Services**

**CN00019930** Provide janitorial, recycling and trash removal services, and furnish all materials and equipment required to perform services outlined in Bid CN00019930 specifications. A mandatory office visitation/walk-through will be conducted on April 19, 2006 at 9:00 a.m. at the OAG State College office. Contact OAG Facilities Management at 717-787-7830 to confirm attendance at the April 19th office visitation.

**Department:** Attorney General  
**Location:** 2515 Green Tech Drive, Suite D, State College, PA 16803  
**Duration:** Two-year Contract beginning July 1, 2006 through June 30, 2008 with 3 one-year options to extend with a pricing increase during the extensions per the North East Consumer Price Index.  
**Contact:** Tammy Gutshall, 717-787-4745

**FM 8946** Furnish all material, equipment, and labor to perform janitorial services three (3) visits per week at the location listed below. The detailed work schedule and bid specifications must be obtained from the Facility Management Division at 717-705-5952.

**Department:** State Police  
**Location:** Pennsylvania State Police, Transportation Div. and Maps, 20th and Herr Streets, Harrisburg, PA 17120  
**Duration:** May 1, 2006 through June 30, 2008  
**Contact:** Helen M Fuhrman, 717-705-5952

**CN00019887** Janitorial Services for the Equipment Division, 17th Street and Arsenal Blvd., Harrisburg, PA 17120.

**Department:** Transportation  
**Location:** Pennsylvania Department of Transportation, Equipment Division, 17th Street and Arsenal Blvd., Harrisburg PA 17120  
**Duration:** Five (5) Year Contract  
**Contact:** Sherri Linen, 717-787-3959

**CN00019915** Provide janitorial, recycling and trash removal services, and furnish all materials and equipment required to perform services outlined in Bid CN00019915 specifications. A mandatory office visitation/walk-through will be conducted on April 20, 2006 at 9:00 a.m. at the OAG Wilkes-Barre office. Contact OAG Facilities Management at (717) 787-7830 to confirm attendance at the April 20th office visitation.

**Department:** Attorney General  
**Location:** 680 Baltimore Drive, Wilkes-Barre, PA 18702  
**Duration:** Two-year Contract beginning July 1, 2006 through June 30, 2008 with 3 one-year options to extend with a pricing increase during the extensions per the Northeast Consumer Price Index.  
**Contact:** Kellie L. Kask, 717-783-6275

**Centre Co. Janitorial Service** Provide janitorial service after regular working hours for office buildings located at Pleasant Gap, Centre County, PA; buildings located at Bellefonte State Fish Hatchery, Centre County, PA; and building located at Benner Spring State Fish Hatchery, State College, Centre County, PA. The work shall not be subcontracted with any person or entity without the prior written consent of the Contracting Officer. Interested parties are required to visit all sites to inspect facilities prior to submitting a bid. Bid Opening Date: April 27, 2006.

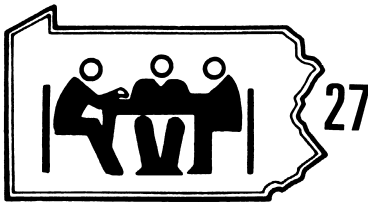
**Department:** Fish and Boat Commission  
**Location:** PA Fish and Boat Commission, Pleasant Gap, Bellefonte, and State College, PA  
**Duration:** July 1, 2006 through June 30, 2008  
**Contact:** Kathi Loewen, 814-359-5130

**FM 8947** Furnish all material, equipment, and labor to perform janitorial services three (3) visits per week at the location listed below. The detailed work schedule and bid specifications must be obtained from the Facility Management Division at 717-705-5952.

**Department:** State Police  
**Location:** Pennsylvania State Police, MCSAP, 20th and Herr Streets, Harrisburg, PA 17120  
**Duration:** May 1, 2006 through June 30, 2008  
**Contact:** Helen M Fuhrman, 717-705-5952

**CN00019928** The Department of Conservation and Natural Resources, Bureau of Forestry, requires janitorial services to be performed at the Tuscarora District 3 Office, located six miles west of Blain, PA, on Rt. 274. An optional site inspection may be held prior to bid opening. Bidders may contact Sharon Hockenberry at 717-536-3191 between the hours of 8:00 AM and 4:00 PM to arrange to inspect the premises and review the work to be done prior to submitting a bid. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain a number, call 1-866-775-2868. Bid Opening: 04/20/2006, 2:00 PM.

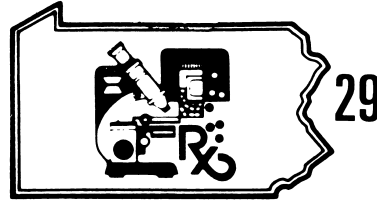
**Department:** Conservation and Natural Resources  
**Location:** DCNR, Bureau of Forestry, Tuscarora District 3 Office, located six miles west of Blain, PA, on Rt. 274.  
**Duration:** The Contract shall commence upon execution and receipt of Purchase Order and Notice to Proceed Letter, or July 1, 2006, and terminate December 31, 2007.  
**Contact:** Gloria Strawser, 717-783-0733



## Lodging/Meeting Facilities

**BNKG-CONFERENCE-001** Provide lodging, meeting rooms and meals for one (1), three (3) day "Conference" for the Department of Banking for approximately 170 attendees. Proposed meeting date is July 19, 20 and 21, 2006. Contract shall be awarded to the lowest responsible bidder within a 5-block radius of 17 North 2nd Street, Harrisburg, PA. The lowest responsible bidder shall have the contract administrator on-site for the entire period of the meeting.

**Department:** Banking  
**Location:** 17 North 2nd Street, Harrisburg, PA  
**Contact:** Christie Sharma, 717-346-9344



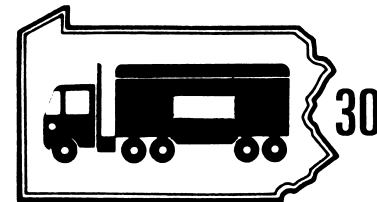
## Medical Services

**03272006** To provide for the services of a Visiting Professor Lecture Series. Provides Category 1 Continued Medical Education Credits for the professional staff at the Allentown State Hospital. Copies of the bid can be obtained by contacting the Purchasing Department at 610-740-3425 or fax 610-740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** 7/1/2006 to 6/30/2010  
**Contact:** Robert Mitchell, 610-740-3425

**CN00019947** Alternate pharmacist services.

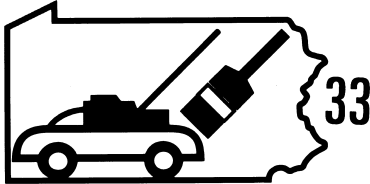
**Department:** Military Affairs  
**Location:** Pennsylvania Soldiers' and Sailors' Home, 560 East Third Street, Erie, PA 16507  
**Duration:** 07/01/2006 to 06/30/2007  
**Contact:** Rosemarie Rendulic, 814-878-4930



## Moving Services

**CN00019897** Department of Public Welfare, Office of Income Maintenance is seeking interested vendors qualified to perform Moving Services. Northampton County Assistance Office is currently located in a three-story building, with no working elevator, in West Easton, PA. Moving time is estimated May 2006. There is approximately 120 staff in the office. Moving Services to consist of, but not limited to: (1) Moving filing cabinets, boxes, chairs, etc. to a location in downtown Easton, PA. Please note: There may be limited access to an elevator or no access to an elevator. In addition, this site is a single floor location which is not ground level; (2) Moving freestanding desks, tables, chairs, etc. to a location in Harrisburg, PA. The vendor must prep all sites in all locations to ensure there are no damages to walls, stairs, doors, door frames, elevators (if applicable), carpeting, railing, etc. Vendor must provide proof of liability insurance. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us) or by calling the toll free number 1-866-775-2868. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Interested Vendors should e-mail or fax their company information, including Vendor Number, Point of Contact, and Phone Number for their Point of Contact to the e-mail address/fax number listed below.

**Department:** Public Welfare  
**Location:** Northampton County  
**Duration:** To Be Determined  
**Contact:** David E. Kern, 717 783-9281; Fax Number: 717 787-3560; [dakern@state.pa.us](mailto:dakern@state.pa.us)



### Property Maintenance

**cn00019942** Department of Transportation, District 11-1, is seeking a qualified contractor to provide a locksmith services on an as-needed basis at various facilities and locations in Allegheny County. Work includes servicing, maintaining, repairing, upgrading and replacing locksmith items.

**Department:** Transportation

**Location:** Various Facilities located in Allegheny County.

**Duration:** The purchase order will be for a original period of two years from the effective date. The purchase order will be renewable by mutual consent for three additional one year periods.

**Contact:** Tim Claypoole, (412) 781-3260

**SU-05-22** Harley Hall Roof Resurfacing: Shippensburg University is seeking companies interested in resurfacing Harley Hall Roof by removal of existing polyurethane foam and silicone roofing system, restoration of removed areas and applying additional foam and silicone roofing materials. Vendors interested in receiving a Bid Package should fax request to: 717-477-4004, Attn: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257 or e-mail request to DKMART@ship.edu.

**Department:** State System of Higher Education

**Location:** Shippensburg, PA 17257

**Duration:** To be completed by August 18, 2006

**Contact:** Deborah K. Martin, 717-477-1121

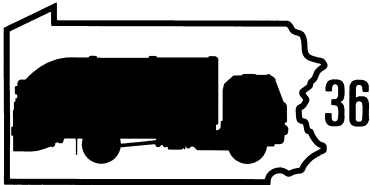
**DGB-07-005** Turf Management/Disease Prevention Services: Qualified providers interested in being included on the bid list for the upcoming solicitation must respond with company name, address, phone/fax, contact person, and Federal ID number (or Social Security number) to the e-mail address below no later than April 4, 2006. Any questions concerning the service can also be sent to the same e-mail address.

**Department:** State System of Higher Education

**Location:** Clarion University of Pennsylvania, Clarion, PA

**Duration:** Up to 5 years maximum.

**Contact:** Dinah Bowman, 814-393-2365, dbowman@clarion.edu



### Sanitation

**CN00019893** Contractor to provide the service of Removal and Disposal of Recyclable and Non-Recyclable Refuse for Wernersville State Hospital. For copy of bid specifications, contact the Purchasing Office by e-mail at: mhein@state.pa.us or by phone: (610) 670-4128. Prospective bidders must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). DPW utilizes the information contained in the Vendor Master File for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the Vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

**Department:** Public Welfare

**Location:** Wernersville State Hospital, Rt. 422 West and Sportsman Road, Wernersville, PA 19565-0300

**Duration:** For Period: July 1, 2006 - June 30, 2007

**Contact:** Mary Hein, (610) 670-4128

**CN00019962** Removal of Trash and Garbage for the State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931, consisting of 42 cu. yd. Institution owned container, 6 cu. yd. and 4 cu. yd. containers provided by the Vendor.

**Department:** Corrections

**Location:** State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931

**Duration:** July 1, 2006 to June 30, 2009

**Contact:** Mary Lou Neverosky, Purchasing Agent, 570/773-2158, Ext. 419



### Security Services

**RFP#06-PDS-55** The Department of Corrections is seeking contractors to furnish all labor, equipment, materials and services as necessary to install an operational and reliable integrated Personal Duress (Man-down) system at SCI Camp Hill, SCI Dallas, SCI Frackville, SCI Graterford, and SCI Smithfield. Please visit the Department of Corrections' website at [www.cor.state.pa.us/boa/cwp/view.asp?a=458&Q=131169&boaNav=|](http://www.cor.state.pa.us/boa/cwp/view.asp?a=458&Q=131169&boaNav=|) to download a copy of the RFP when it is available.

**Department:** Corrections

**Location:** 2520 Lisburn Road, Camp Hill, PA 17011

**Duration:** Approximately 6 months

**Contact:** Beth Procopio, 717-975-4943

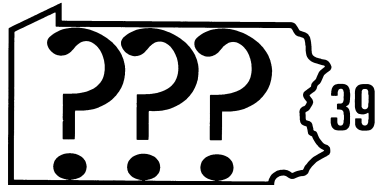
**DGB-07-002** Security Services: Qualified providers interested in being included on the bid list for the upcoming solicitation must respond with company name, address, phone/fax, contact person, and Federal ID number (or Social Security number) to the e-mail address below no later than April 4, 2006. Any questions concerning the service can also be sent to the same e-mail address.

**Department:** State System of Higher Education

**Location:** Clarion University of Pennsylvania, Clarion, PA

**Duration:** Up to 5 years maximum.

**Contact:** Dinah Bowman, 814-393-2365, dbowman@clarion.edu



### Miscellaneous

**RNB-07-001** Bus Transportation for Athletic Teams: Qualified providers interested in being included on the bid list for the upcoming solicitation must respond with company name, address, phone/fax, contact person, and Federal ID number (or Social Security number) to the e-mail address below no later than April 4, 2006. Any questions concerning the service can also be sent to the same e-mail address.

**Department:** State System of Higher Education

**Location:** Clarion University of Pennsylvania, Clarion, PA

**Duration:** Up to 5 years maximum.

**Contact:** Robin Bish, 814-393-2233, robish@clarion.edu

**CN00015751** Laboratories are invited to bid for the performance of Human Immunodeficiency Virus Type 1 (HIV-1) enzyme immunoassay (EIA), HIV-1 Western blot, Syphilis (EIA, RPR, FTA-ABS), Chlamydia (nucleic acid amplification), combined Chlamydia/Gonorrhea (nucleic acid amplification) diagnostic tests, and for combination Chlamydia/Gonorrhea DNA probe tests. A single contract shall be awarded. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us) or by calling the toll free number 1-866-775-2868. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES.

**Department:** Health

**Location:** STD Clinics, HIV Testing Sites, Family Planning Clinics. Statewide

**Duration:** This contract shall cover 12 months from the effective date of July 1, 2006. At the sole discretion of the Department, the contract may be renewed or extended

**Contact:** Beth Butler, 717-787-3981

**CN00019922/DENTAL LAB SERVICES** The State Correctional Institution at Somerset will be soliciting bids for Dental Lab Services. Interested vendors must be registered with the Commonwealth to receive bids and purchase orders and should contact the individual indicated below to receive a bid package.

**Department:** Corrections

**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001

**Duration:** 7/1/06 through 6/30/07

**Contact:** Theresa Solarczyk, Purchasing Agent II, 814 445-6501 X1232

**CN00019916** Distance Measuring Instrument (D.M.I.), 28 complete units. These units must have a dual LED display able to separate distance data from speed. These units are also to have four separate brightness levels, able to convert miles to feet and accurate measuring down to a foot. Able to run on 12 volts of power. Manuals and parts are to be included for each D.M.I. Must be able to work on 2000 and newer Ford F550 Diesel, 2000 and newer Ford Taurus, 1997 and newer Chevy C3500 vehicles.

**Department:** Transportation  
**Location:** 51 Fox Chapel Rd., Pittsburgh, PA 15238  
**Duration:** The purchase order will be for a one time order of 28 complete DMI units.  
**Contact:** Tim Claypoole, 412-781-3260

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**PR30113589** Formalin, also known as Paracide F or Paracide-S.

**Department:** Fish and Boat Commission  
**Location:** Pennsylvania Fish and Boat Commission, Central Warehouse. 476 Robinson Lane, Pleasant Gap, PA 16823  
**Duration:** Through June 30, 2006  
**Contact:** Kathleen Loewen, 814-359-5130

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**CN00019949** Plumbing and heating supplies (stock), Maintenance Department, Ft. Indiantown Gap, Annville, PA. Bid opening: 11 April 2006, 2:00 p.m. For bidding information please contact Michele Rhody, telephone 717 861 2928, fax 861 2932.

**Department:** Military Affairs  
**Location:** Ft. Indiantown Gap, Annville, PA 17003  
**Contact:** Michele Rhody, 717 861 2928

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**CN00019940** NDC Contractor shall provide non-denominational chaplaincy services for inmates at the Quehanna Motivational Boot Camp. Bid packets will be prepared and ready for distribution on or about April 15, 2006. Contract must have a valid SAP vendor number to receive bid packet. MBE/WBE contracts are encouraged to request bid packets.

**Department:** Corrections  
**Location:** Quehanna Motivational Boot Camp, 4395 Quehanna Highway, Karthaus, PA 16845  
**Duration:** July 1, 2006 through June 30, 2007  
**Contact:** Peggy Baughman, PA2, 814-378-1000

**SU-05-24** Shippensburg University is seeking bidders interested in the furnishing and complete installation of 151 Steam Radiator Thermostats and 151 Valves on a two (2) pipe low pressure steam system in Horton Hall. Thermostats should be Danfoss Model RA2000 with RA2000 valve. Interested bidders can request a bid package by sending an e-mail to kmsmit@ship.edu or sending a fax to (717) 477-1350. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** Project completion is 6 weeks after receipt of award  
**Contact:** Karen Smith, (717) 477-1386

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**2006-1 REISSUED** Senate Resolution 212 of 2006 (proposed) directs the Legislative Budget and Finance Committee (LB & FC) to conduct a study of various aspects of colorectal screening. The resolution requires the LB & FC to: (a) study the effectiveness and costs of colorectal cancer screening; (b) review the probability associated with developing colorectal cancer, market capacity to provide needed services among other issues; and (c) review medical journals and solicit input from medical experts, the business community and the insurance community. Proposals must arrive at the offices of the Legislative Budget and Finance Committee on or before 1:00 PM April 21, 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, estimated to be October 31, 2006.

**Contact:** Philip Durgin, Executive Director, 717.783.1600

[Pa.B. Doc. No. 06-597. Filed for public inspection April 7, 2006, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> 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*