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PENNSYLVANIA BULLETIN

Volume 36

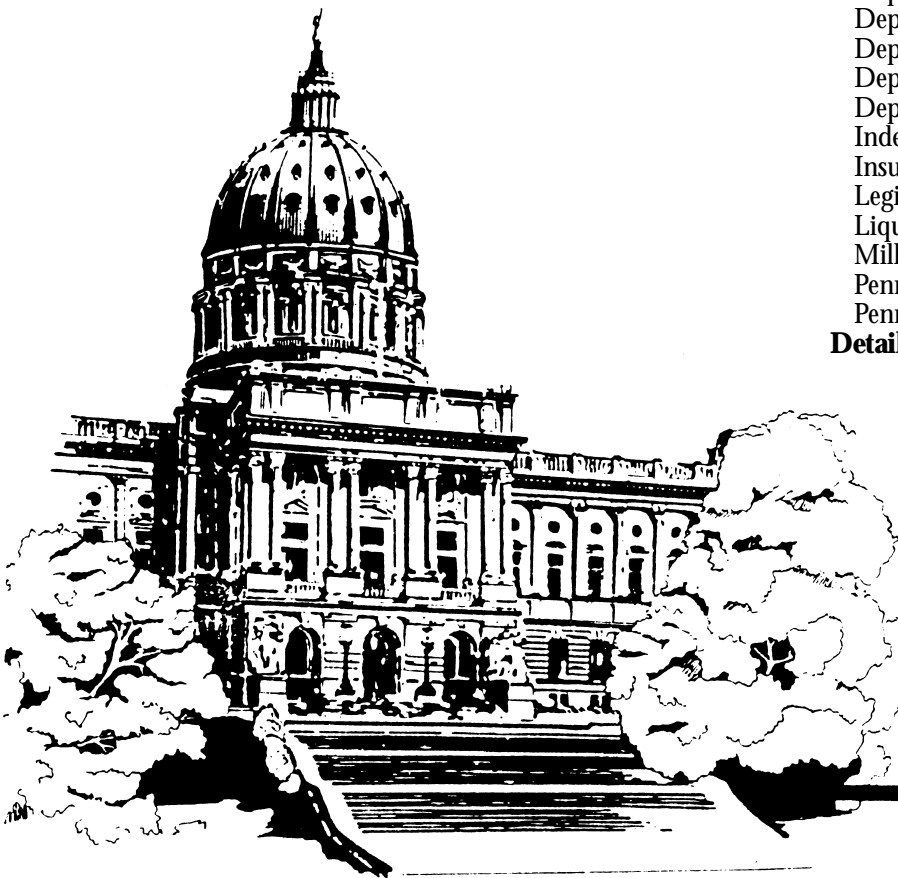
Number 15

Saturday, April 15, 2006 • Harrisburg, PA

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(Master Transmittal Sheet):**

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. 1]

[EXECUTIVE ORDER NO. 2006-2]

Contract Compliance

January 31, 2006

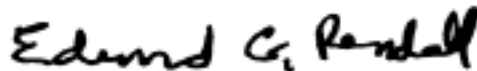
Whereas, this Administration is firmly committed to promoting the prosperity and economic growth of all businesses and citizens of the Commonwealth of Pennsylvania; regardless of race, gender, creed, or color; and

Whereas, this Administration believes the contracting processes of Commonwealth agencies should be nondiscriminatory and that all businesses contracting with the Commonwealth as well as all grantees should utilize nondiscriminating practices in subcontracting, hiring, promoting, and other labor matters; and

Whereas, this Administration believes that a single Commonwealth agency should be assigned the responsibility to develop and manage programs for Commonwealth agencies to insure that discrimination by reason of gender, race, creed, or color does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies; and

Whereas, under Sections 301 and 3701 of the Commonwealth Procurement Code, the Department of General Services is generally responsible for the formulation of procurement policy.

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 designate the Department of General Services as the central agency to develop and manage Commonwealth agency programs to insure that discrimination by reason of gender, race, creed, or color does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies.



Governor

Fiscal Note: GOV 06-3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter QQ. CONTRACT COMPLIANCE PROGRAM

- Sec.
- 1.511. Establishment of contract compliance program.
 - 1.512. Responsibilities.
 - 1.513. Sanctions.
 - 1.514. Effective date.

§ 1.511. Establishment of contract compliance program.

Commonwealth agencies shall establish, implement and maintain contract compliance programs to ensure that Commonwealth contracts and grants are nondiscriminating in three aspects:

(1) Nondiscrimination in the Commonwealth's award of contracts and grants.

(2) Nondiscrimination by those who are awarded Commonwealth contracts and grants in their award of subcontracts and supply contracts for the performance under Commonwealth contracts.

(3) Nondiscrimination by those who are awarded Commonwealth contracts and grants in the hiring and treatment of their employees.

§ 1.512. Responsibilities.

(a) The Department of General Services (DGS) shall:

(1) Develop standards for a uniform Statewide contract compliance program that ensures nondiscrimination by Commonwealth contractors and grantees.

(2) Review agency contract compliance programs, plans, reports and procedures to ensure consistency with the DGS contract compliance policies.

(3) Develop and implement monitoring and reporting systems to measure the effectiveness of agency contract compliance programs.

(4) Provide leadership and training to agencies and assist them in conducting contract compliance program audits including periodic onsite reviews.

(5) Investigate and make reports relating to the administration of contracting programs and operations.

(6) Require contractors and grantees to agree, as a condition in their contracts or agreements with the Commonwealth, not to discriminate in the award of subcontract or supply contracts or in hiring, promotion or other labor matters on the basis of race, gender, creed or color.

(7) Ensure that contractors and grantees receiving Commonwealth funds have, as a condition of payment or funding, a written sexual harassment policy and that the employees of the contractor or grantee are aware of the policy.

(b) Agency heads under the Governor's jurisdiction shall:

(1) Ensure that the agency's commitment to the contract compliance program is clearly understood and appropriately implemented by all agency employees.

(2) Develop contract compliance plans, coordinate the development of activities to implement agency plans, and develop audit and reporting systems to measure the effectiveness of the agency's contract compliance programs.

(3) Designate a responsible official to supervise the agency's contract compliance program.

(4) Designate a contract administrator to carry out all agency responsibilities regarding contract compliance as issued under this subchapter.

(5) Upon request, furnish information or assistance to DGS.

(6) Recommend sanctions to the Secretary of DGS, as may be appropriate, for lack of compliance with Commonwealth contracting programs.

(c) For those programs when an agency's receipt and use of Federal funds are subject to approval and oversight by a Federal funding agency, agency heads under the Governor's jurisdiction will comply with those contract compliance requirements of the oversight Federal agency which are imposed as a condition of eligibility for Federal funds and not with the program requirements established by DGS.

§ 1.513. Sanctions.

(a) Failure to comply with the Commonwealth's contract compliance programs will result in the imposition of sanctions.

(b) For contractors or grantees receiving Commonwealth funds, sanctions may include, but are not limited to, termination of the contract, nonpayment, debarment or referral to the Office of General Counsel for appropriate civil or criminal referral.

§ 1.514. Effective date.

This subchapter takes effect immediately.

[Pa.B. Doc. No. 06-598. Filed for public inspection April 14, 2006, 9:00 a.m.]

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Radisson Penn Harris Hotel and Convention Center, 1150 Camp Hill Bypass, Camp Hill, PA 17011:

Tuesday, May 2, 2006	6:30/7:30 p.m.	Dinner/Work Session
Wednesday, May 3, 2006	9 a.m.	Quarterly Commission Meeting

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 06-599. Filed for public inspection April 14, 2006, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 214(g) of the Pennsylvania Rules of Disciplinary Enforcement; No. 52 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 28th day of March, 2006, it is ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that:

1. Rule 214(g) of The Pennsylvania Rules of Disciplinary Enforcement is amended as set forth in Annex A.

2. This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. To the extent that publication of a notice of proposed rulemaking would otherwise be required with respect to the amendment adopted by this Order, such publication is hereby found to be unnecessary because the immediate adoption of this Order is required in the interests of justice.

3. The amendment to the Pennsylvania Rules of Disciplinary Enforcement shall take effect upon publication of this Order in the *Pennsylvania Bulletin*.

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 214. Attorneys convicted of crimes.

* * * * *

(g) Upon receipt of a certificate of conviction of any attorney for a crime other than a serious crime, the Court shall take such action as it deems warranted [, **including reference to the Board for the institution of a formal proceeding before a hearing committee in the appropriate disciplinary district**]. The Court may in its discretion [**make no reference**] take no action with respect to convictions for minor offenses.

Official Note: The actions the Court may take under subdivision (g) include reference of the matter to the Office of Disciplinary Counsel for investigation and possible commencement of either a formal or informal proceeding, or reference of the matter to the Board with direction that it institute a formal proceeding.

* * * * *
[Pa.B. Doc. No. 06-600. Filed for public inspection April 14, 2006, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 67]

Amendment to Commonwealth Court Internal Operating Procedures

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT APPELLATE JURISDICTION

§ 67.29. Decisions; Effect of Disagreements.

* * * * *

(b) When there exists a vacancy or a recusal among the [**active**] **commissioned** judges that results in an even number of [**active**] **commissioned** judges voting on a circulating panel or en banc opinion, a tie vote of the [**active**] **commissioned** judges shall result in the filing of the opinion as circulated. The opinion shall not be published unless there is a majority vote of the [**active**] **commissioned** judges to publish. The opinion shall contain a footnote indicating that the opinion is filed pursuant to this paragraph.

JAMES G. COLLINS,
President Judge

[Pa.B. Doc. No. 06-601. Filed for public inspection April 14, 2006, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 1000]

Technical Amendments to Rules 205.4, 206.5 and 1038.2; No. 453 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 27th day of March, 2006, Pennsylvania Rules of Civil Procedure 205.4, 206.5 and 1038.2 are amended to read as follows.

Whereas prior distribution and publication of these amendments would otherwise be required, it has been determined that the amendments are of a perfunctory nature and that immediate promulgation is required in the interests of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Madame Justice Baldwin did not participate in the promulgation of these amendments.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 205.4. Electronic Filing and Service of Legal Papers.

* * * * *

(b) A party may file a legal paper with the prothonotary by means of electronic filing if electronic filing is permitted by general rule, rule of court or special order of court. The filing shall be in the format of Adobe PDF, WordPerfect for Windows or Microsoft Word for Windows. Except as otherwise provided by law, a legal paper filed electronically shall be deemed the equivalent of the original document.

(1) The electronic filing of a legal paper constitutes

* * * * *

(ii) a certification as provided by the signature to a legal paper under Rule [1023(b)] 1023.1(c), the violation of which shall be subject to the sanction provision of Rule [1023(c)] 1023.1(d).

* * * * *

Explanatory Comment—1999
(Revised March 2006)

Rule 205.4 governing electronic filing and service of legal papers is a [temporary rule and is intended as a further] step in the process of introducing the concept of electronic documents into a system accustomed solely to paper documents. [It is anticipated that changes in the procedural rules will be needed as technology progresses and the actual experiences of those counties which utilize this rule demonstrate the need for modifications. For that reason, a termination date of December 31, 2001 has been set for this rule.] The purpose of the rule is not to provide a comprehensive manual but, rather, a framework upon which a local court can proceed with the electronic filing and service of legal documents while allowing the flexibility to adapt the process on the basis of actual experience.

[The purpose of the rule is not to provide a comprehensive manual but, rather, a framework upon which a local court can proceed with the electronic filing and service of legal documents while allowing the flexibility to adapt the process on the basis of actual experience.]

The rule addresses several aspects of electronic filing. It provides definitions of key terms, contains a description of the form, content and handling of documents, and an enumeration of the responsibilities of the prothonotary and the parties. The rule concludes with the procedure for electronic service of legal papers.

Subdivision (a)(2) is the definitional provision. The subject of the rule, "electronic filing", is defined as the electronic transmission of legal papers but the term excludes facsimile transmission which is governed by Rule 205.3.

Most importantly, the term "legal paper" is defined as excluding original process unless the court by local rule provides otherwise. For the purposes of this temporary rule, the local court is in a better position to make the determination of whether to include original process based upon a knowledge of the court's technological capabilities.

Subdivision (b) is concerned with the form and content of the legal papers themselves. Three computer formats are explicitly designated for legal papers which are filed electronically. Adobe PDF was chosen because it is becoming a nationally recognized standard format and has a great deal of flexibility in terms of its ability to include other media beside the printed word. WordPerfect for Windows and Microsoft Word for Windows are included as they are the two most commonly used word-processor software packages.

Regarding legal papers themselves, Rule 205.4(b)(1) provides that the electronic filing of a legal paper constitutes the same certification as a signature on a traditionally filed legal paper under Rule [1023] 1023.1.

* * * * *

Rule 206.5. Rule to Show Cause. Discretionary Issuance. Stay. Form of Order.

* * * * *

(c) If the petition is within the scope of [subdivision (a)] Rule 206.1(a), is properly pleaded, and states prima facie grounds for relief, the court shall enter an order issuing a rule to show cause and may grant a stay of proceedings.

* * * * *

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

JUDGMENT UPON DEFAULT OR ADMISSION

Rule 1038.2. Abolition of Case Stated.

* * * * *

Explanatory Comment

* * * * *

New Rule 1038.2 abolishes the case stated, a device which has been described as "a misunderstood procedure" and "a trap for the unwary." The abolition eliminates confusion as "parties often call something a 'case stated' when they really mean a stipulation."²

* * * * *

Explanatory Comment

The Supreme Court of Pennsylvania has promulgated technical amendments to the following three rules of civil procedure. These amendments do not affect practice or procedure.

I. Rule 205.4

Rule 205.4(b)(1)(ii) contained obsolete references to Rule 1023 rescinded in 2002. The rule has been amended to cross-refer to the successor rule, Rule 1023.1. The 1999

² See the concurring opinion in *McCarran v. Upper Gwynedd Township et al.*, 139 Pa. Cmwlth. Ct. 528, 591 A.2d 1151, 1159 [(1990)] (1991).

Explanatory Comment to the rule is amended to reflect this change and also to delete the obsolete description of the rule as “temporary.”

II. *Rule 206.5*

Rule 206.5(c) contained an obsolete reference to rescinded “subdivision (a).” The rule has been amended to cross-refer to “Rule 206.1(a)” promulgated in 2003.

III. *Rule 1038.2*

Footnote 2 to the Explanatory Comment to rule 1038.2 contains a reference to the *McCarron* case. The year of the decision in the footnote, 1990, was erroneous and has been corrected to read “1991.”

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-602. Filed for public inspection April 14, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-00030162]

Permanent Standards of Conduct

The Pennsylvania Public Utility Commission (Commission), on October 27, 2005, adopted a final rulemaking order which sets forth standards of conduct governing the relationships among natural gas distribution companies (NGDCs) and affiliated natural gas suppliers (NGSs).

Executive Summary

On June 22, 1999, Governor Tom Ridge signed into law the Natural Gas Choice and Competition Act (Act), codified at 66 Pa.C.S. §§ 2201—2212. The Act revised the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., so that the natural gas industry would be restructured so as to allow the retail sale of natural gas in an open market. In short, individual customers would be able to choose from independent suppliers of gas who would not necessarily be affiliated with the local gas utility.

The Competition Act, in section 2209(a) requires the Commission to establish interim Standards of Conduct governing NGDCs and their affiliated NGSs. On November 22, 1999, the Commission fulfilled the requirements of section 2209(a) and adopted binding interim Standards of Conduct. *Binding Interim Standards of Conduct Pursuant to 66 Pa.C.S. § 2209(a)*, Docket No. M-00991249 F0004, Final Order, entered November 22, 1999, as amended, Order entered March 30, 2000. Under the Competition Act, the Standards of Conduct were to remain in effect until the Commission promulgated regulations setting forth permanent Standards of Conduct governing these same activities. 66 Pa.C.S. § 2209(b).

By Order entered September 23, 2003, the Commission initiated a rulemaking proceeding to adopt regulations governing the relationships between NGDCs and their affiliated NGSs. The proposed rules substantially adopted the binding interim guidelines. The PUC has considered the comments received in response to the proposed rulemaking and made certain changes so that the regulations better conform to the Act.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 6, 2004, the Commission submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 2071 (April 17, 2004), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 20, 2006, the final-form rulemaking was deemed approved by the House and

Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2006, and approved the final-form rulemaking.

Public Meeting held
October 27, 2005

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

Permanent Standards of Conduct Pursuant to 66 Pa.C.S. § 2209(b); Docket Nos. L-00030162 and M-00991249 F0004

Final Rulemaking Order

By the Commission:

The Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—12 (Competition Act), was signed into law by former Governor Tom Ridge on June 22, 1999. The Competition Act revised the Public Utility Code, 66 Pa.C.S. §§ 101—3316, to restructure the natural gas industry to allow the retail sale of natural gas in an open market. By Order entered September 23, 2003, we initiated a rulemaking proceeding to adopt regulations governing the relationships between NGDCs and their affiliated NGSs. We did this to comply with the directive of the legislature and to ensure that consumers of natural gas will be able to shop for gas that is marketed on a level playing field for all market participants.

As we explained in our September 23 Order:

The Competition Act allows individual customers to choose from independent suppliers of gas which are not necessarily affiliated with the local gas utility. Additionally, the Competition Act in section 2209(a) requires the Pennsylvania Public Utility Commission (Commission) to establish interim Standards of Conduct governing natural gas distribution companies and their affiliated natural gas suppliers.

On November 22, 1999, the Commission fulfilled the requirements of section 2209(a) and adopted binding interim Standards of Conduct. *Binding Interim Standards of Conduct Pursuant to 66 Pa.C.S. § 2209(a)*, Docket No. M-00991249 F0004, Final Order, entered November 22, 1999, as amended, Order entered March 30, 2000. Pursuant to the Competition Act, the Standards of Conduct are to remain in effect until the Commission promulgates regulations setting forth permanent Standards of Conduct governing these same activities. 66 Pa.C.S. § 2209(b). Now that the industry has three years of operating experience under the Binding Interim Standards of Conduct, the Commission believes it is appropriate to adopt permanent Standards of Conduct.

September 23 Order at 2.

The September 23 Order and the proposed Standards of Conduct regulations were sent to the Office of the Attorney General for review prior to publication as required by law. The Attorney General submitted comments on December 8, 2003, and the September 23 Order and the proposed regulations, as set forth in Annex A, were published for comment in the *Pennsylvania Bulletin* on April 17, 2004. 34 Pa.B. 2071. Comments on the proposed regulations were submitted by the Energy Association of Pennsylvania (Energy Association) and the Amerada Hess

Corporation. Subsequently, the Independent Regulatory Review Commission (IRRC) submitted its comments to the Commission.

Before considering these comments, we note that we are not required to consider expressly or at great length each and every contention raised by a party to our proceedings. *University of Pa. v. Pa. PUC*, 485 A.2d 1217 (Pa. Commonwealth Ct. 1984). Any comment or argument which is not specifically addressed herein shall be deemed to have been duly considered and denied for the purposes of this Final Rulemaking Order.¹ We shall discuss the comments with respect to each section seriatim.

Section 62.141. Definitions

A. *Comments*

IRRC notes that in the definition of “NGS—natural gas supplier” includes entities that market natural gas, including those which are affiliated with NGDCs “without regard to structural relationship [to the NGDC].” IRRC observes that the phrase “without regard to structural relationship” does not appear in the Competition Act and states that we should either delete the phrase or explain why it is necessary.

B. *Resolution*

We are aware that the phrase does not appear in the Competition Act. It does, however, come from our *Policy Statement Addressing Affiliated Interest Issues of Natural Gas Marketers* at 52 Pa. Code § 69.191 and 69.192 which pre-dates the Competition Act. It must be remembered that the ability to purchase natural gas from sources other than the incumbent utility began during the late 1970s due to changes in federal law, most notably passage of the Natural Gas Policy Act (15 U.S.C.A. §§ 3301 et seq.) which initiated the national policy to decontrol natural gas prices at the wellhead. As such, we have been dealing with the transportation of gas purchased from non-incumbent utilities for more than 25 years.

In those regulations, we set forth the purpose of the policy statements:

This section and § 69.192 provide guidance to an LDC’s [local natural gas distribution company’s] affiliate, regardless of the format used to operate an LDC’s affiliate, in order to be effective, to prevent discriminatory behavior, and insure compliance with section 1502 of the code (relating to discrimination in service). This section and § 69.192 will apply *without regard to the structural relationship of the LDC’s marketer to the LDC*.

52 Pa. Code § 69.191(b); (emphasis supplied). This policy was adopted based upon our experience with regard to the transportation of customer-owned natural gas within the distribution systems regulated by the Commission. As the market developed, particularly in the 1990s, we began to see a greater diversity of arrangements among gas distribution utilities and their marketing affiliates. We cannot anticipate all arrangements which may present themselves in the future so the policy was drafted to include all possibilities.

This phrase “without regard to the structural relationship” between the NGDC and its NGS affiliate offers an additional degree of protection for end-users of natural gas in Commonwealth. Additionally, we note that it in no way conflicts with the provisions of the Competition Act. We believe it is a necessary safeguard and will leave this section as drafted.

¹ The Energy Association did not comment on any specific section of the proposed regulations, but expressed its general support for adopting the regulations.

Standards of Conduct, General Requirements

Section 62.142(a)(2).

A. *Comments*

The proposed regulations state that no NGDC shall give an affiliated NGS an “unreasonable preference over other NGSs” in matters such as scheduling, balancing, transportation, storage and other services. Both the Attorney General and IRRC have commented that the Competition Act does not allow for any deviation in regard to preferences citing section 2209(c) which states that our Standards of Conduct shall provide for:

No discrimination against or preferential treatment of any natural gas supplier, including an affiliated natural gas supplier.

66 Pa.C.S. § 2209(c)(1). These agencies state that our proposed regulation, by prohibiting unreasonable preference, allows NGDCs to give affiliated NGSs reasonable preferences. IRRC argues that we should delete the word “unreasonable” from the proposed regulation.

B. *Resolution*

We agree with the Attorney General and IRRC and will make the change. This is an instance where the Competition Act has set a specific standard to which we must adhere. The word “unreasonable” shall be stricken.

Section 62.142(a)(4).

This subsection states that, if an NGDC tariff is not mandatory or provides for waivers, the NGDC may not give preferences to its affiliated NGSs or to nonaffiliated NGSs when granting waivers. IRRC and Amerada Hess comment that this subsection should be amended to require NGDCs to give advance notice when they intend to grant a waiver to an NGS. Amerada Hess states that one NGS will not know when another is getting a waiver.

B. *Resolution*

This subsection is drawn directly from our existing policy statement. The policy statement also does not have a requirement that an NGDC must first give notice before it grants a waiver. It states that the gas utility must not give preferences in granting waivers. See 52 Pa. Code § 69.192(4). It also requires that utilities must keep logs of all requests for waivers which have been granted. See 52 Pa. Code § 69.192(5). These logs must contain details as to the party getting the waiver, the reasons for granting the waiver and other factors. Id. These same requirements are incorporated into the proposed regulation. See 52 Pa. Code § 62.142(a)(4).

Our policy statement regarding natural gas utilities with marketing affiliates was adopted eight years ago and has been in effect since. Prior to drafting the *Binding Interim Standards of Conduct* under 66 Pa.C.S. § 2209(a) we convened a collaborative working group of industry stakeholders to work with the staff in proposing those standards. We consulted the same group before we issued this proposed regulation.

While these commentators posit that there might be a problem in not requiring NGDCs to give notice prior to allowing a waiver of their tariffs, we have seen nothing to indicate that this has been a problem for NGSs in Pennsylvania. We are not inclined to adopt regulations which might place additional burdens upon the market absent good cause. Should a need for a notice requirement develop in the future, we will consider adopting one, but we see no need for it now. However, so that the process of granting waivers be as transparent as possible, we will require that the NGDC granting the waiver post

the terms of the waiver on its web site, provided it has a web site, for a period of not less than three months.

Section 62.142(a)(7).

A. Comments

Subsection 7 provides that if an NGDC discounts a distribution service or provides a fee waiver or rebate to its favored customers, or to the favored customers of its affiliated NGS, it must also offer the same discount, fee waiver or rebate to other similarly situated customers. It also must keep a log, which will be open to the public, of any such transactions.

IRRC objects to the use of the term “favored customer” in the proposed regulation. It states:

It appears that it is unnecessary to label certain customers as “favored.” The provision is clear without this word. If certain accommodations are made for a customer, the same accommodations must be offered to other similarly situated customers.

IRRC suggests that the word “favored” be removed and, if we should keep it, that “favored customer” be defined in section 62.141.

B. Resolution

Again, this is an issue which relates to the history of the provision of natural gas service in the Commonwealth. Because of its geographic location, Pennsylvania is crisscrossed by numerous interstate natural gas pipelines which transport gas from the production areas in the Gulf of Mexico and the Southwest to the Mid-Atlantic and Northeast. After Congress initiated the decontrol of wellhead prices of natural gas in 1978 and the Federal Energy Regulatory Commission authorized open access to transportation services on the pipelines, it became possible for end-users to buy gas from independent producers in the production fields and to have that gas delivered to their facilities. By and large, initially only users of large volumes of gas, could afford to purchase gas in this manner. These tended to be industrial users of gas.

We described the dangers associated with bypass of the system in an earlier order in which we amended our regulations governing transportation of non-utility owned natural gas:

The LDC distribution network is an expensive investment in plant “in the ground”, originally designed to serve retail customers, but increasingly designed to serve transportation customers as well. Because such costs are sunk costs, it is in the interests of all customers to share the costs of gas distribution amongst as many customers as possible. Retention of customers on the brink of bypass and attraction of new customers to the distribution system benefit all customers as long as such customers bear their variable costs and a share of the fixed costs of the system.

Gas Transportation Tariffs, Docket No. L-00930084, 171 P.U.R. 4th 496, 503, Final Rulemaking Order entered August 28, 1996.

In order to retain these customers who are at risk of leaving the local distribution system, natural gas utilities in Pennsylvania have long sought to retain such customers through economic concessions granted to keep them on the system. Generally, these are the customers which are referred to as “favored customers.” We believe it is both necessary and appropriate to retain that phrase in the regulation. However, in light of IRRC’s comment we will add the following definition to § 62.141 (52 Pa. Code § 62.141):

Favored Customer—Any customer of a NGDC or its affiliated NGS which receives a benefit of economic value in order to retain that customer on the distribution system.

Section 62.142(a)(8).

A. Comments

Subsection 8 provides that “subject to privacy or confidentiality constraints” an NGDC may not disclose any proprietary information it has with respect to the customer to its affiliated NGS unless the customer has consented in advance. In the event that it does disclose such information without the customer’s consent, it must provide that information to all similarly situated NGS so that its affiliate will not have an unfair advantage.

Both the Attorney General and IRRC state that this unfairly releases the customer’s proprietary information to third parties. IRRC asks if it is necessary to obtain the customer’s permission before releasing the information. It states that this should be clarified in the final form regulation.

B. Resolution

As previously noted, the release of information is to be made “subject to customer privacy or confidentiality constraints.” Therefore, the NGDC would be bound by its tariffs, our regulations and any other applicable terms in its contracts with its larger industrial and commercial customers. Nonetheless, we agree that this should be clarified in the regulation and will add amplification so that the second sentence of § 62.142(a)(8) reads as follows:

To the extent that a NGDC does disclose customer information without customer authorization, it shall first seek the permission of the customer consistent with its tariffs, any contractual obligations it may have to the customer or 52 Pa. Code § 62.78 (Privacy of customer information) and, if that customer grants permission, contemporaneously provide this same information to other similarly situated NGSs in a similar fashion so as not to selectively disclose, delay disclosure or give itself or its affiliated NGS an advantage related to the disclosure.

We would note that 52 Pa. Code § 62.78 regarding the privacy of customer information does not apply to industrial and large commercial customers; therefore, it is necessary to reference their contracts with the NGDC. Additionally, some programs to assist payment troubled customers require the release or exchange of information relative to that customer. Therefore, we shall exempt disclosures made in the course of those programs by adding the following sentence at the end of § 62.142(a)(8).

This subsection shall not apply to the disclosure of customer information made pursuant to a customer assistance program mandated by state law or regulation.

Section 62.142(a)(13).

We are also clarifying this section which requires that an NGDC does not share personnel with an affiliated NGS in that this could give that marketing affiliate an advantage over non-affiliated companies. We are adding language which specifies that, among the personnel which the NGDC must keep separate from the affiliated NGS are marketing and customer service personnel.

Section 62.142(a)(17).

A. Comments

IRRC comments that it finds the prohibition against an NGDC offering marketing or promotional advertising to an affiliate to be somewhat confusing. Its comments go to the way the proposed rule is structured and not to the prohibition itself. Proposed paragraph (17) states that:

(17) Except in competitive bid situations, a NGDC may not:

(i) Jointly market or jointly package its Commission-regulated services with the services of an affiliated NGS.

(ii) Offer or provide to its affiliated NGS products or services, including bill inserts in its NGDC bills, promoting an affiliated NGS's services or a link from the NGDC's website, unless the NGDC offers or provides the products or services to nonaffiliated NGSs on the same terms and conditions.

IRRC states that the subsection creates an exception for competitive bid situations, but that section (ii) adds an additional exception when the NGDC offers these marketing services to nonaffiliated NGSs on the same basis as it offers them to affiliates. It asks us to clarify the intent of paragraph (17).

B. Resolution

This subsection is intended to prevent an NGDC from packaging its PUC-regulated service with services offered by its affiliated NGS or from offering promotional services to the affiliated NGS without also making the same product packaging and marketing services available to nonaffiliated NGSs on the same terms. To do so, it may offer those services through competitive bidding in which all interested parties can compete or it can offer its services to affiliated and nonaffiliated NGSs on the same terms and conditions. Each alternative puts all of the NGSs on an equal footing without regard to their relationship, or lack thereof, to the NGDC. To clarify the proposed regulation, we shall remove the exception from the beginning of the section and place it in a separate subsection so that the section reads:

(17) A NGDC may not:

(i) Jointly market or jointly package its Commission-regulated services with the services of an affiliated NGS.

(ii) Offer or provide to its affiliated NGS products or services, including bill inserts in its NGDC bills promoting an affiliated NGS's services or a link from the NGDC's website, unless the NGDC offers or provides these products or services to nonaffiliated NGSs on the same terms and conditions.

(iii) The restrictions in (i) and (ii) do not apply to competitive bid situations.

Section 62.142(b)(1).

A. Comments

Section 62.142(b) involves alternative dispute procedures. The Attorney General pointed out a typographical error in subsection (1) which we were able to correct prior to publication of the proposed regulation in the *Pennsylvania Bulletin*; however, there is one point of clarification which we believe needs to be addressed. The rule states that when a dispute arises between an NGDC and an affiliated NGS or a nonaffiliated NGS concerning these Standards of Conduct, the NGS should provide notice of

the dispute to the NGDC or affiliated NGS. The Attorney General said it is unclear which NGS is to provide notice.

B. Resolution

It is intended that the NGS alleging the violation of the Standards of Conduct would provide notice to the subject of that allegation whether it is an NGDC or its nonaffiliated NGS. We do not believe a change is necessary.

Section 62.142(b)(3)

This section provides that, if the parties are unable to resolve their dispute by mutual agreement, they may apply for mediation with the Commission's Office of Administrative Law Judge (OALJ). We are sua sponte adding a reference to our regulations which provide for the mediation process to make this section easier for parties to use.

Section 62.142(b)(4), (5) and (6).

A. Comments

Paragraphs (4), (5) and (6) all involve moving a dispute from the mediation process to the formal complaint process. With reference to paragraph (5), the Attorney General states that it is not clear when a party may file a complaint. He also asks if the informal mediation process is mandatory. IRRC comments that we should add references to specific sections of the pertinent statutes and regulations which deal with the complaint process.

With regard to paragraph (6), the Attorney General states that it appears to be redundant with subsection (5) in that it states that a party may pursue its allegations through our complaint procedures.

B. Resolution

We agree that there is some redundancy inherent in all three of these paragraphs. We believe we can simplify these paragraphs by eliminating superfluous language. First, paragraphs (4) and (5) duplicate each other. Paragraph (4) requires the OALJ to convert the dispute to a formal complaint proceeding if it is not resolved through mediation. Paragraph (5) states that a party may file a complaint, if it so desires.

The Public Utility Code provides that the Commission, or another party, may file a complaint at any time. 66 Pa.C.S. §§ 701—03 (Procedure on complaints). Therefore, it is unnecessary to have two subsections stating that a dispute which is not resolved may be converted into a complaint and we will eliminate paragraph (4). Moreover, the confusion with respect to paragraph (6) seems to arise from the first sentence of that paragraph which states that a party may file a complaint. The second sentence carries the intent of that paragraph in that it deals with the burden of proof in any such complaint. Therefore we shall eliminate the first sentence of paragraph (6).

With regard to IRRC's comments, we will add references to the Public Utility Code and our regulations in paragraph (5). These sections, once renumbered, will read as follows:

(4) A party may file a complaint concerning the dispute with the Commission under relevant provisions of 66 Pa.C.S. §§ 701—03 (Procedure on complaints) and 52 Pa. Code § 5.21—5.31 (Formal complaints).

(5) A complainant bears the burden of proof consistent with 66 Pa.C.S. § 332 (relating to procedures in general) in regard to the allegations and may request penalties for violations under 66 Pa.C.S. § 3301 (relating to civil penalties for violations).

Conclusion

Accordingly, under sections 501, 502, 504—506, 508, 701, 1501, 1502, 2102—2107 and 2201—2212 of the Public Utility Code, 66 Pa.C.S. §§ 501, 502, 504—506, 508, 701, 1501, 1502, 2102—2107, and 2201—2212, and sections 201—204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1204) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we hereby adopt §§ 62.141 and 62.142, as set forth in Annex A hereto; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 62, are amended by adding §§ 62.141 and 62.142 to read as set forth in Annex A.

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

3. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

6. A copy of this order and Annex A shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional NGDCs and all parties which submitted comments.

7. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person is Lawrence F. Barth, Assistant Counsel, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 787-5000.

JAMES J. MCNULTY,
Secretary

(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 57-229 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 52. PUBLIC UTILITIES****PART I. PUBLIC UTILITY COMMISSION****Subpart C. FIXED SERVICE UTILITIES****CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE****Subchapter E. STANDARDS OF CONDUCT**

Sec.

62.141. Definitions.

62.142. Standards of Conduct.

§ 62.141. Definitions.

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

Affiliated NGS—

(i) An NGS engaging in marketing activities related to natural gas supply services by the marketing division or marketing operation of an NGDC.

(ii) The term does not include a utility's marketing department or division to the extent that it informs existing or prospective customers of the availability and price of the regulated sales service that utility furnishes in its role as supplier of last resort.

*Commission—*The Pennsylvania Public Utility Commission.

*Favored customer—*Any customer of an NGDC or its affiliated NGS which receives a benefit of economic value to retain that customer on the distribution system.

*NGDC—Natural gas distribution company—*A public utility or city natural gas distribution operation that provides natural gas distribution services and which may provide natural gas supply services and other services. For purposes of this standard of conduct, the term does not include:

(i) A public utility subject to the jurisdiction of the Commission which has annual gas operating revenues of less than \$6 million per year, except:

(A) When the public utility voluntarily petitions the Commission to be included within the definition of NGDC.

(B) When the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.

(ii) A natural gas public utility subject to the jurisdiction of the Commission that is not interconnected to an interstate gas pipeline by means of a direct or indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

NGS—Natural gas supplier—

(i) An entity other than an NGDC, but including NGDC marketing affiliates without regard to structural relationship, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of an NGDC. The term includes:

(A) An NGDC that provides natural gas supply services outside its certificated service territories.

(B) A municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

(I) As provided prior to July 1, 1999, the effective date of 66 Pa.C.S. Chapter 22 (relating to natural gas competition), under a certificate of public convenience if required under this title.

(II) Total natural gas supply services in de minimis amounts.

(III) Natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided.

(IV) Natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of 66 Pa.C.S. Chapter 22.

(ii) The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of 66 Pa.C.S. (relating to the Public Utility Code), an NGS that is not an NGDC is not a public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) to the extent that the NGS is utilizing the jurisdictional distribution facilities of an NGDC or is providing other services authorized by the Commission.

§ 62.142. Standards of conduct.

(a) *General requirements.* NGDCs and NGSs shall comply with the following requirements:

(1) An NGDC shall apply its tariffs in a nondiscriminatory manner to its affiliated NGS and a nonaffiliated NGS.

(2) An NGDC may not apply a tariff provision in a manner that would give its affiliated NGS preference over other NGSs with regard to matters such as scheduling, balancing, transportation, storage, curtailment, capacity release and assignment, nondelivery and other services provided to its affiliated NGS.

(3) Mandatory tariff provisions may not be waived by an NGDC for an NGS absent prior approval of the Commission.

(4) When a tariff provision is not mandatory or provides for waivers, an NGDC shall grant the waivers without preference to its affiliated NGS or nonaffiliated NGS.

(5) An NGDC shall maintain a chronological log of tariff provisions for which it has granted waivers. Entries must include the name of the party receiving the waiver, the date and time of the request, the specific tariff provision waived and the reason for the waiver. The chronological log must be open for public inspection during normal business hours. When the NGDC maintains a website, it shall post the terms set forth in this paragraph on its website for at least 3 months.

(6) An NGDC shall process requests for distribution services promptly and in a nondiscriminatory fashion with respect to other requests received in the same or a similar period. An NGDC shall maintain a chronological log showing the processing of requests for transportation services. The chronological log must be open for public inspection during normal business hours.

(7) If an NGDC provides a distribution service discount, fee waiver or rebate to its favored customers, or to the favored customers of its affiliated NGS, the NGDC shall offer the same distribution service discount, fee waiver or rebate to other similarly situated customers. Offers may not be tied to an unrelated service, incentive or offer on behalf of either the NGDC or its affiliated NGS. A chronological log shall be maintained showing the date, party, time and rationale for the action. The chronological log must be open for public inspection during normal business hours.

(8) Subject to customer privacy or confidentiality constraints, an NGDC may not disclose, directly or indirectly, any customer proprietary information to its affiliated NGS unless authorized by the customer. To the extent that an NGDC does disclose customer information without customer authorization, it shall first seek the permission of the customer consistent with its tariffs, any contractual obligations it may have to the customer or § 62.78 (relating to privacy of customer information) and, if that customer grants permission, contemporaneously provide this same information to other similarly situated

NGSs in a similar fashion so as not to selectively disclose, delay disclosure or give itself or its affiliated NGS an advantage related to the disclosure. A chronological log shall be maintained showing the date, party, time and rationale for the disclosure. The chronological log must be open for public inspection during normal business hours. This paragraph does not apply to the disclosure of customer information made under a customer assistance program mandated by State law or regulation.

(9) An NGDC shall reasonably allocate to its affiliated NGS the costs or expenses for general administration or support services provided to its affiliated NGS.

(10) NGDCs may not condition or tie the provision of a product, service or price agreement by the NGDC, including release of interstate pipeline capacity, to the provision of a product or service by its affiliated NGS.

(11) An NGDC may not give its affiliated NGS preference over a nonaffiliated NGS in the provision of goods and services including processing requests for information, complaints and responses to service interruptions. An NGDC shall provide comparable treatment in its provision of goods and services without regard to a customer's chosen NGS.

(12) An NGDC and its affiliated NGS shall maintain separate books and records. Transactions between the NGDC and its affiliated NGS may not involve cross-subsidies. Shared facilities must be fully and transparently allocated between the NGDC function and the affiliated NGS function. The NGDC accounts and records shall be maintained so that the costs incurred on behalf of an affiliated NGS are clearly identified.

(13) NGDC employees who have responsibility for operating the distribution system, including natural gas delivery or billing and metering, as well as those responsible for marketing and customer service, may not be shared with an affiliated NGS, and their offices shall be physically separated from the offices used by those working for the affiliated NGS. NGDC employees may transfer to an affiliated NGS provided the transfer is not used as a means to circumvent these standards of conduct.

(14) Neither the NGDC nor its affiliated NGS may directly, or by implication, falsely and unfairly represent to a customer, NGS or third party that an advantage may accrue to a party through use of the NGDC's affiliates or subsidiary, such as:

(i) The Commission-regulated services provided by the NGDC are of a superior quality when services are purchased from its affiliated NGS.

(ii) The merchant services for natural gas are being provided by the NGDC when they are in fact being provided by an affiliated NGS.

(iii) The natural gas purchased from a nonaffiliated NGS may not be reliably delivered.

(iv) Natural gas shall be purchased from an affiliated NGS to receive Commission-regulated services.

(15) When an affiliated NGS markets or communicates to the public using the NGDC name or logo, it shall include a legible disclaimer that states that:

(i) The affiliated NGS is not the same company as the NGDC.

(ii) The prices of the affiliated NGS are not regulated by the Commission.

(iii) A customer does not have to buy natural gas or other products from the affiliated NGS to receive the same quality of service from the NGDC.

(16) When an affiliated NGS advertises or communicates verbally through radio or television to the public using the NGDC name or logo, the affiliated NGS shall include at the conclusion of the communication a legible disclaimer that includes all of the disclaimers in paragraph (15)(i)—(iii).

(17) An NGDC may not:

(i) Jointly market or jointly package its Commission-regulated services with the services of an affiliated NGS.

(ii) Offer or provide to its affiliated NGS products or services, including bill inserts in its NGDC bills promoting an affiliated NGS's services or a link from the NGDC's website, unless the NGDC offers or provides these products or services to nonaffiliated NGSS on the same terms and conditions.

(iii) The restrictions in subparagraphs (i) and (ii) do not apply to competitive bid situations.

(18) An NGDC may not offer or sell natural gas commodity or capacity to its affiliated NGS without simultaneously posting the offering electronically on a source generally available to the market or by otherwise making a sufficient offer to the market. The NGDC shall maintain a chronological log of these public disseminations. The chronological log must be open for public inspection during normal business hours.

(19) An NGDC shall establish and file with the Commission complaint procedures for dealing with alleged violations of the standards of conduct, with the exception of paragraph (9), which is exclusively under the purview of the Commission. These procedures shall be developed in consultation with interested parties during consideration of tariffs guided by this section and § 69.191 (relating to general). The Commission may grant an exception to these requirements if warranted by the facts or circumstances.

(20) An NGDC shall keep a chronological log of any complaints filed, excepting those filed to paragraph (9), regarding discriminatory treatment of NGSS. This chronological log must include the date and nature of the complaint and the resolution of the complaint. The chronological log must be open for inspection during normal business hours.

(b) *Dispute resolution procedures.* In addition to the procedures in subsection (a)(19):

(1) When a dispute between an NGDC, an affiliated NGS or a nonaffiliated NGS alleging a violation of the standards of conduct provisions occurs, the NGS shall provide the NGDC or affiliated NGS, as applicable, a written notice of dispute that includes the names of the parties and customers, if any, involved and a brief description of the matters in dispute.

(2) Within 5 days of an NGDC's or affiliated NGS's receipt of a notice of dispute, a designated senior representative of each party shall attempt to resolve the dispute on an informal basis.

(3) If the representatives are unable to resolve the dispute by mutual agreement within 30 days of receipt, they shall refer the complaint to the Commission's Office of Administrative Law Judge for mediation under § 69.392 (relating to availability of mediation process). A party may request mediation prior to that time if informal resolution is not productive.

(4) A party may file a complaint concerning the dispute with the Commission under relevant provisions of 66 Pa.C.S. §§ 701—703 (relating to procedure on complaints) and §§ 5.21—5.31 (relating to formal complaints).

(5) A complainant bears the burden of proof consistent with 66 Pa.C.S. § 332 (relating to procedures in general) in regard to the allegations and may request penalties for violations under 66 Pa.C.S. § 3301 (relating to civil penalties for violations).

(c) *Adoption as company policy.* An NGDC and its affiliated NGS shall formally adopt and implement these provisions as company policy and take appropriate steps to train and instruct employees in their content and application.

[Pa.B. Doc. No. 06-603. Filed for public inspection April 14, 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 April 4, 2006.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-28-06	S & T Bancorp, Inc., Indiana, to acquire up to 24.99% of the shares of common stock of Allegheny Valley Bancorp, Inc., Pittsburgh, under section 112 of the Pennsylvania Banking Code of 1965	Indiana	Filed

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-3-06	The First National Bank in Fleetwood Fleetwood Berks County <i>To:</i> Fleetwood Bank Fleetwood Berks County	Main and Franklin Streets Fleetwood Berks County	Effective
	Represents conversion from a Nationally-chartered bank to a State-chartered member bank. Bank is wholly-owned by Fleetwood Bank Corporation, Fleetwood, an existing bank holding company.		
	<i>Branches Acquired by Means of Conversion:</i>		
	917 Park Road Blandon Berks County	2493 Bernville Road Reading Berks County	
	Main Street and Kemp Road Kutztown Berks County	4445 Kutztown Road Temple Berks County	
	East State Avenue and 3 South Main Street Lyon Station Berks County	33 South 4th Street Hamburg Berks County (Loan Production Office)	
	525 Penn Avenue Reading Berks County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-9-06	NOVA Savings Bank Philadelphia Philadelphia County	448 West Baltimore Pike Media Delaware County	Opened
3-27-06	CommunityBanks Millersburg Dauphin County	201 West Chocolate Avenue Hershey Derry Township Dauphin County	Opened
3-29-06	NOVA Savings Bank Philadelphia Philadelphia County	33 Lincoln Highway Malvern Chester County	Authorization Surrendered

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-06	East Penn Bank Emmaus Lehigh County	3985 MacArthur Road Whitehall Township Lehigh County	Approved
3-30-06	First Commonwealth Bank Indiana Indiana County	198 Park Manor Drive Pittsburgh Allegheny County	Approved
3-30-06	First Commonwealth Bank Indiana Indiana County	301 Mt. Lebanon Boulevard Pittsburgh Allegheny County	Approved
3-30-06	Republic First Bank Philadelphia Philadelphia County	7300 Frankford Avenue Philadelphia Philadelphia County	Approved
3-30-06	Earthstar Bank Southampton Bucks County	8910 Frankford Avenue Philadelphia Philadelphia County	Approved
3-31-06	Northwest Savings Bank Warren Warren County	950 South Pine Island Road Suite 180 Plantation Broward County, FL	Filed
3-31-06	Northwest Savings Bank Warren Warren County	8221 Peters Road Plantation Broward County, FL (Drive-Up Facility)	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-06	Atlantic Central Bankers Bank Camp Hill Cumberland County	<i>To:</i> Gateway One Newark Essex County, NJ <i>From:</i> 400A Commerce Boulevard Carlstadt Bergen County, NJ	Approved
3-30-06	Mid Penn Bank Millersburg Dauphin County	<i>To:</i> 4642 SR 209 Elizabethville Dauphin County <i>From:</i> 2 East Main Street and 11-13 East Main Street (Drive-Up) Elizabethville Dauphin County	Approved
3-30-06	Fulton Bank Lancaster Lancaster County	<i>To:</i> South Market Street and Cumberland Parkway Upper Allen Township Cumberland County <i>From:</i> 360 Cumberland Parkway Upper Allen Township Cumberland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-31-06	Leesport Bank Wyomissing Berks County	100 West Main Street Lansdale Montgomery County	Effective

SAVINGS INSTITUTIONS**Voluntary Dissolution**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
3-31-06	Society Hill Savings and Loan Association Philadelphia Philadelphia County	Articles of Dissolution filed with Department of State. Corporate existence terminated.

CREDIT UNIONS

Conversions to Community Charters

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-27-06	White Rose Credit Union York York County	York	**
	**Application became effective by Operation of Law under section 501(g) of the Credit Union Code. Represents conversion from an occupational-based credit union to a community-based charter; the conversion will be completed by filing Articles of Amendment with the Department of State at a later date. The Articles will provide for a change in the field of membership to include "all people who live, work, worship, attend school in, and businesses and other legal entities in York and Adams County in the Commonwealth of Pennsylvania."		
4-3-06	Diamond Credit Union Pottstown Montgomery County	Pottstown	Effective
	Represents conversion from an occupational-based credit union to a community-based charter; the conversion will be completed by filing Articles of Amendment with the Department of State (see the following Articles of Amendment).		

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-3-06	Incol Credit Union, Old Forge, and Wilkes-Barre Newspapers Federal Credit Union, Kingston Surviving Institutions— Incol Credit Union, Old Forge	Old Forge	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
4-3-06	Diamond Credit Union Pottstown Montgomery County	Amendment to Article IV, Section 7 of the Articles of Conversion provides for a change in the field of membership of the credit union to include, "Peoples who live, work, worship, regularly conduct business, or attend school in Berks County, Collegeville Borough, Douglass Township, East Coventry Township, East Greenville Borough, East Nantmeal Township, East Vincent Township, Green Lane Borough, Limerick Township, Lower Frederick Township, Lower Pottsgrove Township, Marlborough Township, New Hanover Township, North Coventry Township, Pennsburg Borough, Perkiomen Township, Pottstown Borough, Red Hill Borough, Royersford Borough, Schwenksville Borough, Skippack Township, South Coventry Township, Spring City Borough, Trappe Borough, Upper Frederick Township, Upper Hanover Township, Upper Pottsgrove Township, Upper Providence Township, Warwick Township, West Pottsgrove Township, and Vincent Township, Pennsylvania; Members of record of Diamond Credit Union as of the date of approval to convert to community charter; and Spouses of persons who died while within the field of membership of this credit union; employees of Diamond Credit Union; volunteers, members of their immediate families or households and organizations of such persons."	Effective

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

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-604. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting at 10 a.m. on Wednesday, April 26, 2006, in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 06-605. Filed for public inspection April 14, 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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063525	Pocono Mountain School District P. O. Box 200 School Road Swiftwater, PA 18370-0200	Coolbaugh Township Monroe County	Cedar Run (2A)	Y
PA0060283	Penn Estates Utilities, Inc. 503 Hallet Road East Stroudsburg, PA 18301	Stroud Township Monroe County	UNT to Brodhead Creek (1E)	Y
PA0061565 (Minor Sewage)	Torah Va'Avodah Institute 25 West 26th Street New York, NY 10010	Berlin Township Wayne County	Beach Lake (1A)	Y
PA0032140	Department of Conservation and Natural Resources Bureau of State Parks R. R. 1, Box 230 Dalton, PA 18414-9785	Benton Township Lackawanna County	South Branch Tunkhannock Creek (4F)	Y
PA0062324	Pike County Environmental, Inc. P. O. Box 127 Matamoras, PA 18336	Westfall Township Pike County	Delaware River (1D)	Y
PA-0060623	Silver Lake Township Municipal Authority P. O. Box 1975 Brackney, PA 18812	Silver Lake Township Susquehanna County	Little Rhiney Creek CWF Watershed 4E	Y

In accordance with the Chesapeake Bay Tributary Nutrient Reduction Strategy nutrient monitoring for Ammonia-N, Kjeldahl-N, Nitrite/Nitrate-N, Total Phosphorus and Total Nitrogen were added to Outfall 001 of this permit.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043583 SP	Hartley Township Municipal Authority P. O. Box 175 Laurelton, PA 17835-0175	Union Hartley Township	Laurel Run 6A	Y
PA0113123	Patrick J. Witkowski P. O. Box 322 Laporte, PA 18626	Sullivan County Laporte Township	Loyalsock Creek (10B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0104426	Corner Water Supply & Service Corporation 113 Oakwood Lane Shippenville, PA 16254-0040	Elk Township Clarion County	Paint Creek 17-B	Y
PA0102041	Morrison Mobile Home Park 3352 Church Road New Castle, PA 16101	Slippery Rock Township Lawrence County	UNT to Big Run 20-A	Y
PA0031305	The Summit Academy The Summit School, Inc. P. O. Box 13 839 Herman Road Butler, PA 16039	Summit Township Butler County	UNT to Bonnie Brook 20-C	Y
PA0005762	Electralloy 175 Main Street Oil City, PA 16301-1038	City of Oil City Venango County	Allegheny River 16-E	Y

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

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

PA0065081, Sewage, **Richard Bogert**, 1655 South West Street, Apartment A, Allentown, PA 18103. This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Activity: Application for NPDES permit to discharge treated sewage from a single family home.

The receiving stream, tributary to Bushkill Creek is in the State Water Plan watershed 1F and is classified for: HQ-CWF. The nearest downstream public water supply intake for City of Easton is located on the Delaware River and is approximately 20 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
BOD ₅	10	20
Total Suspended Solids	10	20
pH	6.0 to 9.0 standard units at all times.	
Total Residual Chlorine	Monitor and Report	
Fecal Coliform	200/100 ml	

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

Application No. PA 0087181, Sewage, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522. This facility is located in Ephrata Township, **Lancaster County**.

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

The receiving stream, Cocalico Creek is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Ephrata Area Joint Authority is located on the Cocalico Creek, approximately 1.7 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
NO ₃ -NO ₂ as N	Monitor		
TKN	Monitor		
Total Nitrogen		54,550 lbs per year as total annual	
Total Phosphorus		6,818 lbs per year as total annual	
Total Phosphorus	2		4

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.48		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		6,100/100 ml as a geometric average	

The cap loads may be met in part or in full by obtaining offsets or credits approved by the Department of Environmental Protection (Department).

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

The EPA waiver is not in effect.

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

PA0093033, Sewage, **Eastern Armstrong County Municipal Authority**, P. O. Box 262, Elderton, PA 15736-0262.

This application is for renewal of an NPDES permit to discharge treated sewage from Elderton STP in Elderton Borough, **Armstrong County**.

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

Outfall 001: existing discharge, design flow of 0.058 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric mean		
(10-1 to 4-30)		2,000/100 ml as a geometric mean		
Dissolved Oxygen		not less than 3.0 mg/l		
pH		not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

PA0218740, Sewage, **Mount Pleasant Township Supervisors**, Box 158, Mammoth, PA 15664. This application is for renewal of an NPDES permit to discharge treated sewage from Mountain Shadows STP in Mt. Pleasant Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric mean		
(10-1 to 4-30)		2,000/100 ml as a geometric mean		

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0026174-Amendment No. 1, Sewage. The General Authority of the City of Franklin, 430 13th Street, Franklin, PA 16323. This facility is located in City of Franklin, **Venango County**.

Description of Proposed Activity: This amendment is to add 3 newly discovered CSO outfalls (008, 009 and 010) to the permit and removes milestones from the CSO special condition. This amendment is being made in conjunction with a COA addressing CSO issues. Outfall 001 is not affected by this amendment.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company is located on the Allegheny River and is approximately 30 miles below point of discharge.

The receiving streams, the Allegheny River and French Creek are in watersheds 16-G and 16-D and classified for WWF, aquatic life, water supply and recreation.

<i>**Outfall No.</i>	<i>Name of Outfall and/or Street Location</i>	<i>Location</i>		<i>Receiving Stream Name</i>
		<i>Latitude</i>	<i>Longitude</i>	
002	At the STP	41° 22' 27"	79° 49' 04"	Allegheny River
003	CSO-related bypass	41° 22' 27"	79° 49' 04"	Allegheny River
004 A	12th Street	41° 23' 55"	79° 49' 36"	French Creek
004 B	12th Street	41° 23' 55"	79° 49' 36"	French Creek
007	11th Street	41° 23' 44"	79° 49' 23"	French Creek
008	8th Street	41° 23' 44"	79° 49' 13"	Allegheny River
009	14th Street and Elk	41° 23' 57"	79° 50' 01"	Chub Run
010	14th Street and Liberty	41° 23' 54"	79° 50' 02"	Chub Run

** Refer to Combined Sewer Overflow Management Condition in Part C.

The EPA waiver is not in effect.

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

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

WQM Permit No. 3906401, Allied Utility Services, Inc., P. O. Box 1488, Skippack, PA 19474-1488. This proposed facility is located in North Whitehall Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project involves replacement of existing headworks, improvements to aeration system and installation of an intrum microscreen drum filter and chemical feed system.

WQM Permit No. 4506402, Daniel Bittenbender, R. R. 5, Box 5647, Saylorsville, PA 18353. This proposed facility is located in Hamilton Township, **Monroe County**, PA.

Description of Proposed Action/Activity: This project involves construction of a single residence treatment facility to replace an existing malfunctioning on-lot sewage disposal system.

WQM Permit No. 1306403, Sewerage, Blue Ridge Real Estate, P. O. Box 707, Blakeslee, PA 18610-0707. This proposed facility is located in Kidder Township, **Carbon County**, PA.

Description of Proposed Action/Activity: This project involves replacement of the existing lagoon with a 100,000 gallon tank for sludge holding and digestion.

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

WQM Permit No. 6706402, Sewerage, Rodger C. Petrone, 4076 Market Street, Camp Hill, PA 17011. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow treatment facility design for Lot 27 on Grantham Crossing.

WQM Permit No. 6706402, Sewerage, Rodger C. Petrone, 4076 Market Street, Camp Hill, PA 17011. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow treatment facility design for Lot 14 on Grantham Crossing.

WQM Permit No. 2806401, Sewerage, **Waynesboro Borough Authority**, 57 East Main Street, P. O. Box 310, Waynesboro, PA 17268. This proposed facility is located in Washington Township and Waynesboro Borough, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a membrane treatment facility.

WQM Permit No. 6706404, Sewerage, **Reeser Estates, Inc.**, 905 Pleasant View Road, York Haven, PA 17370. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of 8,000 feet of sewer interceptor line in Newberry Township extending from the Reeser Estates subdivision.

WQM Permit No. 6706405, Sewerage, **Dillsburg Area Authority**, P. O. Box 370, 98 West Church Street, Dillsburg, PA 17019. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a sanitary sewer system project.

WQM Permit No. 2806402, Sewerage, **Teresa Young**, 15083 Lurgan Road, Orrstown, PA 17244. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve her single family residence located on Lurgan Road.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406002	Samuel E. King 131 Back Road Rebersburg, PA 16872	Centre	Miles Township	Elk Creek HQ-CWF
PAI041406003	S & A Custom Built Homes Brookshire Subdivision Keith Sunderman 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Centre	Walker Township	Little Fishing Creek HQ-CWF
PAI041406005	W. R. Hickey Beer Distributor, Inc. James Hickey 1321 E. College Ave. State College, PA 16801	Centre	College Township	UNT to Thompson Run HQ-CWF
PAI041406009	Penn State University West Campus Rob Cooper Office of Physical Plant 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough Ferguson Township	Big Hollow and Thompson Run CWF HQ-CWF
PAI041406010	Spring-Benner-Walker Joint Auth. N. Warren Miller 170 Irish Hollow Road Bellefonte, PA 16823	Centre	Spring Township	Spring Creek HQ-CWF

Sunnyside Collection System
and Pumping Facility

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915, (814) 274-8411.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045306004	Galeton Borough Authority Trixie Blass 4 Sherman Street Galeton, PA 16922	Potter	Galeton Borough	Pine Creek HQ-CWF

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506024	West Vincent Township Route 100 and Nantmeal Road Realignment	Chester	West Vincent Township	Birch Run (EV)
PAI011506025	Wesley Hamilton Downing Property 5 Hillside Lane Landenberg, PA 19350	Chester	New London Township	Hodgson Run (HQ-TSF-MF)
PAI011506026	Gary A. Hopkins P. O. Box 100 Oxford, PA 19363	Chester	Lower Oxford Township	West Branch Big Elk Creek (HQ-TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606001	Rick and Lois Rineer 1905 Noble Road Kirkwood, PA 17536	Lancaster	Colerain Township	West Brank Octoraro Creek HQ-TSF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055606001	Hidden Valley Four Seasons Resort One Craighead Drive Hidden Valley, PA 15502	Somerset	Jefferson Township	Kooser Run (HQ-CWF)

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4506501, Public Water Supply
 Applicant **Pennsylvania American Water Co.**
 Middle Smithfield Township
Monroe County
 Responsible Official David R. Kaufman
 Pennsylvania-American Water Co.
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Public Water Supply
 Consulting Engineer William J. Malos, P. E.
 Pennsylvania-American Water Co.
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18071
 Application Received Date March 17, 2006
 Description of Action PWS application to construct a centrally located domestic and fire-protection water booster pump system at the existing PAWC Mid-Monroe system (PWS ID No. 2450119) located in the Country Club of the Poconos development.

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

Permit No. 3606502, Public Water Supply.
 Applicant **City of Lancaster—Conestoga Water Treatment Plant**
 Municipality Lancaster
 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. 3106501, Public Water Supply.
 Applicant **Mount Union Municipal Authority**
 Municipality Wayne Township
 County **Mifflin**
 Responsible Official Thomas R. James, Chairperson
 P. O. Box 90
 9 W. Market Street
 Mount Union, PA 17066
 Type of Facility Public Water Supply

Consulting Engineer Daniel J. Carbaugh, P. E.
 Keller Engineers, Inc.
 420 Allegheny Street
 Hollidaysburg, PA 16648
 Application Received Date 3/9/2006
 Description of Action Construction of the Lempkelde Well as a source of supply w/ disinfection.

Permit No. 0606504, Public Water Supply.
 Applicant **Pennsylvania-American Water Company**
 Municipality Exeter Township
 County **Berks**
 Responsible Official Paul A. Zielinski
 Director Water Quality
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Public Water Supply
 Consulting Engineer Daniel Cargnel, P. E.
 Buchart Horn, Inc.
 445 West Philadelphia Street
 York, PA 17404
 Application Received Date 3/9/2006
 Description of Action New Well G-9A in Glen Alsace District.

Permit No. 6706507, Public Water Supply.
 Applicant **Shrewsbury Family Restaurant (AGAIN)**
 Municipality Shrewsbury Borough
 County **York**
 Responsible Official Jesse R. Benefiel, Jr., Owner
 17308 Susquehanna Trail South
 New Freedom, PA 17349
 Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew, II, P. E.
 James A. Holley & Associates Inc.
 18 South George Street
 York, PA 17401
 Application Received Date 3/10/2006
 Description of Action This PWS permit application is for the addition of nirtate treatment.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3007226-MA7, Minor Amendment
 Applicant **Zelienople Borough**
 Township or Borough Jackson Township
Butler County
 Responsible Official Donald C. Pepe, Borough Manager

Type of Facility	Public Water Supply
Application Received Date	04/03/2006
Description of Action	Raw Water Reservoir Aeration Project to eliminate copper sulfate for algae control.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

WA 21-419B, Water Allocations. Newville Borough Water & Sewer Authority, Cumberland County. Withdrawal a maximum of 500,000 gallons per day from either Big Spring Creek or Cool Spring, or a combination of the two sources. Consulting Engineer: Janet R. McNally, P. E., William F. Hill & Assoc., Inc. Permit Issued: 4/3/2006.

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 pub-

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

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

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

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

Alex Auto Repair, Lower Southampton Township, Bucks County. Alan Hirschfeld, Independent Project Consultant, P. G., 219 Laureen Road, Schwenksville, PA 19473 on behalf of Jody Hill, Hill Env. Group, Inc., 19 Brookside Avenue, Pennington, NJ 08534 has submitted a Notice of Intent to Remediate. Soil and groundwater were impacted. The intended future use of this property is that it will be sold and used by the new owner as a commercial property. A summary of the Notice of Intent to Remediate was reported to have been published in the *Courier Times, Inc.* on February 23, 2006.

Village Penrose Park PHA Dev., City of Philadelphia, Philadelphia County. James A. Stynchula, Pennoni Associates, 3001 Market Street, Philadelphia, PA 19104 on behalf of Philip L. Hinerman, Fox Rothschild, LLP, 2000 Market Street, 10th Floor, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Groundwater was impacted. The future use is residential.

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

Klose Property, Londonderry Township, Dauphin County. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Patrick Klose, 2892 Foxianna Road, Middletown, PA 17057, submitted a Notice of Intent to Remediate site soils contaminated with No 2 fuel oil. The property is used as a residence and will be used as such in the future. The applicant seeks to remediate to Statewide Health Standards.

Pennsylvania Lines LLC (PRR)—Dillerville Yard, City of Lancaster, Lancaster County. Marshall Miller & Associates, Inc., 3013 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Norfolk Southern Railway Company, 110 Franklin Street SE, Box 13, Roanoke, VA 14041-0013, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel. The property is formerly a rail yard and will be used in the future for commercial purposes. The applicant seeks to remediate to Site-Specific Standards.

Suburban Heating Oil Partners, West Manchester Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban PA Property Acquisitions, LLC, 5793 Widewaters Parkway, Suite 100, Syracuse, NY 13214-2811, submitted a Notice of Intent to Remediate site soils contaminated with fuel-related compounds. The property is currently used as a storage facility and will be used as a nonresidential commercial property in the future. The applicant seeks to remediate to Statewide Health Standards.

Domestic Casting/Shippensburg University Property, Shippensburg Township, **Cumberland County**. Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100, on behalf of Liberty Casting Company, LLC, 550 Liberty Road, P. O. Box 1368, Delaware, OH 43015 and Shippensburg University Foundation, 1871 Old Main Drive, Shippensburg, PA 17257 submitted a Notice of Intent to Remediate site soils contaminated with foundry sand containing metals and hydrocarbons. The property is the former Domestic Casting Company and is planned to be used as both a nonresidential and residential property in the future. The applicant seeks to remediate to Statewide Health Standards.

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

Your Building Centers, Formerly Champion Parts, Inc., Beech Creek Township, **Clinton County**. Conestoga-Rovers & Associates, 559 West Uwchlan Ave., Suite 120, Exton, PA 19341 on behalf of Champion Parts, Inc., 2500 West Avenue B, Hope, AZ 16822 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with trichloroethene, 1,1-dichloroethene, cis-1,2-dichloroethene, tetrachloroethene and vinyl chloride. The applicant proposes to remediate the site to meet the Site-Specific Standard.

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

Oakmont Riverfront Community, Borough of Oakmont, **Allegheny County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of Daniel Mancosh, Brooks and Blair Waterfront Properties, LP, 5541 Walnut Street, Pittsburgh, PA 15232-2352 has submitted a Notice of Intent to Remediate site soil contaminated with arsenic, iron and lead concentrations that exceed Statewide Health Standards. Manganese concentrations in site groundwater exceed Statewide Health Standards for used aquifers. The site's intended purpose is a residential development.

Costco Wholesale Store, West Homestead Borough, **Allegheny County**. Christopher Carlson, P. G., ATC Associates Inc., 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 on behalf of Heidi Macomber, Costco Wholesale Corp., 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166 has submitted a Notice of Intent to Remediate soils contaminated with concentrations of thallium above Statewide Health Standard. Pathway elimination proposed by capping with a building footprint and parking lot. Proposed future use of the property is nonresidential.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State

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

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

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

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

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

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

PLAN APPROVALS

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

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

48-399-056: Service Tire Truck Center, Inc. (2255 Avenue A, Bethlehem, PA 18017) for a tire retread manufacturing process and associated air cleaning device at the facility in Bethlehem, **Northampton County**.

40-318-056: Quality Collision, Inc. (701 Route 309, Dallas, PA 18612) for relocation of a paint spray operation and associated air cleaning device to the facility at 365 Courtdale Avenue, Courtdale Borough, **Luzerne County**.

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

22-05044A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17104-3331) for modification to an existing crushing plant, Hummelstown Quarry, South Hanover Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources.

28-05011A: Waste Management (9446 Letzburg Road, Greencastle, PA 17225) for installation of an additional enclosed ground flare control device at their existing Mountain View Reclamation Landfill in Antrim and Montgomery Townships, **Franklin County**.

38-05027A: Reading Materials, Inc. (P. O. Box 1467, Skippack, PA 19474) for use of recycled asphalt pavement and on-specification waste derived liquid fuel at their existing Lebanon Materials Asphalt Plant. This source is controlled by the use of a fabric filter baghouse. The facility is in North Annville Township, **Lebanon County**.

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

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

46-0005AA: Merck and Company, Inc. (P. O. Box 4, WP20-208, 770 Sumneytown Pike, West Point, PA, 19486-0004) for installation of disinfectant operations for the pharmaceutical manufacturing processes at the Merck pharmaceutical manufacturing and research facility in Upper Gwynedd Township, **Montgomery County**. The facility currently has a Title V permit No. TVOP-46-00005. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The installation of disinfectant operations for the pharmaceutical manufacturing process will result in the emissions of 13.0 tons per year of VOCs and 0.65 ton per year of HAPs. The Plan Approval and Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements. Further details on the conditions and reasons for their inclusion are available upon request.

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

35-313-014: Insituform Technologies, Inc. (11511 Phillips Highway, Jacksonville FL 32256) for construction of a flexible pipeline liner manufacturing process at the site to be in Olyphant Borough, **Lackawanna County**. This facility is a non-Title V facility. The VOC emissions from the facility will be less than 2.5 tpy. The Acetone emissions from the facility will be less than 3.3 tpy. There will be no malodorous emissions past the property line. 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.

ERC-06-05049: Fleetwood Industries (225 Peach Street, Leesport, PA 19533) for an Air Quality Emission Reduction Approval for 25 tons of VOC Emission Reduction Credits resulting from the shutdown of sources at the St. Lawrence Plant in St. Lawrence Borough, **Berks County**.

06-05106A: SFS Intec, Inc. (P. O. Box 6326, Wyomissing, PA 19610-6326) for modification of the Exeter Plant in Exeter Township, **Berks County**. The facility is a non-Title V (State-only) facility. The modification involves the lowering of the annual VOC emission rate for the existing E-Coating Line to 6.0 tons and the construction of a new Wet Paint Coating Line with an annual VOC emission limit of 43 tons. The facility will have annual limits for VOCs (less than 50 tons) and HAPs (less than 10/25 tons). To ensure these limits are maintained, the permit will limit the annual amounts of coating and the VOC content of the coating used. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

21-05021E: Arnold Fuel Oil Inc. (P. O. Box 2621, Harrisburg, PA 17105-2621) for modification to the Loading Rack at The Mechanicsburg North Terminal at 127 Texaco Road, Silver Spring Township, **Cumberland County**. The source is subject to New Source Performance Standard Subpart XX. The source is controlled by an adsorption type Vapor Recovery Unit with a backup vapor combustion unit. The modifications are for better truck loading flexibility with addition of a sixth loading lane with seven arms (three for gasoline and four for distillate). The primary emissions from the facility are VOCs. The facility has synthetic minor operating permit Number 21-05021 with 50 tons per year of emissions limits, and this Plan Approval will be incorporated into the permit without any VOC emissions increase.

67-05004L: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-0500) for implementation of partial borate autocauticizing in Spring Grove Borough, **York County**. The new method of operation is expected to increase SOx emissions by 35.4 tons per year. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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**. The facility will have the following annual emissions based on worst case scenario fuel: 97 tons CO; 29 tons NOx; 21 tons SOx; 9 tons VOC and 1 ton PM10. The plan approval and subsequent State-only operating permit administrative amendment will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

53-00001B: Tennessee Gas Pipeline Co. (1001 Louisiana Street, Houston, TX 77002) for construction and operation of a natural gas-fired reciprocating internal combustion engine, and installation of an oxidation catalyst in Hebron Township, **Potter County**.

A plan approval application (No. 53-00001B) has been submitted to the Department of Environmental Protection (Department) for the construction and operation of a natural gas-fired reciprocating internal combustion engine, rated at 3,785 brake-horsepower (Source ID P114) equipped with low NOx electronic control system to control NOx emissions and installation of an oxidation catalyst (ID C114) to control the CO, VOC and formaldehyde emissions from the engine at their Coudersport facility (Station 313) located in Hebron Township, Potter County. The respective facility is a major facility for which a Title V operating permit 53-00001 has been issued.

The Department's review of the information submitted by Tennessee Gas Pipeline Company indicates that the engine with an oxidation catalyst will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The proposed source is subject to the requirements of Subpart ZZZZ of the National Emission Standards for HAPs for Source Categories, 40 CFR 63.6580—63.6675 and will meet all applicable requirements of this Subpart. Based on these findings, the Department intends to approve the application and issue a plan approval for the construction of the natural gas-fired engine with the installation of an oxidation catalyst. Additionally, if the Department determines that the proposed source and the air cleaning device are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit No. 53-00001 via an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the 3,785 brake horsepower, natural gas-fired reciprocating internal combustion engine (Source ID P114) shall incorporate low NOx electronic control system to control NOx emissions. Additionally, the CO, VOCs and formaldehyde emissions from Source ID P114 shall be controlled by an oxidation catalyst (ID C114). The permittee shall not operate Source ID P114 without the simultaneous operation of ID C114 at any time.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline quality natural gas as fuel for Source ID P114.

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of ID C114 associated with Source ID P114 in excess of the limitations listed below:

a. NOx, expressed as NO₂—4.17 pounds per hour and 18.26 tons in any 12-consecutive month period.

b. CO₁—1.60 pounds per hour and 7.01 tons in any 12-consecutive month period.

c. total VOCs including formaldehyde—2.06 pounds per hour and 9.02 tons in any 12-consecutive month period.

d. SOx, expressed as SO₂—0.02 pounds per hour and 0.09 ton in any 12-consecutive month period.

e. PM/PM₁₀—0.31 pound per hour and 1.36 tons in any 12-consecutive month period.

f. Formaldehyde—0.83 pound per hour and 3.64 tons in any 12-consecutive month period.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, ID C114 shall be capable of reducing the CO and formaldehyde emissions by 93% and 75%, respectively from Source ID P114.

5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, ID C114 shall be capable of reducing the total VOCs including formaldehyde emissions by 75% from Source ID P114.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not emit into the outdoor atmosphere of PM, from the exhaust of ID C114 associated with Source ID P114, in a manner that the concentration of PM in the effluent gas exceeds 0.01 grain per dry standard cubic foot.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip ID C114 with instrumentation to monitor pressure drop across ID C114 and the inlet gas temperature of ID C114. The permittee shall monitor these parameters on a continuous basis.

8. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for HAPs for Source ID P114 specified in 40 CFR 63.6580—63.6675.

9. The permittee shall perform NOx, expressed as NO₂, CO, VOC and formaldehyde stack tests upon Source ID P114 within 180 days from the initial operation of Source ID P114 to verify compliance with the emission limitations and the destruction efficiency requirements for VO, VOC and formaldehyde emissions from ID C114 associated with Source ID P114.

a. The performance test shall consist of three separate test runs and each run shall last at least in 1 hour in duration.

b. The testing of the inlet and outlet of ID C114 shall be running simultaneously.

c. The inlet gas temperature of ID C114 and the pressure drop across ID C114 shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop across ID C114 will be established based upon the recorded data and stack test report.

d. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source ID P114 is operating at +/- 10% of full load.

10. The permittee shall perform semi-annual NOx and CO tests upon Source ID P114 using a portable gas analyzer, approved by the Department. Each test shall occur at no less than a 3-month interval from the previous test. Reference method stack testing may be substituted for the portable analyzer testing on a one-for-one basis (one occurrence of reference method testing may be substituted for one occurrence of portable analyzer testing).

11. The permittee shall keep records of the following information:

a. The number of hours that Source ID P114 is operated on a monthly basis.

b. The supporting calculations on a monthly basis used to verify compliance with the NO_x, CO, VOC, PM, SO_x and formaldehyde emission limitations for Source ID P114 in any 12-consecutive month period.

c. The test reports and supporting calculations used to verify compliance with the NO_x, CO, VOC and formaldehyde emission limitations from ID C114 associated with Source ID P114.

d. The test reports and supporting calculations used to verify compliance with the CO, VOC and formaldehyde destruction efficiency requirements of ID C114 associated with Source ID P114.

e. The pressure drop across ID C114 and the inlet gas temperature of ID C114 on a continuous basis via a data acquisition system and shall compute the hourly averages.

f. The date and the total hours of operation of Source ID P114 at the time of the catalyst replacement.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

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

17-00051A: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for installation of a fabric collector to control PM emissions from the asphalt plant at their Clearfield Asphalt facility in Lawrence Township, **Clearfield County**. The facility is a synthetic minor facility.

The proposed fabric collector is a replacement for the existing fabric collector to control PM emissions from the asphalt plant (Source ID P101 in State-only operating permit SMOP 17-00051). The potential PM emissions from the proposed fabric collector associated with the asphalt plant will be 5.3 tons in any 12-consecutive month period (CMP). No other emission increases will result from the installation of the proposed fabric collector.

The Department of Environmental Protection's (Department) review of the information provided by New Enterprise Stone and Lime Company, Inc. indicates that the installation of the proposed fabric collector will comply with all air quality requirements, including the Best Available Technology (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. The asphalt plant is subject to all applicable requirements of 40 CFR Part 60, Subpart I (Standards of Performance for Hot Mix Asphalt Facilities), 60.90–60.93. Based on the Department's review and the information submitted by the permittee, the Department intends to approve the application and issue a plan approval for the installation and operation of the proposed fabric collector to control PM emissions from the asphalt plant. Additionally, if the Department determines that the sources and the air cleaning devices are operating in compliance with all plan

approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating permit SMOP 17-00051 by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Conditions contained in SMOP 17-00051 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition contained in this plan approval and a condition contained in SMOP 17-00051, the permittee shall comply with the condition contained in this plan approval.

2. The asphalt plant is subject to 40 CFR Part 60, Subpart I. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.90–60.93.

3. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission of PM from the exhaust of the fabric collector associated with the asphalt plant into the outdoor atmosphere in a manner that the concentration in the effluent gas exceeds 0.02 grain per dry standard cubic foot. Compliance with this requirement assures compliance with the PM emission provisions in 25 Pa. Code § 123.13 and 40 CFR 60.92.

4. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission into the outdoor atmosphere of visible air contaminants from the exhaust of the fabric collector associated with the asphalt plant in a manner that the opacity of the emission is equal to or greater than 10% at any time. Compliance with this requirement assures compliance with the opacity provisions in 25 Pa. Code § 123.41 and 40 CFR 60.92.

5. The permittee shall keep records of the supporting calculations to verify compliance with the PM emission limitation. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

6. The fabric collector associated with the asphalt plant shall be equipped with instrumentation to monitor the differential pressure across the fabric collector and the monitor shall be operated on a continuous basis.

7. The permittee shall keep records of the pressure differential across the fabric collector associated with the asphalt plant at least twice a week when the asphalt plant is in operation. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

8. The fabric collector associated with the asphalt plant shall be equipped with 14-ounce micro-denier Nomex bags or equivalent (approved by the Department) at all times the fabric collector associated with the asphalt plant is in operation.

9. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the mineral filler silo of the asphalt plant shall not be vented to atmosphere other than through the fabric collector associated with the asphalt plant. Additionally, material shall not be removed from the silo other than by introduction back into the asphalt plant or by unloading by means of an enclosed line into an enclosed or bulk solids truck.

10. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the air compressor supplying air to the fabric collector associated with the asphalt plant shall be equipped with an air dryer and an oil trap.

11. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for the fabric collector associated with the asphalt plant to be able to immediately replace any bags requiring replacement due to deterioration.

12. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the asphalt plant without the simultaneous operation of the knockout box and the fabric collector. The PM emissions from the asphalt plant shall be controlled by the knockout box and the fabric collector connected in series.

13. The asphalt plant is a Barber-Green model BE-50 batch asphalt plant, rated at 180 tons per hour, which consists of the following: one mineral filler silo, 50 ton capacity; one rotary dryer, natural gas fired; one vibratory screen, 3 decks; one hot elevator conveyor; one pug mill mixer; three finished mix storage silos, 180 tons capacity each; and two asphalt tanks. The fabric collector shall be an Astec model SBH-42 pulse-jet fabric collector, rated at 41,820 SCFM and the Astec knockout box shall be connected in series.

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

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

PA-32-00059A: Reliant Energy Mid Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg PA 15317) for replacement of the existing B Auxiliary Boiler with a new, Alstom Power 32VP2180, 212 mmBtu/hr gas/oil fired boiler, at their Conemaugh Power Plant in West Wheatfield Township, **Indiana County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a

Plan Approval to Reliant Energy Mid Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg PA 15317) for the replacement of the existing B Auxiliary Boiler with a new, Alstom Power 32VP2180, 212 mmBtu/hr gas/oil fired boiler, at the Conemaugh Power Plant in West Wheatfield Township, Indiana County as described in its application to the Department received on November 7, 2005. The unit will operate as a backup and will be limited to an annual capacity factor of 10%.

Copies of the application, Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval PA-32-00059A

1. This Plan Approval is for the replacement of the existing B Auxiliary Boiler with a new, Alstom Power 32VP2180, 212.5 mmBtu/hr gas/oil fired boiler at the Reliant Energy Conemaugh Power Plant located in West Wheatfield Township, Indiana County. (25 Pa. Code § 127.12b)

2. The existing B Auxiliary Boiler (Source ID 034) shall be permanently retired upon initial operation of the new B Auxiliary Boiler. (25 Pa. Code § 127.12b)

3. This source is subject to Subpart Db of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of requests, reports, applications, submittals and other communications to both the Environmental Protection Agency (EPA) and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, US EPA, Region III, 841 Chestnut Bldg., Philadelphia, PA 19107.

4. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

5. Total heat input firing natural gas and No. 2 fuel oil shall not exceed 186,150 mmBtu per consecutive 12-month period. The heat input when firing No. 2 fuel oil shall be limited to 156,471 mmBtu per consecutive 12-month period. (25 Pa. Code § 127.12b)

6. Emissions from this Auxiliary Boiler shall be limited to the following (25 Pa. Code § 127.12b):

<i>Pollutant</i>	<i>lbs/mmBtu</i>
PM10 Total	0.05
SOx	0.51
CO	0.084
NOx	0.224
VOC	0.0067
HCl	0.0009

<i>Maximum Emission Rate</i>	
<i>Pounds/Hour</i>	<i>Tons/Year</i>
9.9	4.3
101.3	39.9
17.9	7.8
44.5	19.5
1.3	0.6
0.18	0.1

7. CO emissions from this unit shall be limited to 400 ppm. (40 CFR 63, Subpart DDDDD)

8. Stack testing shall be conducted to determine the following emission rates from the Auxiliary Boiler: PM, SO₂, CO, VOC and NO_x (as NO₂). (25 Pa. Code Chapter 139)

9. Stack testing shall be performed within 180 days of startup or within 60 days of achieving maximum normal production rate, whichever comes first. Stack tests shall be conducted in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual. (25 Pa. Code Chapter 139)

10. Two copies of a pretest protocol shall be submitted to the Department for review at least 30 days prior to the performance of the stack test. (25 Pa. Code Chapter 139)

11. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present. (25 Pa. Code Chapter 139)

12. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing. (25 Pa. Code Chapter 139)

13. The annual capacity factor of B auxiliary boiler shall be limited to 10%. The owner/operator shall record and maintain records of each fuel combusted during each day and calculate the annual capacity factor for each fuel for each calendar quarter. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month. These records shall be kept on site for a period of 5 years and be made available to the Department upon request. (40 CFR 60.49b(d))

14. This unit shall burn fuel oil containing no more than 0.5% weight percent sulfur. Fuel receipts sufficient to demonstrate the sulfur content of the fuel oil shall be maintained as described in 40 CFR 60.49b(r).

15. This unit shall not exhaust gases that exhibit greater than 20% opacity (6 minute average), except for one 6 minute period per hour of not more than 27% opacity. (40 CFR 60.43b(f))

16. In lieu of continuous opacity monitoring system installation and operation, visible emission observations are required whenever the B Auxiliary Boiler combusts oil. (40 CFR 60.13(i)(2))

a) At least once during each daylight shift when oil is combusted, an observer certified in accordance with EPA Method 9 shall perform a 6-minute visible emission observation. To obtain representative results, the oil firing rate during the observation period must be the maximum rate during the shift.

b) An observer certified in accordance with EPA Method 9 shall perform a 6-minute visible emission observation whenever the boiler reaches operating load after a cold startup with oil.

c) If the average opacity for a 6-minute set of readings made in accordance with a) or b) exceeds 10%, the observer must collect two additional 6 minute sets of visible emission readings for a total of three sets.

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

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

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

(iii) Upon receipt of the Notice of the Completion of Construction from the owner/operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of opera-

tion. The Notice submitted by the owner/operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

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

(v) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the owner/operator shall apply for a new, or amend the existing Operating Permit at least 60 days prior to the expiration date of the Plan Approval. The application shall incorporate the conditions of this Plan Approval into the Operating Permit.

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

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

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

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact Thomas J. Joseph, P. E., Air Pollution Control Engineer III, Air Quality at the previously listed address.

PA-30-00072E: CONSOL Energy, Inc. (1800 Washington Road, Pittsburgh, PA 15241) for installation of an overland conveyor system at their Bailey Mine in Richhill Township, **Greene County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to CONSOL Energy, Inc. (1800 Washington Road, Pittsburgh, PA 15241) for the installation of an overland conveyor system at the Bailey Mine in Richhill Township, Greene County complex as described in their application to the Department received on February 1, 2006. The conveyor system is expected to increase PM emissions by approximately 5.6 tons per year.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval PA-30-00072E

1. This Plan approval is for the installation of a 4.1 mile long overland conveyor for raw coal at the Consol Pennsylvania Coal Company's (Consol) Bailey Mine complex in Richhill Township, Greene County. (25 Pa. Code § 127.12b)

2. The facility-wide maximum allowable emission rate for PM is 438.64 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b)

3. The facility-wide maximum allowable emission rate for PM10 is 344.98 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b)

4. The owner/operator shall keep monthly records of raw coal throughput at the Crabapple overland conveyor and the related PM/PM10 emission calculations. These records shall be kept and maintained on site for 5 years and be made available to the Department for review upon request. (25 Pa. Code § 127.12b)

5. Transfer points on Crabapple Overland Conveyor shall be fully enclosed. (25 Pa. Code § 127.12b)

6. The sources at this facility are subject to the fugitive emission requirements of 25 Pa. Code §§ 123.1 and 123.2.

7. The Bailey Coal Preparation Plant (including Thermal Dryer Nos. 1 and 2) is subject to the new source performance standards for coal preparation plants, 40 CFR Part 60, Subpart Y. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both EPA and the Department at the addresses that follow unless otherwise noted. (40 CFR 60, Subpart Y)

Director Air Toxics and Radiation U. S. EPA, Region III 841 Chestnut Street Philadelphia, PA 19107	Department of Environmental Protection Office of Air Quality Control 400 Waterfront Drive Pittsburgh, PA 15222-4745
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9. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met. (25 Pa. Code § 127.12b)

(a) The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

(b) Operation is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an

Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator under Subpart (a).

(d) The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

(e) The notice submitted by the owner/operator under Subpart (a), prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

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

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

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines a notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact Thomas J. Joseph, P. E., Air Pollution Control Engineer III, Air Quality at the address previously listed.

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

33-174A: Brownlee Lumber Co. (2652 Hazen Richardsville Road, Brookville PA 15825) for construction of a 5.9 mmBtu/hr wood fired boiler controlled by a multiclone for their sawmill in Warsaw Township, **Jef-ferson County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a 5.9 mmBtu/hr wood fired boiler controlled by a multiclone. This plan approval will limit the particulate emissions to 0.3 lb/mmBtu, 1.8 #/hr and 7.9 tpy, respectively. The CO emissions will be less than 15.7 tpy and the NOx emissions will be less than 5.7 tpy. The facility will be required to install, maintain and operate a magnehelic gauge to measure the pressure drop across the cyclone on a daily basis. The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121-143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

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

AMS 04213: Philadelphia Gas Works—Richmond Plant (3100 East Venango Street, Philadelphia, PA 19122) for installation of a 91.5 mmBtu/hr ethylene glycol heater. The heater will be limited to 18 million cubic feet of natural gas burned and less than 1.0 ton of NOx emissions per rolling 12-month period. The plan approval will contain monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

40-00020: Department of Public Welfare, White Haven Center, Division of Facilities and Property Management (1st Floor Bertoline Building, 1401 North Seventh Street, P. O. Box 2675, Harrisburg, PA 17105) in Foster Township, **Luzerne County**. The facility's major source of emissions is the operation of coal-fired boilers, which primarily emits NOx.

39-00014: Department of Public Welfare, Allentown State Hospitals, Division of Facilities and Property Management (1st Floor Bertoline Building, 1401 North Seventh Street, P. O. Box 2675, Harrisburg, PA 17105) in the City of Allentown, **Lehigh County**. The facility's major source of emissions is the operation of coal fired boilers, which primarily emits NOx.

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

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

15-00060: SECCRA Landfill (219 West Street Road, West Grove, PA 19390) for a permit is for a non-Title V (State-only natural minor) facility in London Grove Township, **Chester County**. The facility's sources include an Emergency Generator, Leachate Evaporators and MSW

Landfill. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00030: Dee Paper Company (Front and Broomall Streets, Chester, PA 19061) for operation of their cardboard box printing facility in the City of Chester, **Delaware County**. The permit is for a non-Title V (State-only) facility. Dee Paper Company is a printing facility that uses three sheet-fed, offset lithographic printing presses. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00147: Northtec LLC (411 Sinclair Road, Bristol, PA 19007) for operation of a cosmetic powder processing plant in Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility does not have the potential to emit major amounts of criteria pollutants; therefore the facility is categorized as a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

48-00082: Naceville Materials (R. R. 5, Box 5165A, Bethlehem, PA 18015) for a State-only (Synthetic Minor) Operating Permit for a facility in the City of Bethlehem, **Northampton County**. The source at the facility is one batch asphalt plant. The source has the potential to emit major quantities of regulated pollutants (NOx, CO) above Title V thresholds. The facility is proposing a throughput restriction on asphalt production of 200,000 tons in any 12-consecutive month period. Compliance verification shall be through recording keeping and reporting of throughput and emission calculations. The proposed State-only (Synthetic Minor) Operating Permit contains applicable emission limitations along with requirements for monitoring, recordkeeping and reporting used to verify facility compliance with all applicable Federal and State air pollution regulations.

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

05-03011: Blue Triangle Hardwoods, LLC (Route 26 North, Everett, PA 15537) for operation of a sawmill in West Providence Township, **Bedford County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

28-05015: IESI Blue Ridge Landfill Corp. (3747 White Church Road, Chambersburg, PA 17201) for the refuse disposal facility in Greene Township, **Franklin County**. This action is for a minor modification of the Title V Operating Permit reissued in 2004. The minor modification is to include conditions into the existing permit for the operation of an engine generating facility by a third party, to utilize the landfill gas to generate electricity.

36-05135: StyleCraft Corp. (400 Broad Street, Terre Hill, PA 17581) for operation of their wood furniture manufacturing facility in Terre Hill Borough, **Lancaster 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.

38-05034: Butler Manufacturing Co. (400 North Weaber Street, Annville, PA 17003) to operate two spray-paint booths at their steel fabrication facility in Annville Township, **Lebanon County**. The primary emissions at the facility are VOCs from the paint. However, the permit contains the following annual emission limitations: 50 tons of VOC; 25 tons of HAPs; 10 tons of a single HAP; and 100 tons each of SOx, PM10, NOx and CO. The State-only operating permit includes work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03115: Garrod Hydraulics, Inc. (1050 Locust Point Road, York, PA 17402) for operation of a hard chrome electroplating system in their East Manchester Township, **York County** facility. The State-only operating permit will include emission limits along with monitoring, recordkeeping, reporting and work practice requirements to ensure the 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.

18-00013: Clinton Hospital Corp. (Lock Haven Hospital 24 Cree Drive, Lock Haven, PA 17745) for operation of their facility in Lock Haven, **Clinton County**. The Department intends to renew the State-only Operating Permit for this facility. The facility's main sources include three No. 2 fuel oil/natural gas fired boilers and four diesel fired generators. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00025: Restek Corp. (110 Benner Circle, Bellefonte, PA 16823) for operation of their facility in Benner Township, **Centre County**. The Department intends to issue the State-only Operating Permit for this facility. The facility's sources include four natural gas fired boilers and operations involving various chemicals. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

16-00136: Glenn O. Hawbaker, Inc. (SR 3011, Clarion, PA 16214) for production of crushed limestone products in Beaver Township, **Clarion 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.

32990109 and NPDES No. PA0235148, Walter L. Houser Coal Company, Inc., 13448 SR 422, Suite 1, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Washington Township, **Indiana County**, affecting 56.9 acres. Receiving streams: UNTs to/and Sugarcamp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2006.

32850114 and NPDES No. PA0597457, Beilchick Brothers, P. O. Box 7, Heilwood, PA 15745-0007, permit renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 147.5 acres. Receiving streams: UNTs of Little Yellow Creek classified for the following use: HQ. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2006.

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

03060102 and NPDES Permit No. PA0250902, P & N Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767). Application for commencement, operation and reclamation of a bituminous surface mine, located in Sugarcreek Township, **Armstrong County**, affecting 252.2 acres. Receiving streams: Patterson Creek and UNTs to Patterson Creek, classified for the following use: TSF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 23, 2006.

65970105 and NPDES Permit No. PA0202053, Britt Energies, Inc. (2450 Philadelphia St., Indiana, PA 15701). Revision application to an existing bituminous surface mine to include auger mining, located in Derry Township, **Westmoreland County**, affecting 146 acres. Receiving streams: UNT to Union Run, classified for the following use: WWF. There is no potable water supply

intake within 10 miles downstream from the point of discharge. Revision application received: March 27, 2006.

26743202 and NPDES Permit No. PA0069736, Fayette Coal & Coke, LLC (2611 Memorial Blvd., Connelville, PA 15425). Renewal application for continued mining and reclamation of a coal refuse reprocessing site, located in Dunbar and North Union Townships, **Fayette County**, affecting 113 acres. Receiving stream: Rankin Run, classified for the following use: WWF. The first portable water supply intake within 10 miles downstream from the point of discharge: North Fayette Municipal Authority. Renewal application received: March 31, 2006.

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

1419-33040101-E-1, Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Application for a stream encroachment to conduct mining activities within 100 feet of a UNT to Mahoning Creek in Perry Township, **Jefferson County**. Receiving streams: Perryville Run, Nicely Run and UNTs to Mahoning Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 27, 2006.

61970102 and NPDES Permit No. PA0227595, Rusnak Coal Company (P. O. Box 44, Grove City, PA 16127). Revision to an existing bituminous surface strip, auger and coal ash placement operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving streams: UNT to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to have beneficial coal ash placement on the Michele A., Paul D., Joseph P. and Shirley M. Kyle and Francis M. and Charles J. Ullman properties. Application received: March 29, 2006.

33930102 and NPDES Permit No. PA0211508, Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 120.3 acres. Receiving streams: Two UNTs to Little Sandy Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 30, 2006.

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

19950101R2, Blaschak Coal Corp. (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and refuse disposal operation in Conyngham Township and Centralia Borough, **Columbia County** affecting 846.0 acres. Receiving stream: none. Application received March 22, 2006.

54900205R3. Wheelabrator Culm Services, Inc. (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 580.0 acres. Receiving stream: none. Application received March 24, 2006.

54940203T. Wilbur White Coal Company (44 South Maple Avenue, Pottsville, PA 17901), transfer and reactivation of an anthracite coal refuse reprocessing operation

from Wilbur White Coal Co., Inc. in Butler Township, **Schuylkill County** affecting 27.3 acres. Receiving stream: none. Application received March 27, 2006.

Noncoal applications received

Effluent limits

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

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

¹ The parameter is applicable at all times.

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

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

11060301 and NPDES No. PA0249955. Rollock Company, 156 Rollock Road, Stoystown, PA 15563, commencement, operation and restoration of a large noncoal (industrial minerals) mine in East Taylor Township and City of Johnstown, **Cambria County**, affecting 70.0 acres. Receiving stream: Hinckston Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 24, 2006.

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

14060301 and NPDES No. PA0256323. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803-1649), commencement, operation and restoration of a large, noncoal surface mine in Rush Township, **Centre County**, affecting 102.79 acres. Receiving streams: Moshannon Creek, UNTs to Moshannon Creek, classified for the following uses: TSF, CWF. No public or private supplies are present in the vicinity. Application received March 9, 2006.

08060801. Gerald C. Sarnosky (R.R. 1, Box 91, Ulster, PA 18850), commencement, operation, and restoration of a Small Noncoal (Blue Stone) surface mine application, in Wilmot Township, **Bradford County** affecting 5.0 acres. Receiving stream: Sugar Run, with UNT to Susquehanna. Application received: February 21, 2006.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E02-1528. Hammel Companies, Inc., 15-27th Street, Pittsburgh, PA 15222. To rehabilitate the existing bulkhead in the City of Pittsburgh, **Allegheny County**, ACOE District. (Pittsburgh East, PA Quadrangle N: 14.5 inches; W: 15.0 inches and Latitude: 40° 27' 22"—Longitude: 79° 59' 04"). The applicant proposes to rehabilitate, operate and maintain the existing timber bulk-

head in the channel and along the left bank of the Allegheny River (WWF) for the purpose of constructing a recreational trail. The project is located between 23rd and 24th Streets and will impact approximately 250.0 linear feet of stream channel.

E26-334. The Redevelopment Authority of Fayette County, 45 East Main Street, 500 Court Plaza Tower, Uniontown, PA 15401. To fill stream and impact wetlands in South Union Township, **Fayette County**, Pittsburgh ACOE District. (New Salem, PA Quadrangle N: 7.25 inches; W: 1.25 inches and Latitude: 30° 54' 59"—Longitude: 79° 45' 34"). The applicant proposes to fill and maintain 400 LF of UNT to Jennings Run (WWF) and fill and maintain 0.042 acre of PEM wetland within a drainage area of less than 100 acres. This project is associated with the development of 87 acres adjacent to the south side of SR 40 and approximately 2 miles northwest of Uniontown near the Duck Hollow Road intersection.

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

E14-487. Robert S. McGrail-Peasley, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340-foot long by 2-foot wide by 2-foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144)

(Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

ENVIRONMENTAL ASSESSMENTS

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

D37-026EA. Gale Siddall, 216 Cemetery Lane, New Castle, PA 16105, Neshannock Township, **Lawrence County**, ACOE Pittsburgh District.

Project proposes to breach and remove Graceland Dam across a tributary to Neshannock Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 300 feet east of the intersection of Graceland Road and Elizabeth Street (New Castle North, PA Quadrangle N: 4.05 inches; W: 10.2 inches).

D09-128EA. Rick Dalton, Park Superintendent, 11 Lodi Hill Road, Upper Black Eddy, PA 18972-9540, Tincum Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove Ralph Stover Dam across Tohickon Creek (HQ-CWF, MF) for the purpose of eliminating a threat to public safety, restoring the stream to a free-flowing condition and providing unobstructed fish passage to resident and migratory fishes. The project will restore approximately 1,750 feet of stream channel. The dam is located approximately 3,800 feet south of the intersection of Stover Park Road and Tory Road (Lumberville, PA-NJ Quadrangle N: 11.2 inches; W: 13.9 inches).

ACTIONS

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

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

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

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

and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0030473 (Sewage)	West Shore School District—Fairview Elementary School P. O. Box 803 New Cumberland, PA 17070-0803	York County Fairview Township	UNT Yellow Breeches Creek 7-E	Y
PA0084247 (Sewage)	Berk-Tek, Inc. 132 White Oak Road New Holland, PA 17557-0888	Lancaster County Earl Township	UNT Conestoga River 7-J	Y
PA0247308 Amendment No. 1 (Sewage)	Paul T. Mummau, Jr. Bright Hope Fellowship Church 180 Hershey Road Elizabethtown, PA 17022	Dauphin County Londonderry Township	UNT Lynch Run 7-G	Y
PA0027405 (Sewage)	Ephrata Borough Authority STP No. 1 124 South State Street Ephrata, PA 17522-2411	Lancaster County Ephrata Borough	Cocalico Creek 7-J	Y
PAS10Y070R	PPL Brunner Island Units 1, 2 and 3 Flue Gas Desulfurization PPL Generation, LLC 2 N. 9th Street Allentown, PA 18101	York County East Manchester Township	Susquehanna River O	Y
PAR10Y541R	Paul Knepper 205 Coventry Road Dallastown, PA 17313	York County York Township	UNT Mill Creek WWF	Y
PAR10Y525R	Regents Glen Regents Glen Building & Development 1308 Continental Drive South Abington, MD 21009	York County Spring Glen Township	Codorus Creek WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0111911	Construction Specialties, Inc. 6696 Route 405 Highway Muncy, PA 17756	Lycoming County Clinton Township	Turkey Run (10C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0093408 Sewage	Cumberland Township Supervisors 100 Municipal Road Carmichaels, PA 15320	Greene County Cumberland Township	Monongahela River	Y
PA0096466 Sewage	Pennsylvania Services Corporation 158 Portal Road P. O. Box 1020 Waynesburg, PA 15370	Greene County Franklin Township	UNT of Smith Creek	Y
PA0097632 Sewage	Valley Tire Company, Inc. P. O. Box 367 Windber, PA 15963	Somerset County Paint Township	UNT of Roaring Fork	Y
PA0204625 Sewage	Robert Feather 1510 Darkshade Drive Windber, PA 15963	Somerset County Paint Township	UNT of Shade Creek	Y
PA0218651 Sewage	Indiana County Municipal Services Authority 827 Water Street Indiana, PA 15701	Indiana County East Wheatfield Township	Mardis Run	Y

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

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

NPDES Permit No. PA-0037290-A1, Sewage, **Pennsylvania Utility Company, Inc.**, Tamiment Resort, Bushkill Falls Road, Bushkill, PA 18341. This proposed facility is located in Lehman Township, **Pike County**.

Description of Proposed Activity: Amend NPDES Permit to incorporate changes as per settlement agreement.

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

NPDES Permit No. PA0029106, Amendment No. 1, Sewage, **Tim Oaks**, P. O. Box 372, Claysburg, PA 16625. This proposed facility is located in Greenfield Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Frankstown Branch Juniata River in Watershed 11-A.

NPDES Permit No. PA0024431, Amendment, Industrial Waste, **Dillsburg Area Authority**, P. O. Box 370, Dillsburg, PA 17019-0370. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Dogwood Run in Watershed 7-E.

NPDES Permit No. PAS203503, Stormwater, **Daniel Geucza, Walter Industries, Inc.**, 3300 First Street, Birmingham, AL 35222. This proposed facility is located in Greencastle Borough, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to UNT Muddy Run in Watershed 13-C.

NPDES Permit No. PAS203502, Stormwater, **Robert Krenzer, Bonney Forge Corporation**, P. O. Box 330, Mount Union, PA 17066. This proposed facility is located in Shirley Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Juniata River in Watershed 12-C.

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

Amplified Final Public Notice for NPDES Permit No. PA0040312. Permit No. PA0040312. Industrial Waste, **Molycorp, Inc.**, 300 Caldwell Avenue, Washington, PA 15301.

This notice reflects changes from the notice published at 35 Pa.B. 4930 (September 3, 2005). The interim limit for molybdenum has been changed to Monitor and Report at all permitted outfalls. A water quality based effluent limit for molybdenum goes into effect at all permitted outfalls 3 years from permit effective date.

Two outfalls, 004 and 005, were added to permit. These are emergency overflows for the two sedimentation basins. The effluent limits for the additional outfalls are the same as the primary outfall for each sedimentation basin.

The limitation for methylene chloride was removed from the permit because it was determined that the constituent was not detected in the groundwater at the site and therefore it was unnecessary to require permit limits.

The Department and Molycorp, Inc. entered into a Consent Order and Agreement resolving the appeal of the NPDES permit. The Consent Order and Agreement addresses the remediation of the site.

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

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

WQM Permit No. WQG022203, Sewerage, **Clifford Township**, R. R. 1, Box 715, Clifford, PA 18413. This proposed facility is located in Clifford Township, **Susquehanna County**.

Description of Proposed Action/Activity: Construction of a sanitary sewer system including pressure sewers and two pump stations in Clifford Township, Susquehanna County.

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

WQM Permit No. 5305401, Sewerage (SIC 4952), **Galeton Borough Authority**, 4 Sherman Street, Galeton, PA 16922. This proposed facility will be located in Galeton Borough, **Potter County**.

Description of Proposed Action/Activity: Permit issued authorizing the replacement of the existing combined sewer system with separate sanitary and storm sewers in the North Sewershed of the Authority's collection system. The project will include a new sanitary interceptor, a new storm interceptor, the elimination of an existing inverted siphon, the installation of a new pump station, and the replacement of a CSO manhole. Metering will be installed at two existing CSO outfalls.

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

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

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

WQM Permit No. 0270413-A4, Sewerage, **Moon Township Municipal Authority**. This proposed facility is located in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the relocation of outfall sewer from Montour Run Water Pollution Control Plant.

WQM Permit No. 6305404, Sewerage, **Washington-East Washington Joint Authority**, 60 Beau Street, P. O. Box 510, Washington, PA 15301. This proposed facility is located in Canton Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the relocation of existing 14-inch force main outside of excavation area.

WQM Permit No. WQG016119, Sewerage, **Peter M. Nangeroni**, 405 Huffman Street, Waynesburg, PA 15370. This proposed facility is located in Franklin Township, **Greene County**.

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

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

WQM Permit No. 2075402, Sewerage, **Amendment No. 1, North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in North and South Shenango Townships, **Crawford County**.

Description of Proposed Action/Activity: This project is to upgrade the pump, motor, backup engine, and/or electrical component replacements and upgrades to four of the existing interceptor pump stations.

WQM Permit No. WQG018450, Sewerage, **Raymond A. Miller SFTF**, 43595 Buells Corners Road, Spartansburg, PA 16434. This proposed facility is located in Rome Township, **Crawford County**.

Description of Proposed Action/Activity: Single residence sewage treatment facility.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506007	The Stonewall Links Limited Partnership 375 Bulltown Road Elverson, PA 19520	Chester	East Nantmeal Township	French Creek (EV)
PAI012305006	Edgmtown Township Edgmtown Township Firehouse 100 Gradyville Road P. O. Box 267 Gradyville, PA 19039	Chester	Edgmtown Township	Ridley Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063306001	Department of Transportation P. O. Box 429 Indiana, PA 15701	Jefferson	Pine Creek and Warsaw Townships	Little Mill Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Pikeland Township Chester County	PAG2001505017	Heritage Building Group Coccia Subdivision 2500 York Road Jamison, PA 18929	French Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2001505073	Commerce Bank, NA 11000 Atrium Way Mt. Laurel, NJ 08054	Darby Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105032	School District of Philadelphia George Washington HS Upgrade 734 Schuylkill Avenue Philadelphia, PA 19146-2397	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105049	Home Depot USA, Inc. Home Depot at Leo Mall 265 Davidson Avenue Suite 400 Somerset, NJ 08873	UNT Byberry Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Washington Township Franklin County	PAG2002805090	Washington Township Waterline Mike Christopher 13013 Welty Road Waynesboro PA 17268	E. Branch Antietam Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Chambersburg Borough Franklin County	PAG2002806005	Bob Wagner 100 South Second Street Chambersburg PA 17201	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Montgomery Township Franklin County	PAG2002806003	Mercer Vu Farms Richard Hissong 12275 Mt. Pleasant Road Mercersburg PA 17236	Johnston Run WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Fermanagh Township Juniata County	PAG2003405012	Brian Soyka Sheetz, Inc. 5700 Sixth Ave. Altoona, PA 16602	Schweyer Run CWF	Juniata County Conservation District R. R. 5, Box 35 Stoney Creek Road Mifflintown, PA 17059 (717) 436-8953
Millersville Borough Lancaster County	PAG2003605139	Oak Hill Partners 2547 Lititz Pike Lancaster PA 17601	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003605144	Sat Guru Inc 2165 Lincoln Highway East Lancaster, PA 17602	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Providence Township Lancaster County	PAG2003606005	MDN Real Estate Partnership 5260 Main Street East Petersburg, PA 17520	Huber Run CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Clay Township Lancaster County	PAG2003606024	Sharp Properties, Ltd. 1100 Sharp Avenue Ephrata, PA 17522	Middle Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG2003606027	Sumner's Green, LP 114 Foxshire Drive Lancaster, PA 17601	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003606028	Rapho Township Department of Transportation 971 N. Colebrook Road Manheim, PA 17545	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Gettysburg Cumberland Township Adams County	PAG2000105025	Steve Lauriello Summit Partners, LLC 100 Colonial Way West Chester, PA 19382	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Rd., Suite 201 Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
200 Tall Oaks Road Gettysburg Mount Pleasant Adams County	PAG2000105029	John Hess JoBo Holstein Farm 200 Tall Oaks Road Gettysburg, PA 17325	UNT Swift Run WWF	Adams County Conservation District 670 Old Harrisburg Rd., Suite 201 Gettysburg, PA 17325 (717) 334-0636
Bratton Township Mifflin County	PAG2004406001	Howard Boyd Summer Hill Farm, Inc. 1212 Drager Road Columbia, PA 17512	Juniata River WWF	Mifflin County Conservation District 20 Windmill Hill, No. 4 Burnham, PA 17009 (717) 248-4695
Dover Township York County	PAG2006705123	Gary Czulada 3470 Carlisle Rd. Dover, PA 17315	UNT Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006705111	Ivy Greens Themis Sacarellos Grish, LLC 905 Heritage Hills Drive York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006705100	Susquehanna Trail Business Center Susquehanna Real Estate Holding Co. 140 E. Market Street York, PA 17401	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006705071	County of York One West Marketway York, PA 17401	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006704141	JA Myers Joe Myers 160 Ram Dr. Hanover, PA 17331	UNT to Beaver Creek UNT to Fishing Creek CWF/TWF respectively	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAG2006706013	Shrewsbury Township Jason Snyder 12341 Susquehanna Trail South Glen Rock, PA 17327	UNT Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006706019	Woodland Heights Jeffrey Henry 2845 Springwood Road Red Lion PA 17356	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township Lycoming County	PAG200550606	Department of Transportation Engineering District 3-0 715 Jordan Avenue Montoursville, PA 17754	UNT to Penns Creek CWF	Sullivan County Conservation District R. R. 2, Box 2022B Dushore, PA 18614 (570) 836-2589
Tioga Township Tioga County	PAG2005905002	Department of Transportation P. O. Box 218 715 Jordan Ave. Montoursville, PA 17754	Tioga River/ Bentley Creek WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801
Indian County West Wheatfield Township	PAG2003206003	James Locher Reliant Energy 121 Champion Way Canonsburg, PA 15317	Conemaugh River (WWF)	Indiana County Conservation District (724) 463-8547

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington County North Franklin Township	PAG2006306004	Eugene Raggi 770 West Chestnut Street Washington, PA 15301	Tributary To Catfish Creek (WWF)	Washington County Conservation District (724) 228-6774
<i>General Permit Type—PAG-4</i>				
Franklin County Lurgan Township	PAG043840	Teresa Young 15083 Lurgan Road Orrstown, PA 17244	UNT Paxton Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greene County Franklin Township	PAG046316	Peter M. Nangeroni 405 Huffman Street Waynesburg, PA 15370	UNT to South Fork Tenmile Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rome Township Crawford County	PAG049239	Raymond A. Miller SFTF 43595 Buells Corners Road Spartansburg, PA 16434	UNT to Thompson Creek 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048407	Marc L. Hawks 29 Plum Road Greenville, PA 16125	UNT to Big Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-6</i>				
Wilmerding Borough Allegheny County	PAG066104	Wilmerding Borough P. O. Box 8 Station and Commerce Streets Wilmerding, PA 15148	Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-9</i>				
Fulton County Todd Township	PAG093536	Ramsey's Septic Service 1010 Buchannon Trail McConnellsburg, PA 17233	Site Name & Location	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

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

Permit No. 0105505, Public Water Supply.
 Applicant **Arendtsville Municipal Authority**
 Municipality Arendtsville Borough
 County **Adams**
 Type of Facility Construction of Well No. 5 with corrosion control and disinfection.
 Consulting Engineer Janet R. McNally, P. E.
 William F. Hill & Assoc., Inc.
 207 Baltimore St.
 Gettysburg, PA 17325
 Permit to Construct Issued: 3/27/2006

Permit No. 0106505 E, Public Water Supply.
 Applicant **Dauberton Manor, Inc.**
 Municipality Mt. Pleasant Township
 County **Adams**
 Type of Facility Reconstruction of the primary treatment building with disinfection for Well Nos. 1 and 2 and a booster pumping station.
 Consulting Engineer Richard M. Bodner, P. E.
 Martin and Martin, Inc.
 37 S. Main St.
 Chambersburg, PA 17201
 Permit to Construct Issued: 4/3/2006

Operations Permit issued to **Pennsylvania-American Water**, 7210029, Fariview Township, **York County** on 3/31/2006 for the operation of facilities approved under Construction Permit No. 6703512.

Operations Permit issued to **Pennsylvania-American Water**, 3060088, Exeter and St. Lawrence Townships, **Berks County** on 3/28/2006 for the operation of facilities approved under Construction Permit No. 0603507.

Operations Permit issued to **Pennsylvania-American Water**, 7210029, Silver Spring Township, **Cumberland County** on 3/29/2006 for the operation of facilities approved under Construction Permit No. 2104506.

Operations Permit issued to **Timber Service Corporation**, 7380022, South Londonderry Township, **Lebanon County** on 3/22/2006 for the operation of facilities approved under Construction Permit No. 3805503.

Operations Permit issued to **Landmark Builders**, 3060134, Marion Township, **Berks County** on 4/3/2006 for the operation of facilities approved under Construction Permit No. 0605516 MA.

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

Permit No. 1701503—Construction Public Water Supply.
 Applicant **Sandy Township Water and Sewer Authority**
 Township or Borough Sandy Township
 County **Clearfield**
 Responsible Official M. B. Stojeck, Manager
 Sandy Township Water and Sewer Authority
 12th Street and Chestnut Avenue
 P. O. Box 267
 Dubois, PA 15801
 Type of Facility Public Water Supply—Construction
 Consulting Engineer Mark Glenn Gwen, Dobson and Foreman 3121 Fairway Drive
 Altoona, PA 16602
 Permit Issued Date 4/4/06
 Description of Action Authorizes construction of Sandy Township's water system.

Permit No. 1704503—Operation Public Water Supply.
 Applicant **Union Township Municipal Authority**
 Township or Borough Union Township
 County **Clearfield**
 Responsible Official Jarome D. Heffner, Chairman
 Union Township Municipal Authority
 P. O. Box 4
 Rockton, PA 15856-0004
 Type of Facility Public Water Supply—Operation
 Consulting Engineer Brian Sekula
 The EADS Group
 15392 Route 322
 P. O. Box 684
 Clarion, PA 16214
 Permit Issued Date 4/4/06
 Description of Action Operation of the pump station and lines.

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

Permit No. EMERGENCY CONSTRUCTION
 Applicant **Lewis Run Borough**
 Borough or Township Lewis Run Borough
 County **McKean**

Type of Facility Public Water Supply
 Emergency interconnection
 between Bradford Water
 Authority and Lewis Run
 Borough.
 Permit to Construct 04/03/2006
 Issued

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Burnside Township	Burnside Township Supervisors c/o Wanda Guenot, Secretary 845 Pine Glen Road Karthaus, PA 16845	Centre

Operations Permit issued to North East Borough Water Authority, 58 East Main Street, North East, PA 16422, PWS ID 6250031, North East Township, **Erie County**, on April 3, 2006, for the operation of the expansion and improvements made to the Borough water treatment plant completed to specifications of Construction Permit No. 2502504, issued February 26, 2003.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631–641) relating to the acquisition of rights to divert waters of this Commonwealth

Northcentral Region: Water Supply Management Program Manager; 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

WA 17-1008, Water Allocations. Sandy Township Water and Sewer Authority. Sandy Township, **Clearfield County**. Grants the right to purchase a maximum of 500,000 gallons per day, on a 30-day average, from the City of Dubois.

WA 17-662A, Water Allocations, Union Township Municipal Authority, Union Township, **Clearfield County**. Grants the right to purchase up to 240,000 gallons per day, on a 30-day average, from the City of Dubois.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description: The approved plan provides for the construction of a Wal-Mart Supercenter on 120 acres. The proposed project involves the use of interim use holding tanks as outlined in 25 Pa. Code § 71.63(c) of the Department's regulations. The current project schedule calls for the completion of the pump station with connections to Northern Blair County Regional Sewer Authority's conveyance system, which is the approved long-term sewage disposal method, by the end of September 2006. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Description: The approved plan provides for a sewerage collection system to be installed to serve the Village of Pine Glen. The sewage will flow to a pump station to be located in the southwest area of the village, where it will be pumped north along Route 879, serving residences along Route 879, across the river to a 115,000 gallons per day regional sewage treatment plant to be located in Karthaus Township. This regional sewage treatment plant will also treat flows from Karthaus Township, Clearfield County and discharge to the West Branch of the Susquehanna River. The proposed collection and conveyance system will be owned by a Burnside Township Sewer Authority, while the proposed sewage treatment plant will be owned by a joint Karthaus/Burnside Sewer Authority. A sewage management program will be implemented in the remainder of Burnside Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101–6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated

substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Sunoco Elverson Valve Station No. 9000-0020, Elverson Borough, **Chester County**. Lisa Holderbach, Aquaterra Tech., Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Mr. and Mrs. Rod McCarthy, 18 Parkside Dr., Elverson, PA 19520, Mr. and Mrs. David Eldon, 13 Parkside Dr., Elverson PA 19520, Janet Stockett, 19 Parkside Dr., Elverson PA 19520 and Merle Stoltzfus, Stoltzfus Enterprises, Ltd., 26 East Main Street, Elverson, PA 19520 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

436 Bridge Street Property, Phoenixville Borough, **Chester County**. Bruce Speidel, EBI Consulting, 6876 Susquehanna, Trail South, York, PA 17403 on behalf of Charles Morelli, 451 Swedesfrod Road, Fraizier, PA 19355 has submitted a Final 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 Report.

Daniel Moss Residence, Limerick Township, **Montgomery County**. Kenneth Gollon, Lewis Env. Group, 455 Railroad Plaza, Royersford, PA 19468 on behalf of Daniel Moss Residence, 136 Souder Road, Royersford, PA 19468 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 Report.

Park West Town Center, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, P. G., Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 on behalf of Colin Jones, The Goldenberg Group, Inc. and WPFSL, 650 Pkwy., Suite 300, Blue Bell, PA 19422 has submitted a Baseline Env. Report concerning remediation of site soil contaminated with groundwater contaminated with organics and PCB. The report is intended to document remediation of the site to meet the Specific Industrial Area Standard.

Georgia-Pacific/Connelly Containers Facility, Lower Merion Township, **Montgomery County**. Jeffrey Goudsward, Penn Env. & Remediation, Inc., on behalf of Richard Heany, Righter's Ferry Assoc., LP, 700 South Henderson Road, Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbon compounds, VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Essington Sunoco Pipeline, Tinicum Township, **Delaware County**. Lisa Holderbach, Aquaterra Tech, 122 S. West Chester, Philadelphia, PA 19381 on behalf of Robert Rizzo, Tinicum Developers, 76 Industrial Highway, Essington, PA 19029 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with unleaded gasoline and MTBE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Lansdale Holding Group Assoc., LP, Lansdale Borough, **Montgomery County**. Donald A Coleman, P. G., Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Peter Economou, Lansdale Holding Group Assoc., LP, 230 Windsor Ave., 1st Floor, Narberth, PA 19072 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics and chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard Final Report.

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

Broad Street Elementary School, Mechanicsburg Borough, **Cumberland County**. Allicance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, 17110, on behalf of Mechanicsburg Area School District, 1298 South Market Street, Mechanicsburg, 17055 submitted a Final Report concerning remediation of site soils contaminated with No 4 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Montour Railroad Shops, Borough of Coraopolis, Robinson Township and Moon Township, **Allegheny County**. Mark L. Orzechowski, 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of James R. Wilham, Alliance Realty Management, 2425 Sidney Street, Pittsburgh, PA 15203) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel and inorganics includes beryllium, cadmium and nickel. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LTV Southside Parcel 1 at the Rivertech Associates Plan of Lots, City of Pittsburgh, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Rivertech Centre Associates, LP and Rivertech Associates, LP, c/o Lormer Real Estate, 5850 Ellsworth Avenue, Suite 303, Pittsburgh, PA 15232) has submitted a Final Report concerning remediation of site soil contaminated with PCBs, heavy metals, PAHs, petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Levin Family Partnership, LP, Borough of Monroeville, **Allegheny County**. John A. Ducar, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Levin Family Partnership, LP, 301 Fitz Henry Road, Smithton, PA 15479) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Anchor Glass Prop., Royersford Borough **Montgomery County.** Richard Johnson, P. G. RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406

on behalf of The Riverfront at Royersford, LP, c/o GPH Royersford Corp., Granor Price Office Ct., 721 Dresher, Rd., Horsham, PA 19044 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with lead, heavy metals, benzene and separate phase liquid. The Remedial Investigation and Cleanup Plan was approved by the Department on February 21, 2006.

Gerney and Ghebeles Res., Wrightstown Township **Bucks County.** Andrew K. Markoski, P. G., Patriot Env., Mgmt., LLC, P. O. Box 629, Douglasville, PA 19518 on behalf of Phil Gerney and Ted Ghebeles, 194 and 204 Brownsburg Rd., Newtown, PA 18940 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 27, 2006.

Natl Lines Svc., City of Philadelphia **Philadelphia County.** Paul Martino, Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PAH and chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was disapproved by the Department on March 24, 2006.

Powelton Heights Site, City of Philadelphia **Philadelphia County.** Tom Wilkes, Malcolm Pirnie, Inc., 1700 Market St., Suite 2740, Philadelphia, PA 19103 on behalf of David Hahn, 1260 Housing Dev. Corp., 2042-48 Arch St., 2nd Floor, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site-Specific Standard disapproved by the Department on March 29, 2006.

Livingston & Co., Wrightstown Township **Bucks County.** Steve F. Coe, Brown Env., Svc., Corp., 301 S. State St., Suite, N102, Newtown, PA 18940 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was approved by the Department on March 31, 2006.

Frankford Arsenal, City of Philadelphia **Philadelphia County.** Eric Schleicher, P. G. Langan & Env., Svc., Inc., 30 S. 17th St., Suite, 1500, Philadelphia, PA 19103 on behalf of Mark Hankin, Arsenal Assoc., LLP, 5301 Tacony St., Bldg. 1, Philadelphia, PA 19137 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with PCB. The Remedial Investigation Report was withdrawn by the Department on March 23, 2006

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

Ontario Limited SR 15N Accident Cleanup, Tioga Township, **Tioga County.** Environmental Solutions, 67 Frid St., Unit 5, Hamilton, ON L8P 4M3 on behalf of the Department of Transportation, District 3-0, P. O. Box 218, Montoursville, PA 17754-0218 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. Final Report demonstrated attainment of the Statewide Health standard and was approved by the Department on March 27, 2006.

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

Johnstown Festival Park (Former Central Oil house), City of Johnstown **Cambria County.** Von Eric Fisher, KU resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Richard Burkert, Johnstown Area Heritage Association, 201 Sixth Avenue, Johnstown, PA 15906 and Deborah Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with VOCs. The Remedial Investigation Report was approved by the Department on March 6, 2006.

Republic Technologies International Facility, City of Beaver Falls **Beaver County.** James P. Nairn, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Republic Technologies International, LLC, Seventh Avenue, Beaver Falls, PA 15010, and Mark Breedlove, BVV Realty, LLC, 2015 Blairmont Drive, Pittsburgh, PA 15010 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with other organics, PCBs and inorganics. The Baseline Environmental Report was approved by the Department on March 3, 2006. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

Cambria Iron Works, City of Johnstown **Cambria County.** Harry Trout, L. Robert Kimball & Associates, 415 Moon Clinton Road, Coraopolis, PA 15108 on behalf of Deborah M. Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901 has submitted a Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with antimony, arsenic, iron and lead. The Risk Assessment Report and Cleanup Plan were approved by the Department on October 3, 2006

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits terminated 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.

Permit ID No. 301307. Perma-Fix, R. J. Casey Industrial Park, 1800 Columbus Avenue, Suite 5, Pittsburgh, PA 15233. Operation of residual waste processing in City of Pittsburgh, **Allegheny County.** Permit terminated in the Regional Office on March 30, 2006.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

AQ-SE-0019: Reading Materials, Inc. (2052 Lucon Road/P. O. Box 1467, Skippack, PA 19474) on April 3, 2006, to operate a portable crusher processing plant in Hatfield Township, **Montgomery County.**

46-310-061GP: Haines and Kibblehouse, Inc. (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on April 3, 2006, to operate a portable nonmetallic crusher in Hatfield Township, **Montgomery County.**

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

39-310-028GP3: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 28, 2006, construct and operate a portable stone crushing plant and associated air cleaning device at the former BPB American Fullerton Slag Quarry, Hanover Township, **Lehigh County.**

45-302-075GP1: Bestway of Pennsylvania, Inc. (3870 State Routes 191/390, Cresco, PA 18326) on March 28, 2006, to construct and operate of a No. 2 oil fired boiler at the facility in Barrett Township, **Monroe County.**

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

GP2-18-01: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) on March 15, 2006, to construct and operate a 50,000 gallon aboveground 2-ethylhexyl acrylate storage tank under the General Plan Approval and General Operating Permit for Storage Tanks for Volatile Organic Liquids (BAQ-GPA/GP-2) in Bald Eagle Township, **Clinton County.**

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

GP2-04-00034U: Engineered Polymer Solutions d/b/a Valspar Coatings (372 Cleveland Avenue Rochester, PA 15074) on March 30, 2006, to operate approximately 65 volatile organic liquid storage tanks in Rochester Township, **Beaver County.**

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

GP-42-196: Catalyst Energy, Inc.—Swamp Angel Station (262 Sand Road, Timbuck, PA 16701) on March 31, 2006, to replace a compressor engine in Lafayette Township, **McKean County.**

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

23-0001X: Sunoco, Inc. R and M (100 Green Street, Marcus Hook, PA 19061) On March 31, 2006, to operate a FCC unit in Marcus Hook Borough, **Delaware County.**

23-0047E: Degussa Corp. (1200 West Front Street, Chester, PA 19013) on March 31, 2006, to operate a replacement burner in the City Of Chester, **Delaware County.**

46-0005Z: Merck & Company, Inc. (770 Sumneytown Pike, West Point, PA 19486) on March 31, 2006, to operate a stream injection on boiler No.10 in Upper Gwynedd Township, **Montgomery County**.

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

40-303-025: Barletta Materials and Construction, Inc. (P. O. Box 550, Tamaqua, PA 18252) on March 28, 2006, to reactivate a batch asphalt plant utilizing recycled asphalt material and the associated air cleaning device at the facility in Hazle Township, **Luzerne County**.

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

34-05001C: Armstrong Cabinet Products (R. R. 3, Box 171C, Thompsettown, PA 17094-9735) on March 27, 2006, to modify an overhead line, construct a new spray booth and transfer and use 63.31 tons of VOC emission reduction credits in Delaware Township, **Juniata County**.

36-03021A: J. Walter Miller Co. (411 East Chestnut Street, Lancaster, PA 17602-3016) on March 28, 2006, to vent the Disamatic Molding Line dust collector into the outdoor atmosphere at their facility in the City of Lancaster, **Lancaster County**.

67-05004J: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 19362-1000) on March 27, 2006, to replace the press section of Paper Machine No. 7 in Spring Grove Borough, **York County**.

67-05106A: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368-0040) on March 28, 2006, to replace an existing baghouse emissions control system. Emissions from the facility will not be measurably affected by the replacement in Wrightsville Borough, **York County**.

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

19-320-005A: Press Enterprise, Inc. (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on March 8, 2006, to construct an eight-color heatset web offset lithographic printing press and to reactivate of eight-color nonheatset web offset lithographic printing press in Scott Township, **Columbia County**.

41-00062A: Wheeland Lumber Co. (3558 Williamson Trail, Liberty, PA 16930) on March 30, 2006, to operate a wood-fired boiler (Source ID 034) with two multicone collectors (IDs C034A and C034B) to control the particulate matter emissions from the boiler at their facility in Jackson Township, **Lycoming County**.

53-00001A: Tennessee Gas Pipeline Corporation. (1001 Louisiana Street, Houston TX 77002) on March 31, 2006, to construct and operate a natural gas-fired reciprocating internal combustion engine driven compressor (Source ID P113) equipped with low NOx electronic control technology and an oxidation catalyst (ID C113) to control the CO, volatile organic and formaldehyde emissions from the engine at their Coudersport facility (Station 313) in Hebron Township, **Potter County**.

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

33-116B: PW Hardwood, LLC (State Highway 36, Beaver, PA 15825) on March 21, 2006, to install a 200 hp

wood-fired boiler at Brookville Lumber Yard, in the Township of Beaver, **Jefferson County**.

37-051E: Remacor, Inc. (Route 168, Taylor Township, PA 16160) on March 20, 2006, to modify and construct Magnesium grinding lines at their West Pittsburg Plant in the Township of Taylor, **Lawrence County**.

10-062D: Slippery Rock University (1 Marow Way, Slippery Rock, PA 16057) on March 22, 2006, to modify a 40 mmBtu/hr coal-fired boiler to a natural gas/coal cofired boiler at Slippery Rock University, in the Borough of Slippery Rock, **Butler County**. Slippery Rock University is a Title V facility.

42-174E: Rustick, LLC (Campbellstown Road, Mt. Jewett, PA 16740) on March 21, 2006, to install an enclosed flare (1,500 cfm) in Sergeant Township, **McKean County**. This is a Title V facility.

62-162B: Elkhorn Field Services (Zimmerman Hill Road, Warren, PA 16365) on March 28, 2006, to construct a new refrigeration compressor and a larger glycol dehydration system at the Keystone Gas Processing Plant in Pleasant Township, **Warren County**. The facility currently has a State-only Operating Permit.

10-349B: Recmix of PA, Inc. (725 Saxonburg Boulevard, Clinton, PA 16056) on March 27, 2006, to install a natural gas fired thermal fluid heater and aggregate dryer at their Saxonburg facility in the Township of Clinton, **Butler 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.

46-0112A: Palmer International, Inc. (P. O. Box 315, Skippack, PA 19474) on March 31, 2006, to operate four liquid resin process equipment in Skippack Township, **Montgomery County**.

09-0143A: Naceville Materials (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 29, 2006, to operate a scalping screen and conveyors in West Rockhill Township, **Bucks County**.

09-0107: Oldcastle Retail, Inc. d/b/a Bonsal American (1214 Hayes Boulevard, Bristol, PA 19007) on March 29, 2006, to operate a baghouse in Bristol Township, **Bucks County**.

09-0124F: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 3, 2006, to operate an auxiliary boiler retrofit in Falls Township, **Bucks County**.

09-0124B: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 3, 2006, to operate a combined cycle combustion turbines in Falls Township, **Bucks County**.

09-0124E: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on April 3, 2006, to operate a 31.9 mmBtu/hr gas fired pre-heater in Falls Township, **Bucks County**.

23-0089: FPL Energy Marcus Hook, LP (P. O. Box 426 Delaware Avenue and Green Street, Marcus Hook, PA

19061) on March 31, 2006, to operate a 750 Megawatt (MW) combined cycle in Marcus Hook Borough, **Delaware County**.

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

67-05001B: LWB Refractories (320 Baker Road, P. O. Box 1189, York, PA 17405-1189) on April 1, 2006, to install a regenerative thermal oxidizer on Tunnel Kilns TK5 and TK6 in West Manchester Township, **York County**. This plan approval was extended.

67-05004H: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-0500) on March 29, 2006, to install a selective noncatalytic control system on Power Boiler No. 5 in Spring Grove Borough, **York County**. This plan approval was extended.

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

18-315-002: First Quality Products, Inc. (P. O. Box 270, McElhattan, PA 17748) on March 23, 2006, to operate 22 absorbent products manufacturing (converting) lines and associated air cleaning devices on a temporary basis until July 21, 2006, in Wayne Township, **Clinton County**. The plan approval has been extended.

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) on March 28, 2006, to authorize the use of two additional VOC and/or volatile HAP-containing materials in two mobile/modular home assembly plants and a surface coating operation and to increase the allowable VOC and volatile hazardous air pollutant emissions from the plants and coating operation from 25.13 and 3.03 tons per 12-consecutive month period, respectively, to 25.39 and 3.05 tons per 12 consecutive month period, respectively, in Mifflinburg Borough, **Union County**.

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

56-00284B: Quecreek Mining, Inc. (1576 Stoystown Road, Friedens, PA 15541) on March 30, 2006, for a dry-screening operation at Quecreek No.1 Mine in Lincoln Township, **Somerset County**. This is a plan approval extension.

65-00788N: Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666) on March 30, 2006, for the painting process at the Sony Technology Center in Mt. Pleasant, **Westmoreland County**. This is a plan approval extension.

04-00724A: Duke Energy NGL Services, LP (370 17th Street, Suite 2500, Denver, CO 80202) on March 31, 2006, to install a propane storage and delivery terminal at their Midland Plant in Industry Borough, **Beaver County**. This is a plan approval extension.

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

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

09-00012: MeadWestvaco Consumer Packaging Group, LLC d/b/a Klearfold (364 Valley Road, Warrington, PA 18976) on March 31, 2006, to operate the

renewal of a Title V facility for the operation of five printing presses in Warrington Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05045: Department of Public Welfare (P. O. Box 1000, Hamburg, PA 19526) on March 28, 2006, to operate a State hospital (Hamburg Center) in Windsor Township, **Berks County**. This operating permit was administratively amended to include HAP emission limits. This is revision No. 1.

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.

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

39-00074: SHI-APD Cryogenics, Inc. (1833 Vultee Street, Allentown, PA. 18103) on March 6, 2006, to operate an electronic component manufacturing facility in the City of Allentown, **Lehigh County**.

39-00081: Insulation Corporation of America (2571 Mitchell Avenue, Allentown, PA 18013) on January 31, 2006, to operate a plastics and foam products manufacturing facility in the City of Allentown, **Lehigh County**.

40-00044: Modern Plastics Corp. (152 Horton Street, Wilkes-Barre, PA. 18702) on March 6, 2006, to operate a countertop manufacturing facility in Wilkes-Barre City, **Luzerne County**.

54-00002: Honeywell International, Inc. (98 Westwood Road, Pottsville, PA 17901-1834) on January 31, 2006, to operate a plastics, film and sheet manufacturing facility in Norwegian Township, **Schuylkill County**.

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

22-05040: Pennsy Supply, Inc. (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on March 29, 2006, for a drum mix asphalt plant at their facility at Fiddlers Elbow Quarry in Lower Swatara Township, **Dauphin County**. This operating permit was administratively amended to update the conditions for waste oil. This is revision No. 1.

67-05003: Mastercraft Specialties, Inc. (800 Maple Street, Red Lion, PA 17356-1544) on March 24, 2006, to operate a furniture manufacturing facility in Red Lion Borough, **York County**. This is a renewal of the State-only Operating Permit.

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

17-00041: Allegheny Clearfield, Inc. (114 Appalachian Drive, Clearfield, PA 16830) on March 8, 2006, to operate a powdered metal parts sintering facility in Lawrence Township, **Clearfield County**.

49-00013: Power Plant Greenhouses, LLC, owner—Kurt Weiss Greenhouses of Pennsylvania, Inc., operator (Marion Heights Road, Mount Carmel, PA 17832) on March 14, 2006, to operate a greenhouse facility in Mount Carmel Township, **Northumberland County**.

17-00017: Rescar, Inc. (450 Osborn Street, Dubois, PA 15801) on March 28, 2006, to operate a railcar cleaning and repair facility in the City of Dubois, **Clearfield County**.

49-00041: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on March 28, 2006, to operate a stone crushing and screening and asphalt pavement production facility in Coal Township, **Northumberland County**.

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

63-00494: Fort Cherry School District (110 Fort Cherry Road, McDonald, PA 15057) on March 28, 2006, to operate two tri-fuel boilers at their Junior-Senior School in McDonald Borough, **Washington County**.

04-00489: Sunoco Partners Marketing and Terminals LP (5733 Butler Street, Pittsburgh, PA 15201) on March 27, 2006, to operate a bulk liquid tank farm and loading facility at the Beaver Terminal-Vanport in Vanport Township, **Beaver County**.

04-00439: Kinder Morgan Arrow Terminals, LP (2701 Midland-Beaver Road, Route 68, Industry, PA 15052) on March 28, 2006, for a screening operation, dry storage rooms and two load out buildings at the company's Industry Terminal Lot No. 1 Industry Township, **Beaver County**. This is a State-only Operating Permit.

11-00519: Trinity Industries, Inc. (100 Iron Street, Johnstown, PA 15906) on March 28, 2006, for processing and heat-treating steel axles for the company's railroad car manufacturing business in Johnstown, **Cambria County, PA**. This is a State-only Operating Permit.

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

25-00940: Animal Friends Cremation Service, Inc. (11711 Sharp Road, Waterford, PA 16441) on March 22, 2006, to operate an animal cremation service outside the town of Waterford, **Erie County**.

42-187: Resting Acres Pet Cemetery, Inc. (1353 South Avenue, Bradford, PA 16701) on March 23, 2006, to operate an animal crematorium outside the town of Bradford, **McKean County**.

61-00183: Venango County Humane Society (2724 Deep Hollow Road, Franklin, PA 16323) on March 22, 2006, to operate an animal crematorium outside the town of Franklin, **Venango County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

46-00081: Markel Corp. (416 School House Lane, Norristown, PA 19404) on March 29, 2006, for an administrative amendment to the Title V Operating Permit at their facility in Plymouth Township, **Montgomery County**. The facility is a manufacturer of plastic tubing and specialty tubing products. The amended Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

The Title V Operating Permit has been amended to correct the VOC emission limit in the testing conditions and to address a change in the name and title of the Permit Contact and the Responsible Official.

46-00001: Moyer Packing Co. (741 Souder Road, Souderton, PA 18964) on March 31, 2006, the facility is a meat-packing and rendering plant, which emits major levels of NO_x, in Franconia Township, **Montgomery County**. Minor Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses the changes to various operational parameters for the continuous and batch Packed Towers 1 and 2. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

V01-006: Aker Philadelphia Shipyard, Inc. (2100 Kitty Hawk Avenue, Philadelphia, PA 19112) on March 30, 2006, administratively amended to incorporate a facility name change. The Title V operating permit was originally issued on May 12, 2003.

V95-037: Rohm and Haas Chemicals, LLC (5000 Richmond Street, Philadelphia, PA 19137) on March 30, 2006, administratively amended to incorporate a corporate restructuring and to change contact information. The Title V operating permit was originally issued on December 21, 2001.

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.

32961302 and NPDES Permit No. PA0214949, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** to add underground permit and subsidence control plan acres. Underground Acres Proposed 962.1, SCP Acres Proposed 842.0. No additional discharges. Permit issued March 30, 2006.

63743702 and NPDES Permit No. PA0214248, Eighty Four Mining Company (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to renew the permit for the Mine 84 Refuse Area in Somerset Township, **Washington County** and related NPDES permit. No additional discharges. Permit issued March 30, 2006.

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

32990101 and NPDES No. PA0235016. Walter L. Houser Coal Company, Inc., 13448 SR 422, Suite 1, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Washington Township, **Indiana County**, affecting 33.5 acres. Receiving stream: Sugarcamp Run to the South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006. Permit issued: March 29, 2006.

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

61020102 and NPDES Permit No. PA0242101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: UNT to the Allegheny River. Application received: February 1, 2006. Permit Issued: March 28, 2006.

24940101 and NPDES Permit No. PA0211940. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, auger and clay removal operation in Horton Township, **Elk County** affecting 133.0 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Mead Run. Application received: January 26, 2006. Permit Issued: March 24, 2006.

24813008 and NPDES Permit No. PA0611301. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, auger and clay removal operation in Horton and Snyder Townships, **Elk and Jefferson Counties** affecting 458.0 acres. This renewal is issued for reclamation only. Receiving streams: Coal Hollow Run, Mead Run and Little Toby Creek. Application received: January 26, 2006. Permit Issued: March 27, 2006.

16050106 and NPDES Permit No. PA0242675. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Commencement, operation and restoration of a bituminous strip and auger operation in Redbank Township, **Clarion County** affecting 224.0 acres. Receiving streams: UNT to Pine Creek. Application received: April 25, 2005. Permit Issued: March 29, 2006.

16671-1650106-E-1. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Application for a stream encroachment to construct and maintain a haul road crossing over UNT No. 2 to Pine Creek in Redbank Township, **Clarion County**. Receiving streams: UNT to Pine Creek. Application received: April 25, 2005. Permit Issued: March 29, 2006.

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

17050104 and NPDES No. PA0256200. Hepburnia Coal Company (P. O. Box 1, Grampian, PA 16838), commencement, operation and restoration of a bituminous surface-auger mine in Chest Township, **Clearfield County**, affecting 295.9 acres. Receiving streams: UNT to

North Camp Run, North Camp Run, classified for the following use: CWF. There are no public water supplies that have intakes on the receiving stream within 10 miles downstream of the proposed permit area. There are no public water supplies within 1/2 mile of the mine site. Application received: June 06, 2005. Permit issued: March 23, 2006.

Government Financed Construction Contract

17-05-04. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). The Moshannon District Mining Office for the Department of Environmental Protection received an application in Girard Township, **Clearfield County** on September 22, 2005. Application returned: March 9, 2006.

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

35763202R4. Northampton Fuel Supply Co., Inc. (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Carbondale Township, **Lackawanna County** affecting 45.0 acres. Receiving stream: none. Application received July 5, 2005. Renewal issued March 28, 2006.

Noncoal Permits Actions

Knox District Mining Office: White Memorial Building, P. O. Box 669, 310 Best Avenue, Knox, PA 16232, (814) 797-11913.

25062801. David M. Girts, Jr. and Dorothy Girts (8553 Findley Lake Road, North East, PA 16428) Commencement, operation and restoration of a small noncoal sand and gravel operation in North East Township, **Erie County** affecting 5.6 acres. Receiving streams: UNT to Lake Erie. Application received: February 2, 2006. Permit Returned: March 24, 2006.

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

25062801. David M. Girts, Jr. and Dorothy Girts (8553 Findley Lake Road, North East, PA 16428) Commencement, operation and restoration of a small noncoal sand and gravel operation in North East Township, **Erie County** affecting 5.6 acres. Receiving streams: UNT to Lake Erie. Application received: February 2, 2006. Permit Returned: March 24, 2006.

18061001. Harger Utility Contractors, Inc. (108 West Clinton St., Lock Haven, PA 17745), application to extract noncoal (industrial minerals) in Bald Eagle Township, **Clinton County** to supply natural fill for Lowes-Mill Hall. Receiving stream: UNT to Bald Eagle Creek. Application received: February 10, 2006. Application withdrawn March 24, 2006.

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

Permit No. 4273SM4A and NPDES Permit No. PA0599239, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES Permit, Greenfield Township, **Blair County**. Receiving stream: Beaverdam Creek to Frankstown Branch Juniata River classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 2, 2006. Permit issued March 29, 2006.

Permit No. 07960301 and NPDES Permit No. PA0213306, Grannas Brothers Stone & Asphalt Company, Inc., P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit, Catharine Township, **Blair**

County. Receiving streams: UNT to Frankstown Branch Juniata River and Frankstown Branch Juniata River classified for the following uses: WWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006. Permit issued March 29, 2006.

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

28010301T and NPDES Permit No. PA0123811. RA Hill, Inc. (1364 Lincoln Way East, Chambersburg, PA 17201), transfer of an existing quarry operation in Hamilton Township, **Franklin County** affecting 31.54 acres. Receiving stream: UNT to Conococheaque Creek. Application received May 20, 2006. Transfer issued March 29, 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.

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

14064004. Paradise Contracting (223 Paradise Road, Bellefonte, PA 16823), construction blasting for Mount Nittany Terrace Phase II in College Township, **Centre County**. Permit issued March 10, 2006. Permit expires January 24, 2007.

14064005. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803), construction blasting for Quality Machining, Inc., Lot 31R, Penn Industrial Park located in Spring Township, **Centre County**. Permit issued March 24, 2006. Permit expires March 23, 2007.

14064006. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for a house foundation, Lot 14, Fieldstone subdivision located in College Township, **Centre County**. Permit issued March 24, 2006. Permit expires June 30, 2006.

14064007. CDG Properties (Box 11172, Calder Square, State College, PA 16805), construction blasting for Country Cove Project located in Benner Township, **Centre County**. Permit issued March 28, 2006. Permit expires December 31, 2006.

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

06064006. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Crestwood South Subdivision in Exeter Township, **Berks County** with an expiration date of March 30, 2007. Permit issued March 27, 2006.

36064003. ABEL Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting at Southern Village Phase I Subdivision in Lancaster Township, **Lancaster County** with an expiration date of September 30, 2006. Permit issued March 27, 2006.

38064002. ABEL Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting at Arbor Greene Phases 2 and 3 in North Londonderry Township, **Lebanon County** with an expiration date of March 31, 2007. Permit issued March 27, 2006.

54064001. Reading Anthracite Co. (P. O. Box 1200, Pottsville, PA 17901) and Reading Fracture, Inc. (P. O. Box 1200, Pottsville, PA 17901), construction blasting for Walmart Widen Out Construction Area in St. Clair Borough, **Schuylkill County** with an expiration date of March 1, 2007. Permit issued March 27, 2006.

01064104. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for a home in Cumberland Township, **Adams County** with an expiration date of March 14, 2006. Permit issued March 27, 2006.

01064105. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Gettysburg Visitor Center Water Main Project in Cumberland Township, **Adams County** with an expiration date of March 25, 2007. Permit issued March 27, 2006.

06064103. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Brookfield Manor in Sinking Spring Borough, **Berks County** with an expiration date of March 23, 2007. Permit issued March 27, 2006.

06064104. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for The Reserves at Springtown in Spring Township, **Berks County** with an expiration date of March 25, 2007. Permit issued March 27, 2006.

15064107. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Village of Shannon in West Goshen Township, **Chester County** with an expiration date of December 31, 2007. Permit issued March 27, 2006.

22064112. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for The Townes at Forest Hill in Lower Paxton Township, **Dauphin County** with an expiration date of March 30, 2007. Permit issued March 27, 2006.

67064109. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Eagle View in Manchester Township, **York County** with an expiration date of March 30, 2007. Permit issued March 27, 2006.

54064101. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Wal-Mart Shopping Center in Tamaqua Borough, **Schuylkill County** with an expiration date of March 31, 2007. Permit issued March 28, 2006.

21064119. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Southampton Township, **Cumberland County** with an expiration date of May 30, 2006. Permit issued March 29, 2006.

21064120. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for The Commons at Parker Spring in Middlesex and North Middleton Townships, **Cumberland County** with an expiration date of March 30, 2007. Permit issued March 29, 2006.

21064121. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Cumberland Logistic Street in North Middleton Township, **Cumberland County** with an expiration date August 15, 2006. Permit issued March 29, 2006.

36064131. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for TKS Associates in West Hempfield Township, **Lancaster County** with an expiration date of April 1, 2007. Permit issued March 29, 2006.

21064005. MF Ronca & Sons (179 Mikron Road, Bethlehem, PA 18010) and Bernard J. Hasara (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Meadowsgreen Subdivision in Shippensburg & Southampton Townships, **Cumberland County** with an expiration date of September 30, 2006. Permit issued March 30, 2006.

09064114. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Richland Marketplace in Richland Township, **Bucks County** with an expiration date of March 20, 2007. Permit issued March 31, 2006.

35064103. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting at Montage Mountain in Moosic Borough, **Lackawanna County** with an expiration date of March 31, 2007. Permit issued March 31, 2006.

45064125. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Stoneybrook Manor in Stroud Township, **Monroe County** with an expiration date of March 23, 2007. Permit issued March 31, 2006.

48064108. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Pheasant Ridge in Forks Township, **Northampton County** with an expiration date of March 31, 2007. Permit issued March 31, 2006.

64064102. ER Linde Construction Corp. (9 Collan Park, Honesdale, PA 18431), construction blasting for Damascus Red Shale Pit in Damascus Township, **Wayne County** with an expiration date of March 25, 2007. Permit issued March 31, 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

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

E38-144. Cornwall Associates, LLC, 111 Millersville Road, Lancaster, PA 17603 in Cornwall Borough, **Lebanon County**, ACOE Baltimore District.

1. Construct and maintain a roadway crossing consisting of a 99-lineal foot, 54-inch RCP within a UNT to Snitz Creek (TSF) impacting 0.19 acre of PFO wetland (Lebanon, PA Quadrangle (N: 3.60 inches; W: 8.10 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 59").

2. Construct and maintain a roadway crossing consisting of a 99-lineal foot, 24-inch by 38-inch squash RCP within a UNT to Snitz Creek (TSF) impacting 0.11 acre of PFO wetland (Lebanon, PA Quadrangle N: 3.30 inches; W: 8.00 inches, Latitude: 40° 15' 59"; Longitude: 76° 25' 56").

3. Construct and maintain a roadway crossing impacting 0.005 acre of PEM wetland (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46").

4. Construct and maintain a road crossing of a UNT to Snitz Creek (TSF) consisting of 83 lineal feet of 24-inch SLCPP (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46").

5. Construct and maintain a road crossing a UNT to Snitz Creek (TSF) consisting of 76 lineal feet of 15-inch SLCPP (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46").

6. Permanently impact through fill or excavation a total of 0.10 acre of PEM wetland (Lebanon, PA Quadrangle N: 3.60 inches; W: 7.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 46") and N: 3.60 inches; W: 8.60 inches, Latitude: 40° 16' 11"; Longitude: 76° 26' 12").

7. Construct and maintain a 17-foot pedestrian footbridge spanning PEM wetlands (Lebanon, PA Quadrangle N: 3.90 inches; W: 8.10 inches, Latitude: 40° 16' 17"; Longitude: 76° 25' 59").

8. Construct and maintain a 14-foot pedestrian foot-bridge across a UNT to Snitz Creek and associated PEM wetlands (Lebanon, PA Quadrangle N: 3.60 inches; W: 8.1 inches, Latitude: 40° 16' 11"; Longitude: 76° 25' 59").

9. Construct and maintain a 51-foot pedestrian foot-bridge across a UNT to Snitz Creek and associated PEM wetlands (Lebanon, PA Quadrangle N: 3.30 inches; W: 8.00 inches, Latitude: 40° 15' 59"; Longitude: 76° 25' 56").

10. Rehabilitate and maintain an existing nonjurisdictional dam (Lebanon, PA Quadrangle N: 3.80 inches; W: 7.90 inches, Latitude: 40° 16' 15"; Longitude: 76° 25' 54").

11. Construct and maintain 1.30 acres of PEM replacement wetlands (Lebanon, PA Quadrangle N: 4.00 inches; W: 8.50 inches, Latitude: 40° 16' 19"; Longitude: 76° 26' 09").

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

EA43-326, Cumulus Media, Inc., 3535 Piedmont Road, Atlanta, GA 30305-4601. 790 WPIC Tower/Transmitter Replacement, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41° 13' 11"; W: 80° 28' 23").

To permanently fill a de minimis area (0.013 acre) and temporarily impact 0.35 acre of wetland (PEM) for construction of a replacement radio transmission tower at 2320 Pine Hollow Boulevard, Hermitage, PA 16148 approximately 1.25 miles southwest of the intersection of SR 418 (Mercer Avenue) and SR 18.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Pk Road, Ebensburg, PA 15931-4119.

EA3209-002, Robindale Energy Services, Inc., 1001 Broad St., Suite 130, Johnstown, PA 15906. Abandoned Mine Land Reclamation Project, in Brushvalley Township, **Indiana County**, Pittsburgh ACOE District.

The applicant proposes to backfill a 31-acre abandoned surface mine, which includes four dangerous highwalls totaling 4,852 linear feet. The project will include the backfilling of: (1) 0.46 acre of AMD-impacted wetlands; (2) 0.49 acre open-water body; and (3) 200 linear feet of AMD-impacted stream channel. (New Florence Quadrangle N: 20.25 inches, W: 4 inches).

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

EA67-015CO, South Branch, LP, 6259 Reynold's Mill Road, Seven Valleys, PA 17360-8844. York Township, **York County**, ACOE Baltimore District.

Project proposes to construct, operate, and maintain a nonjurisdictional dam across a tributary to East Branch Codorus Creek (CWF) for the purpose of providing water storage for livestock. A 30-foot wide stream crossing is also proposed. The project will not directly or indirectly impact wetlands, and will impact approximately 250 linear feet of stream channel. The proposed dam and stream crossing will be located approximately 1,050 feet west of the intersection of Reynolds Mill Road and Overlook Street (York, PA Quadrangle, N: 4.7 inches, W: 15.2 inches).

[Pa.B. Doc. No. 06-606. Filed for public inspection April 14, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance:

DEP ID: 363-0300-002. Title: Pennsylvania Stormwater Best Management Practices Manual. Description: The purpose of this draft manual is to establish recommended guidance for stormwater management utilizing best management practices (BMPs) in this Commonwealth. Due to the increased need to improve water quality and protect water resources through improved stormwater runoff management, the draft manual will provide the planning concepts and design standards to guide local and state governments, planners, land developers, contractors and others involved with planning, designing, reviewing, approving and constructing land development projects in meeting those needs.

The draft manual advances the most recent innovations in stormwater management focusing on preserving onsite and offsite preconstruction hydraulic conditions, including volume and rate management through local onsite management. Water quality components composed of structural and nonstructural techniques and technologies are emphasized and integrated into the draft manual. In an effort to coordinate stormwater management identified in the draft manual, the Department will also publish a draft Stormwater Management Model Ordinance at a later date. It is anticipated that the draft Stormwater Management Model Ordinance will be discussed at the public meetings listed as follows.

During the preparation of the draft manual, the Department established a Stormwater Management Oversight Committee and held 12 regional focus group meetings. Individuals representing academia, industry, environmental organizations, county conservation districts and State and Federal agencies participated by providing direction, guidance and expertise in the development of the draft manual. A summary of meeting agendas, minutes, comments and other information can be found on the Department's website at www.depweb.state.pa.us (DEP Keywords: Stormwater; select "General Information," then select "Stormwater Oversight Committee"). Availability of Draft Manual: In addition to the availability options provided previously, the draft manual is also available by contacting the Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). An electronic copy of the draft manual is located on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Stormwater"; select "Announcements," and then select "Draft Pennsylvania Stormwater Best Management Practices Manual").

Written Comments: Persons wishing to comment on the draft manual are invited to submit a written statement to the Chief, NPDES Construction and Erosion Control, Department of Environmental Protection, Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775. Comments may also be sent by electronic mail to epstormwatermanual@state.pa.us. Comments submitted by facsimile will not be accepted. Comments must be submitted by June 14, 2006. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Comments received within this period will be considered in the formulation of the Final Notice of Availability of the Manual. 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 the comment and the relevant facts upon which it is based. Following the comment period, the Department will make a final determination regarding the draft manual. Notice of this determination will be published in the *Pennsylvania Bulletin*.

Public Meetings: The Department will hold public meetings concerning the draft manual on the following dates and at the specified locations:

Allegheny County, Tuesday, May 2, 2006
 Ross Township Municipal Building
 1000 Ross Municipal Drive
 Pittsburgh, PA 15237

The 1 p.m. to 4 p.m. meeting will be held in the gymnasium. The 6 p.m. to 9 p.m. meeting will be held in the Commissioner's Meeting Room. Driving

directions can be found on the Ross Township website: www.ross.pa.us/administration/communctr.htm.

Dauphin County, Thursday, May 4, 2006
 Rachel Carson State Office Building
 400 Market Street
 Harrisburg, PA 17105

Both the 1 p.m. to 4 p.m. and 6 p.m. to 9 p.m. meetings will be held in the second floor auditorium. Driving directions can be found on the Department's website: www.depweb.state.pa.us/dep/cwp/view.asp?a=3&q=474491.

Additional Meeting Times and Locations to be Announced.

Public meeting dates and locations for eastern Pennsylvania were not available at the time of this publication. This information will be published in the DEP Update Newsletter section in the Public Participation area of the DEP website, in the April 29 issue of the *Pennsylvania Bulletin*, and on the same website where an electronic copy of the draft manual is available.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-607. Filed for public inspection April 14, 2006, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers; 2006 Pre-Certification Academy and Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled dates for the 2006 Sewage Enforcement Officers (SEO) Pre-Certification Academy and examinations. To qualify to sit for the certification examination, all SEO candidates must complete the Pre-Certification Academy, which consists of 6 days of training over 2 weeks. SEO Certification examinations will be administered the Friday following completion of the Pre-Certification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The Pre-Certification Academy and examination will be conducted in the One Source Training Center, Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930. The 2006 Pre-Certification Academy and examination schedules are as follows:

June 13-15 and June 20-22, 2006	Examination Date: June 23, 2006 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: June 8, 2006
August 8-10 and August 15-17, 2006	Examination Date: August 18, 2006 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: August 3, 2006
September 12-14 and September 19-21, 2006	Examination Date: September 22, 2006 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: September 7, 2006

The SEO written examination contains 80 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50 percent correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination, however, SEO candidates are not permitted to bring their own materials. All necessary reference materials will be provided at the test site. Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

To receive an SEO examination application/information package, contact the Department of Environmental Protection, Certification and Licensing Section, P. O. Box 8454, 400 Market Street, Harrisburg, PA 17105-8454, (717) 787-6045. SEO certification information is available on the Department's website at www.depweb.state.pa.us (DEP Keyword: Sewage). For information on SEO training courses, contact the Pennsylvania State Association of Township Supervisors at the address or telephone number provided previously.

Persons with a disability who require accommodation to participate in the SEO Pre-Certification Academy or to take the SEO examination should contact the Board at (717) 787-6045 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-608. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of About Feet Podiatry Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that About Feet Podiatry Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980

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. 06-609. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Aliquippa Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aliquippa Community Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-610. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Berkshire Eye Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berkshire Eye Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-611. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Brandywine Valley Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brandywine Valley Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 551.21(d) (relating to definitions; and criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c) for the request for exception to § 551.21(d).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-612. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Dermatologic SurgiCenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dermatologic SurgiCenter has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-613. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Lebanon Outpatient Surgical Center, LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lebanon Outpatient Surgical Center, LP has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-614. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Manoa Diagnostic Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Manoa Diagnostic Center has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-615. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Penn Medicine at Radnor Endoscopy Facility for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Medicine at Radnor Endoscopy Facility has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980

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. 06-616. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of PRISM Center for Spine & Pain Care for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that PRISM Center for Spine & Pain Care has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-617. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Street Road Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Street Road Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F3 (relating to recovery stations).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-618. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Twin Rivers Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Twin Rivers Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-619. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of UPMC Passavant Cranberry for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code § 101.4 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-620. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application of Wyoming Valley Health Care System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wyoming Valley Health Care System has requested an exception to the requirements of 28 Pa. Code § 138.1 (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 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. 06-621. Filed for public inspection April 14, 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 § 201.18(e) (relating to management).

UPMC Magee-Womens Hospital Transitional Care Unit
300 Halket Street
Pittsburgh, PA 15213

UPMC, Transitional Care Unit
200 Lothrop Street
Pittsburgh, PA 15213

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Altoona Center for Nursing Care
1020 Green Avenue
Altoona, PA 16601
FAC ID 065402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.20(a) and 205.71 (relating to resident bedrooms; and bed and furnishings).

Conestoga View
900 E. King Street
Lancaster, PA 17602
FAC ID 035302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.36(e) and 205.37(d) (relating to bathing facilities; and equipment for bathrooms).

Pinecrest Manor
763 Johnsonburg Road
St. Marys, PA 15857

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotope, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-622. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payment for County Nursing Facility Services; Notice of Change in Methods and Standards of Setting Payment Rates

The purpose of this notice is to announce that the Department of Public Welfare (Department) is proposing to adopt final-omitted regulations and amend the Commonwealth's Title XIX State Plan provisions to change the methods and standards for payments to county nursing facilities for Medical Assistance (MA) nursing facility services beginning with Fiscal Year (FY) 2006-2007.

Currently the Department determines the MA allowable costs and MA payment rates of county nursing facilities in accordance with conditions and limitations specified in 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved State Plan. The Department receives Federal matching funds to cover a portion of the MA payments made to county nursing facilities. If a county nursing facility incurs costs that exceed its MA payments, the costs are not recognized or reimbursed as allowable costs under the Department's current payment methods and standards. As a result, the costs are not MA Program expenditures that qualify for Federal matching funds.

It is the Department's intent that effective July 1, 2006, county nursing facilities will no longer be reimbursed based on the rate-setting methodology contained in 55 Pa. Code Chapter 1187. Instead, the Department intends to change its payment methods and standards for county nursing facilities to recognize the costs that are incurred by county nursing facilities to provide nursing facility services to MA eligible residents as MA Program expenditures, so long as the costs are allowable under Department regulations and the costs are reported and certified by the county nursing facilities in a form and manner specified by the Department.

This change in payment methodology will effectively allow the Department to recognize the full allowable MA costs incurred by county nursing facilities as MA Program expenditures and enable the Commonwealth to draw down additional Federal matching funds on county costs that are now considered unallowable solely because of the operation of the Department's rate-setting methodology.

To make this change, the Department intends to establish Chapter 1189 for county nursing facilities under 55 Pa. Code (relating to public welfare). This chapter will set forth the methods and standards that the Department will use to reimburse county nursing facilities. Under Chapter 1189, each county nursing facility will be paid an interim rate for services rendered during the rate year based on the facility's per diem rate as of April 1, 2006. This rate will be adjusted each rate year based on the budget factor contained in the Final State Budget. After the close of the county nursing facility's cost report period, each county nursing facility will submit a Commonwealth-specific cost report in accordance with cost reporting instructions. The county nursing facility's Commonwealth-specific cost report will be audited and the facility's audited MA allowable costs will be certified by the Department as MA allowable expenditures to the Federal Centers for Medicare and Medicaid Services (CMS) qualifying for Federal matching funds. The De-

partment will compare each county nursing facility's total audited allowable MA rate year costs with each county nursing facility's total interim MA payments for the rate year and reconcile the costs and payments based on the method agreed upon by the Department and the county nursing facilities.

Implementation of these proposed changes is contingent upon approval by CMS of an amendment to the Commonwealth's State Plan authorizing this payment system for county nursing facilities.

Fiscal Impact

The establishment of a revised payment system for county nursing facilities will result in an estimated savings of \$39 million in State funds for FY 2006-2007. The increase in FFP funding is estimated to be approximately \$10 million.

Public Comment

More detailed information related to the provisions contained in this notice will be presented at public hearings that will be scheduled for late April 2006. The locations for the public hearings will be Sharon, Wilkes-Barre/Scranton, Philadelphia, State College, Pittsburgh and Harrisburg.

More information regarding the public hearings may be obtained by contacting the Bureau of Long-Term Care Programs at (717) 705-3705. The dates and locations will also be listed on the Office of Medical Assistance Programs website when available.

Interested persons are also invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 15 days will be reviewed and considered in the publication of the final-omitted rulemaking.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-472. No fiscal impact; (8) recommends adoption. This regulation will result in savings in FY 2006-2007 of \$39 million and in FY 2007-2008 of \$52 million.

[Pa.B. Doc. No. 06-623. Filed for public inspection April 14, 2006, 9:00 a.m.]

Payment for Nursing Facility Services Provided by General Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates

The purpose of this notice is to announce that the Department of Public Welfare (Department) is proposing to adopt final-omitted regulations and amend the Commonwealth's Title XIX State Plan to change its methods and standards for payment of Medical Assistance (MA) nursing facility services provided by general nursing facilities beginning Fiscal Year (FY) 2006-2007.

Background

In January 1996, the Department implemented the current case-mix payment methodology for nursing facility providers participating in the MA Program.¹ The purpose of the system was to establish a prospective payment system (PPS) that would both serve the needs of the Commonwealth's MA nursing facility residents and promote the economic and efficient operation of nursing facilities. Among other things, the system was intended to eliminate the undesired incentives for nursing facilities to admit and provide care for the least disabled individuals; to channel a higher level of MA funds to direct resident care activities; and to provide for an environment of economic predictability and controlled MA Program cost increases.

Over the past 10 years the Department has monitored and evaluated the case-mix payment system to determine whether the initial objectives of the system have been realized and whether modifications to the system are needed. The Department has concluded that while the case-mix system did improve access to care for higher acuity individuals, the system as designed also produced unintended and undesirable outcomes. For example, the system has created disincentives for right-sizing of nursing facilities and has fostered an increasingly adversarial and litigious environment which has placed undue costs and administrative burdens on both the Department and nursing facility providers.

Moreover, the Department has found that the current case-mix system, as designed, has not served to effectively moderate MA Program costs as originally intended. To the contrary, since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56%, and since 2000, have increased by 29.74% overall. During this same period, expenditures for MA nursing facility services have climbed to nearly \$3 billion and expenditures for MA services to the elderly and disabled now consume approximately 70% of the \$14 billion MA Program budget. The Department has determined that some nursing facility operating practices, which are technically reimbursable under the current payment system but have no impact on the quality of services to nursing facility residents, have contributed to the steep escalation in Program costs for MA nursing facility services. Although State revenues are slowly rebounding, the Department simply cannot maintain a payment system that generates such inflated payment rate increases, particularly given that they are not tied to the quality of care provided to consumers or to the facility's effort to provide consumer choice as to where long-term care is provided.

The Department is proposing amendments that will refine the case-mix payment system so that it can achieve its original intended objective of serving the needs of the Commonwealth's MA nursing facility residents while providing for reasonable and adequate payments to MA nursing facility providers. In addition, the amendments will support the balancing of long-term care by encouraging consumer choice in long-term care services and the right-sizing of nursing facilities. An overview and explanation of each major proposed revision follows.

Nursing Facilities Subject to the Case-Mix Payment System

Currently the Department uses the rate-setting methodology contained in 55 Pa. Code Chapter 1187 (relating to nursing facility services) to set payment rates for all

¹ See 25 Pa.B. 4477 (October 14, 1995).

types of nursing facilities participating in the MA Program, including county nursing facilities. The Department is proposing to amend Chapter 1187 to make the rate-setting methodology apply only to general nursing facilities, effective July 1, 2006. As of that date, it is the Department's intent that county nursing facilities will no longer be reimbursed based on the rate-setting methodology contained in 55 Pa. Code Chapter 1187. Instead, the Department intends to create a new payment methodology for county nursing facilities.²

Definitions

The Department is proposing to eliminate and revise current definitions and add new definitions at § 1187.2 (relating to definitions). The following definitions will be eliminated: "appraisal," "bed cost limitation," "FRV—fair rental value," "initial appraisal," "Intergovernmental Transfer Agreement," "limited appraisal," "MA-11—Financial and Statistical Report Schedules (uniform nursing facility cost report)," "movable property appraisal," "reappraisal" and "updated appraisal."

The following definitions will be revised: "audited cost reports," "Department of Health," "resident assessment," "special rehabilitation facility," "supply" and the definitions for "Years One, Two and Three of Implementation."

The following definitions will be added: "cost reports" and "cognitive performance scale."

Provisions Related to Special Rehabilitation Nursing Facilities

Under the current case-mix payment system, a nursing facility is a "special rehabilitation facility" (SRF) if more than 70% of its residents have a neurological/neuromuscular diagnosis and severe functional limitations. See § 1187.2. All SRFs are classified into a single statewide peer group for rate-setting purposes. Under the proposed amendments the Department will maintain the single statewide SRF peer group but will increase the 70% resident threshold to 85%. In addition, for those MA residents in the facility who do not have a diagnosis of comatose, cerebral palsy, multiple sclerosis, paraplegia, quadriplegia, or traumatic brain injury, or who are not dependent on a ventilator or respirator, under the proposed amendments the Department will assign the resident a case-mix index (CMI) score of .60 for purposes of calculating the nursing facility's average MA CMI. These changes will help to ensure that the rehabilitative services available in SRFs are appropriately directed to those individuals who are most likely to benefit from the services and to encourage SRFs to work with residents and their families on discharge planning.

Resident Assessment Submission

Under the current case-mix payment system, nursing facilities are required to report individual resident minimum data set (MDS) assessment data for each calendar quarter of the calendar year. For the first calendar quarter, the nursing facilities report resident data for every MA and every non-MA resident in the nursing facility as of the first day of February. For the remaining calendar quarters, the nursing facilities report resident data for only MA residents in the nursing facility as of the first day of the second month of the calendar quarter.

Under the proposed amendments, in addition to the Federal requirements outlined in 42 CFR 483.20 (relating

to resident assessment) the Department will expand the reporting requirement for the second, third and fourth calendar quarters of a calendar year to include individual MDS resident assessment data for every MA and non-MA resident in the nursing facility as of the first day of the second month of the respective calendar quarter. The Department will also clarify that residents will not be included in the picture date census if no MDS assessment is available to obtain a CMI score, and that residents temporarily discharged with a return anticipated will be included in the picture date census as a non-MA resident. These changes will provide the Department with more current information to calculate a nursing facility's total overall nursing facility occupancy rate to be used in the proposed bed hold provisions outlined in this notice and will be used to calculate an average total facility CMI to neutralize costs for rate-setting as described under the proposed case-mix index calculations provisions.

Case-Mix Classification Tool

Currently, the Department uses the Resource Utilization Group (RUG III) version 5.01 classification system to classify nursing facility residents into groups based on their characteristics and clinical needs. Under the proposed amendments, the Department will use a more recent version of the RUG III classification system, version 5.12b as modified for Pennsylvania (5.12b-PA). This RUG version is based on updated time studies conducted in 1995 and 1997, and reflects changes in nursing facility resident conditions and care since the original studies conducted in 1990. The Department is proposing to modify several of the classifications under this RUG version to address concerns raised by nursing facilities that serve residents in need of ventilator services and to assure that residents who are ventilator-dependent continue to have access to quality nursing facility care. Specifically, the Department will modify the qualifiers for the highest RUG III category (SE3—Extensive Services) to include residents who would have qualified for this category under the RUG III 5.01 version (require suctioning, tracheotomy care and ventilator care and have a score in their activities of daily living of 7 or greater). As a result of this change, these residents will receive the highest CMI of 2.10 for both MA CMI and total facility CMI averages. In addition, for MA residents who are ventilator-dependent or respirator-dependent and placed in either SE2 or SE3 RUG III 5.12b-PA categories, the assigned CMI will be multiplied by 1.20 and the result will be used in calculating the MA CMI average.

In conjunction with the change in RUG version, the Department will also assign CMI scores for each of the 34 RUG categories. The CMI scores will range from .59 to 2.10.

To implement this change from the RUG III version 5.01 to the RUG III version 5.12b-PA for the July 1, 2006, rate, the Department will recalculate each nursing facility's total facility and MA CMI scores, prior to the May 1, 2006, Picture Date, which will be used to neutralize costs and set rates.

Case-Mix Index Calculations

Under the current case-mix payment system, the Department establishes a case-mix index score for each nursing facility resident based on the resident's comprehensive MDS assessment data as submitted by the nursing facility. Using the individual CMI scores calculated for each resident, the Department then calculates a total facility CMI score, and a facility MA CMI score for each nursing facility, and a Statewide average MA CMI

² To make this change, the Department intends to establish a new Chapter 1189 under Title 55 of the Pennsylvania Code. That Chapter will set forth the methodology that the Department will use to reimburse county nursing facilities. Information related to this change in payment methodology will be provided in the publication of a separate advance public notice.

score. Under the current system, total facility CMI scores are only calculated for the February 1 Picture Date and are only used once, to neutralize each nursing facility's audited allowable costs. Under the proposed amendments, beginning with the May 1, 2006, Picture Date, the Department will calculate a total facility CMI average for each calendar quarter based on the resident comprehensive MDS assessment data submitted by the nursing facility for the respective calendar quarter. The Department will use an average of the four total facility CMI averages related to the cost report period used in the rate-setting process to neutralize the nursing facility's costs. To implement this change, up until the time when there are four total CMI averages for each cost report period used in the rate-setting process, the Department will use the average of the number of available total facility CMI averages, to neutralize the nursing facility's cost.

Alternative Placement Incentives

As a means of encouraging choice in long-term care services, the Department is proposing to make an adjustment to the CMI scores of MA residents who require less intensive services and resources. The Department will assign an MA resident an individual CMI score of .30 for purposes of calculating the facility's average MA CMI for a picture date if the MA resident is a resident of a nursing facility, other than an SRF, has a CMI score of 0.65 or lower, does not have a dementia diagnosis and has a score of 2 or less on the Cognitive Performance Scale (meaning that, at most, the resident has only mild impairment in decision-making, retains short-term memory, and can make himself understood). As previously noted, if an MA resident of an SRF does not have a diagnosis of comatose, cerebral palsy, multiple sclerosis, paraplegia, quadriplegia, traumatic brain injury or is not dependent on a ventilator or respirator, under the proposed amendments, the Department will assign the resident a CMI score of .60 for purposes of calculating the SRF's average MA CMI.

Peer Groups

Currently, to set prices for the resident care, other resident related and administrative cost categories under the case-mix payment system, the Department classifies MA nursing facilities into 14 mutually exclusive peer groups. Twelve of the 14 peer groups are established based on geographic location using the Metropolitan Statistical Areas (MSA) and the nursing facility's bed size. The remaining two peer groups, peer group 13 and 14, are designated for SRF and hospital-based nursing facilities respectively, regardless of geographic location or bed size.

Under the proposed amendments, the Department will maintain the 14 mutually exclusive peer groups. To determine the geographical groups, the Department will use the MSA group classification levels published in the Federal Office of Management and Budget Bulletin No. 99-04, applied to the statistical areas identified in the Federal Office of Management and Budget Bulletin No. 03-04 and updated based on the 2000 census. This will result in the reclassification of some counties into different MSA groups. Three counties (Armstrong, Mercer and Pike) will be reclassified into MSA groups with higher populations and three counties (Lebanon, Somerset and Columbia) will be reclassified into MSA groups with lower populations.

Cost Reports

Currently, as part of the final reporting requirements contained in § 1187.75 (relating to final reporting), nurs-

ing facilities that enter into a termination agreement or an agreement of sale, or are otherwise undergoing a change of ownership, or withdrawing or being terminated as an MA provider, or are newly MA-certified, are required to file an acceptable cost report even if the effective date of this action was within the nursing facility's respective cost report period. The Department does not use these short period cost reports in the rate-setting process. The Department is proposing to eliminate the requirement for filing final cost reports for final reporting periods that are less than 12 months.

Under the current system, to compute the net operating rate components for the individual nursing facilities, the Department uses costs taken from the three most recent audited cost reports for each nursing facility. Under the proposed amendments, the Department will use costs taken from the most recent accepted, reviewed or audited cost report on file with the Department as of the rate database cut-off date.

Auditing Practices

Under the current regulations, the Department audits all nursing facility costs as reported on the cost report within 15 months from the date of acceptance. The corresponding audit reports set forth the auditors' determinations of the facility's allowable costs. Under the current system, to set peer group prices, the Department uses audited allowable costs taken from the three most recent audit reports for each nursing facility. Under the proposed amendments, the Department's auditors will no longer audit all of a nursing facility's reported costs. Instead, the Department's auditors will examine the nursing facility's major movable property costs, real estate tax costs and resident day information, and audit other reported costs based on a selection process.

The Department will use each nursing facility's most recent audited, reviewed or accepted cost report and calculate a cost per diem for each of the net operating cost centers for each nursing facility. Each nursing facility's cost per diem for each of the net operating cost centers will be arrayed within their respective peer groups and a preliminary median will be determined. The Department will then select a median facility group within each net operating cost center for each peer group. The median facility group will consist of the three nursing facilities whose cost per diems are equal to or immediately above the preliminary median and the two nursing facilities whose cost per diems are immediately below the preliminary median. The costs associated with the respective cost center for nursing facilities in the median facility group will be audited by the Department's auditors. After completion of the audits, the Department will compute an audited per diem cost for each of the nursing facilities in the median facility group. These audited per diem costs will be arrayed within the respective net operating cost center and a final median per diem cost determined for each peer group. The final median per diem costs will be used to compute the associated peer group prices.

For the 2006-2007 rate year, each nursing facility's allowable costs will be taken from the facility's most recent audited cost report issued on or before March 31, 2006.

Allowable Costs

The Department proposes to make changes to 55 Pa. Code Chapter 1187, Subchapter E (relating to allowable program costs and policies) to more specifically

define and clarify the items that are allowable and non-allowable for each of the three net operating cost centers.

Under the current provisions related to allocation of costs, allowable insurance costs are classified as administrative costs. Under the proposed amendments, the Department is proposing to classify allowable liability, property and boiler insurance costs as other resident related costs. This change in allocation will take effect when the Department has the nursing facility's cost report on file which includes a schedule to allocate insurance costs into the appropriate cost center.

Limitation on Median Peer Group Price

Currently during rebasing, the Department does not apply a limitation on the amount of increase of a peer group's median for each net operating cost center. As a result, peer groups containing a smaller number of nursing facilities have historically experienced a higher increase in their peer group medians used to set peer group prices. To control this increase, under the proposed amendments, the Department will limit the percentage increase of the net operating peer group medians of peer groups that contain ten or fewer nursing facilities. For nursing facilities in a peer group containing ten or fewer nursing facilities, the peer group median for each net operating cost center will be the lower of the peer group median as calculated in accordance with § 1187.96 (relating to price and rate setting computations) or the prior rate year peer group median for the cost center adjusted by the highest percent increase of a peer group median in that cost center of any of the peer groups containing more than ten nursing facilities.

Occupancy Efficiency Adjustment

Under the current case-mix system, the Department makes certain minimum occupancy adjustments. Specifically, if a nursing facility's overall nursing facility occupancy level is below 90%, the Department makes an adjustment to total nursing facility resident days as though the nursing facility were at 90% occupancy. The Department then applies the 90% occupancy adjustment as part of the computation of the nursing facility's administrative and capital rate components. Under the proposed amendments, the Department proposes to increase the occupancy level threshold to 92%. This amendment is intended to promote nursing facility efficiency and economy associated with nursing facility occupancy levels and encourage right-sizing.

Capital Cost Policy

Currently under the case-mix system, the Department annually computes a facility-specific capital rate component for each nursing facility. The nursing facility's capital rate component consists of a fixed property component, a movable property component, and a real estate tax component. The fixed property component is based on the fair rental value of the nursing facility's fixed property which is determined by an appraisal completed by an independent appraisal firm under contract with the Department in accordance with § 1187.57 (relating to selected capital cost policies). The nursing facility's fair rental value is adjusted by the appraised depreciated replacement cost of the nursing facility's fixed property to account for the per bed limitation of \$26,000 and the bed moratorium provision contained in § 1187.113 (relating to capital component payment limitation) and the adjusted amount is multiplied by the financial yield rate. Under the proposed amendments, the Department will compute a nursing facility's fixed property component by multiply-

ing the facility's number of beds qualified for fixed property payment (allowable beds) as of the April 1 immediately preceding the rate year by \$26,000, then multiply that product by the financial yield rate.

Bed Hold Payments

Currently, the Department pays a nursing facility a maximum of 15 consecutive bed hold days per hospitalization to hold a bed for a resident who requires hospitalization. The payment is made at a rate of 1/3 of the nursing facility's per diem rate on file with the Department at the time of the hospitalization, and is paid regardless of the nursing facility's overall total occupancy rate. Under the proposed amendments, the Department proposes to only pay a nursing facility for a hospital bed hold day if the nursing facility's overall total occupancy for the applicable picture date is equal to or greater than 85%.

Incentive Payments

Disproportionate Share Incentive Payments

The current case-mix payment system provides for disproportionate share incentive payments to be made to a nursing facility, if over a 12-month cost reporting period the facility has an annual overall occupancy rate of at least 90% and an MA occupancy rate of at least 80%. The amount paid to a qualifying facility is computed by multiplying the nursing facility's MA paid days of care by the per diem incentive amount. Under the proposed amendment, the Department proposes that the MA occupancy rate will continue to be subject to the same minimum occupancy rate; however, the minimum annual overall occupancy rate necessary to qualify for disproportionate share incentive payments will increase to 92%.

Pay for Performance Incentive Payments

In the current payment system, there are no provisions that provide for incentive payments to nursing facilities that meet or exceed performance standards. Under the proposed amendments, the Department intends to make payment to nursing facilities that meet certain performance objectives. An incentive payment is proposed for nursing facilities that submit a resident's initial MDS data within seven calendar days of the completion of the Admission or Medicare PPS assessment. Through this prompt notification of a resident's admission to a nursing facility, the Department will be able to educate residents on their long-term care options while their former housing is still available for their return or transition into the community and before they have become acclimated to the nursing facility environment. The incentive payment will be made on a monthly basis and will be based on the number of unduplicated initial assessments submitted to the Department in which the completion date of the assessment is less than or equal to 7 days from the date of submission.

Cost Neutrality

Under the proposed amendments, each fiscal year the Department will apply a budget adjustment factor (BAF) based on the funding that is appropriated for nursing facility services in the General Appropriations Act. The BAF will be applied each quarter to the nursing facility's quarterly case-mix per diem rate calculated in accordance with the rate-setting methodology contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting).

Phase-in Period

Under the proposed amendments, the Department is proposing to implement a three-year phase-in provision.

This phase-in provision will prevent major disruptions to nursing facilities' business practices and allow nursing facilities time to modify their business practices to adjust to the rate-setting methodology changes.

The phase-in provision for Year One will assure that the per diem rate that a nursing facility receives for nursing facility services provided to an MA resident during FY 2006-2007 will not deviate from the nursing facility's average 2005-2006 case-mix per diem rate by plus or minus 2.5%.

The phase-in provision for Year Two will assure that the per diem rate that a nursing facility receives for nursing facility services provided to an MA resident during FY 2007-2008 will not deviate from the nursing facility's average 2005-2006 case-mix per diem rate by plus or minus 5%.

The phase-in provision for Year Three will assure that the per diem rate that a nursing facility receives for nursing facility services provided to an MA resident during FY 2008-2009 will not deviate from the nursing facility's average 2005-2006 case-mix per diem rate by plus or minus 7.5%.

Future Programs

In addition to the changes being proposed by this notice, the Department is in the process of developing program initiatives that will encourage nursing facilities to review their current delivery of long-term care services and adjust their delivery system to better meet the long-term care service needs of MA consumers. The Department will provide information regarding these program initiatives with opportunity for public input in the future.

Fiscal Impact

This change will result in an estimated savings of \$206.92 million in total funds (\$103.3 million in State funds) in FY 2006-2007.

Public Comment

More detailed information related to the provisions contained in this notice will be presented at public hearings that will be scheduled for late April 2006. The locations for the public hearings will be Sharon, Wilkes-Barre/Scranton, Philadelphia, State College, Pittsburgh and Harrisburg.

More information regarding the public hearings may be obtained by contacting the Bureau of Long-Term Care Programs at (717) 705-3705. The dates and locations will also be listed on the Office of Medical Assistance Programs website when available.

A copy of this notice is available for review by contacting Gail Weidman in the Long-Term Care Policy Section at (717) 705-3705. Interested persons are invited to submit written comments about the changes to the case-mix payment system to the Department within 15 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Division of Long-Term Care Client Services, Attn: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Following review and consideration of any comments received in response to this notice, the Department intends to publish a final-omitted rulemaking in the

Pennsylvania Bulletin adopting changes to the Department's case-mix payment system regulations.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-473. No fiscal impact; (8) recommends adoption. This regulation will result in savings of \$103.30 million for FY 2006-2007 and \$120.84 million for FY 2007-2008.

[Pa.B. Doc. No. 06-624. Filed for public inspection April 14, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash Connection Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Connection.

2. *Price:* The price of a Pennsylvania Cash Connection instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Cash Connection instant lottery game ticket will contain one play area designated as "CASH BOX." There are 60 play symbols, 49 of which will be located in the play area, and which are the numbers 01 through 60. Each ticket will also contain a "YOUR NUMBERS" area. The "YOUR NUMBERS" area will consist of fourteen play symbol numbers. The play symbol numbers that may be located in the "YOUR NUMBERS" area are: The numbers 01 through 60.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$9, \$12, \$30, \$100, \$500 and \$60,000. The player can win up to three times on a ticket. Only the highest prize won by each group of contiguous (touching) matched numbers will be paid.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Cash Connection instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets upon which ten of "YOUR NUMBERS" play symbols match ten contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which nine of "YOUR NUMBERS" play symbols match nine contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which eight of "YOUR NUMBERS" play symbols match eight contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which seven of "YOUR NUMBERS" play symbols match seven contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$30.

(e) Holders of tickets upon which six of "YOUR NUMBERS" play symbols match six contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$12.

(f) Holders of tickets upon which five of "YOUR NUMBERS" play symbols match five contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$9.

(g) Holders of tickets upon which four of "YOUR NUMBERS" play symbols match four contiguous (touching)

"CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets upon which three of "YOUR NUMBERS" play symbols match three contiguous (touching) "CASH BOX" numbers play symbols, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3 NUMBERS touching	\$3	10	600,000
3 NUMBERS touching × 2	\$6	25	240,000
4 NUMBERS touching	\$6	33.33	180,000
3 NUMBERS touching × 3	\$9	50	120,000
5 NUMBERS touching	\$9	50	120,000
4 NUMBERS touching × 2	\$12	200	30,000
3 NUMBERS touching × 2	\$12	200	30,000
+ 4 NUMBERS touching			
3 NUMBERS touching	\$12	200	30,000
+ 5 NUMBERS touching			
6 NUMBERS touching	\$12	200	30,000
7 NUMBERS touching	\$30	100	60,000
8 NUMBERS touching	\$100	478.09	12,550
9 NUMBERS touching	\$500	24,000	250
10 NUMBERS touching	\$60,000	600,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Connection instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Connection, prize money from winning Pennsylvania Cash Connection instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Connection instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Connection or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-625. Filed for public inspection April 14, 2006, 9:00 a.m.]

Pennsylvania Precious Gems Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Precious Gems.

2. *Price:* The price of a Pennsylvania Precious Gems instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Precious Gems instant lottery game ticket will contain one play area featuring a "GEM NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "GEM NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Treasure Chest symbol (CHEST).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$25\$ (TWY

FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$2,500 (TWYFIVHUN), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$10, \$25, \$50, \$100, \$250, \$2,500, \$50,000 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Precious Gems instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$250 (TWOHUNFTY) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$100 (ONE HUN) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"GEM NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$50\$ (FIFTY) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$25\$ (TWY FIV) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Treasure Chest symbol (CHEST), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Treasure Chest symbol (CHEST) on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GEM NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Numbers Match Any of The Gem Numbers, Win With Prize(s) of:

\$5
 \$5 w/TREASURE CHEST
 \$2 x 5
 \$5 x 2
 \$10

Win:
 \$5
 \$5
 \$10
 \$10
 \$10

Approximate Odds 1 In:
 15
 15
 60
 60
 60

Approximate No. of Winners Per 7,200,000 Tickets
 480,000
 480,000
 120,000
 120,000
 120,000

When Any of Your Numbers
Match Any of The Gem
Numbers, Win With Prize(s)
of:

	Win:	Approximate Odds 1 In:	Approximate No. of Winners Per 7,200,000 Tickets
\$10 w/TREASURE CHEST	\$10	60	120,000
\$5 × 5	\$25	75	96,000
\$25	\$25	200	36,000
\$25 w/TREASURE CHEST	\$25	66.67	108,000
\$25 × 2	\$50	300	24,000
\$5 × 10	\$50	300	24,000
\$10 × 5	\$50	300	24,000
\$50	\$50	300	24,000
\$50 w/TREASURE CHEST	\$50	300	24,000
\$10 × 10	\$100	1,714	4,200
\$50 × 2	\$100	1,714	4,200
\$100	\$100	1,714	4,200
\$100 w/TREASURE CHEST	\$100	1,714	4,200
\$25 × 10	\$250	24,000	300
\$50 × 5	\$250	24,000	300
\$250	\$250	24,000	300
\$250 w/TREASURE CHEST	\$250	24,000	300
\$250 × 10	\$2,500	288,000	25
\$2,500	\$2,500	288,000	25
\$50,000	\$50,000	720,000	10
\$100,000	\$100,000	720,000	10

TREASURE CHEST (CHEST) = Win prize shown under it automatically.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Precious Gems instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Precious Gems, prize money from winning Pennsylvania Precious Gems instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Precious Gems instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Precious Gems or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-626. Filed for public inspection April 14, 2006, 9:00 a.m.]

Pennsylvania Queen of Hearts Tripler Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Queen of Hearts Tripler.

2. *Price:* The price of a Pennsylvania Queen of Hearts Tripler instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Queen of Hearts Tripler instant lottery game ticket will contain two play areas. One play area will consist of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8." The second play area will consist of a "ROYAL BONUS" play area. The "GAME" play areas and the "ROYAL BONUS" play area have different game play methods. Each "GAME" is played separately. Each "GAME" features a "YOUR CARD" area, a "DEALER'S CARD" area, and a "PRIZE" area. The black play symbols located in the "YOUR CARD" areas are: 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), Queen of Spades (QNS), King of Spades (KGS), Ace of Spades (ACS), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), Queen of Clubs (QNC), King of Clubs (KGC) and Ace of Clubs (ACC). The red play symbols located in the "YOUR CARD" areas are: 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), Ace of Diamonds

(ACD), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH), Queen of Hearts (RQN), King of Hearts (KGH) and Ace of Hearts (ACH). The black play symbols located in the "DEALER'S CARD" area are: 2 of Spades (TWS), 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), Queen of Spades (QNS), King of Spades (KGS), 2 of Clubs (TWC), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), Queen of Clubs (QNC) and King of Clubs (KGC). The red play symbols located in the "DEALER'S CARD" areas are: 2 of Diamonds (TWD), 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), 2 of Hearts (TWH), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH) and King of Hearts (KGH).

The black play symbols and their captions located in the "ROYAL BONUS" area are: 2 of Spades (TWS), 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), Queen of Spades (QNS), King of Spades (KGS), Ace of Spades (ACS), 2 of Clubs (TWC), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), Queen of Clubs (QNC), King of Clubs (KGC), Ace of Clubs (ACC) and a Castle (CASTLE). The red play symbols located in the "ROYAL BONUS" area are: 2 of Diamonds (TWD), 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), King of Diamonds (KGD), Ace of Diamonds (ACD), 2 of Hearts (TWH), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH), King of Hearts (KGH) and Ace of Hearts (ACH). Ace = 11, Jack, Queen and King = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" areas of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8," are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8," are: \$1, \$2, \$3, \$5, \$9, \$10, \$15, \$30, \$50, \$100, \$1,000 and \$25,000. The prize that can be won in the "ROYAL BONUS" play area is \$10. The player can win up to nine times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Queen of Hearts Tripler instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$25,000 (TWYFIVTHO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$30\$ (THIRTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$15\$ (FIFTN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$15.

(j) Holders of tickets with a Castle (CASTLE) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize

play symbol of \$9⁰⁰ (NIN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(m) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$3⁰⁰ (THR DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$9.

(n) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$3⁰⁰ (THR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets with a Red Queen of Hearts (RQN) playing card symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appearing in the "PRIZE" area to the right of that Red Queen of Hearts (RQN) playing card symbol, on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets where the "YOUR CARD" playing card symbol in any "GAME" beats the "DEALER'S CARD" playing card symbol in that same "GAME," and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Your Card Beats the Dealer's Card Win With Prize(s) of:</i>	<i>Win:</i>	<i>Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$1 x 2	\$2	21.43	448,000
\$2	\$2	18.75	512,000
\$1 x 3	\$3	75	128,000
\$1 w/RED QUEEN (RQN)	\$3	37.5	256,000
\$3	\$3	75	128,000
\$1 x 5	\$5	150	64,000
\$2 + \$3	\$5	150	64,000
\$5	\$5	60	160,000
\$1 x 7 + \$2	\$9	300	32,000
\$3 w/RED QUEEN (RQN)	\$9	300	32,000
\$9	\$9	300	32,000
\$10	\$10	500	19,200
ROYAL BONUS (CASTLE)	\$10	125	76,800
\$2 x 7 + \$1	\$15	1,500	6,400
\$3 x 5	\$15	1,500	6,400
\$5 w/RED QUEEN (RQN)	\$15	750	12,800
\$5 + ROYAL BONUS (CASTLE)	\$15	300	32,000
\$15	\$15	1,500	6,400
\$5 w/RED QUEEN (RQN) x 2	\$30	750	12,800
\$15 x 2	\$30	750	12,800
\$10 w/RED QUEEN (RQN)	\$30	750	12,800
\$10 x 2 + ROYAL BONUS (CASTLE)	\$30	750	12,800
\$30	\$30	750	12,800
\$50	\$50	300	32,000
\$5 x 6 + \$30 x 2 + ROYAL BONUS (CASTLE)	\$100	4,615	2,080
\$50 x 2	\$100	4,800	2,000
\$30 w/RED QUEEN (RQN) + ROYAL BONUS (CASTLE)	\$100	4,800	2,000
\$100	\$100	4,800	2,000
\$1,000	\$1,000	320,000	30
\$25,000	\$25,000	960,000	10

RED QUEEN (RQN) = Triples the prize for that game.

ROYAL BONUS (CASTLE) = Win \$10 instantly.

NOTE: Only the highest prize won by each GAME will be paid.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Queen of Hearts Tripler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Queen of Hearts Tripler, prize money from winning Pennsylvania Queen of Hearts Tripler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Queen of Hearts Tripler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Queen of Hearts Tripler or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-627. Filed for public inspection April 14, 2006, 9:00 a.m.]

Pennsylvania 333 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 333.
2. *Price:* The price of a Pennsylvania 333 instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania 333 instant lottery game ticket will contain one play area, one "PRIZE" box and a "BONUS" area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE). The play symbols and their captions located in the "BONUS" area are: NO BONUS (TRY AGAIN), a DOUBLE symbol (DBL) and a TRIPLE symbol (TRPL).
4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" box are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$60\$ (SIXTY), \$90\$ (NINTY) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$15, \$20, \$30, \$60, \$90 and \$3,000.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania 333 instant lottery game.

7. Determination of Prize Winners:

- (a) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3,000 (THR THO) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$3,000.
- (b) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$90\$ (NINTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$90.
- (c) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$90.
- (d) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$60\$ (SIXTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$60.
- (e) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$60.
- (f) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$60.
- (g) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$30\$ (THIRTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$30.
- (h) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$30.
- (i) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$30.
- (j) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$20.
- (k) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.
- (l) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$15.
- (m) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$10.⁰⁰ (TEN DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$5.⁰⁰ (FIV DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$9.⁰⁰ (NIN DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$9.

(q) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3.⁰⁰ (THR DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$9.

(r) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$6.⁰⁰ (SIX DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3.⁰⁰ (THR DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$2.⁰⁰ (TWO DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$5.⁰⁰ (FIV DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$3.⁰⁰ (THR DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$3.

(w) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$1.⁰⁰ (ONE DOL) appearing in the "PRIZE" box, and with a TRIPLE symbol (TRPL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$3.

(x) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$2.⁰⁰ (TWO DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$1.⁰⁰ (ONE DOL) appearing in the "PRIZE" box, and with a DOUBLE symbol (DBL) in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$2.

(z) Holders of tickets with three matching 3 (THREE) play symbols in the same row, column or diagonal and a prize symbol of \$1.⁰⁰ (ONE DOL) appearing in the "PRIZE" box, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get Three 3's in Any Row, Column or Diagonal Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	10	1,200,000
\$1 w/DOUBLE	\$2	33.33	360,000
\$2	\$2	33.33	360,000
\$1 w/TRIPLE	\$3	75	160,000
\$3	\$3	75	160,000
\$5	\$5	75	160,000
\$2 w/TRIPLE	\$6	750	16,000
\$3 w/DOUBLE	\$6	750	16,000
\$6	\$6	1,500	8,000
\$3 w/TRIPLE	\$9	600	20,000
\$9	\$9	600	20,000
\$5 w/DOUBLE	\$10	600	20,000
\$10	\$10	600	20,000
\$5 w/TRIPLE	\$15	600	20,000
\$15	\$15	600	20,000
\$10 w/DOUBLE	\$20	600	20,000
\$20	\$20	600	20,000
\$10 w/TRIPLE	\$30	24,000	500
\$15 w/DOUBLE	\$30	24,000	500
\$30	\$30	24,000	500
\$20 w/TRIPLE	\$60	48,000	250
\$30 w/DOUBLE	\$60	48,000	250
\$60	\$60	48,000	250
\$30 w/TRIPLE	\$90	80,000	150

Get Three 3's in Any Row,
Column or Diagonal Win
With Prize(s) of:

	Win	Approximate Odds of 1 In:	Approximate No. of Winners Per 12,000,000 Tickets
\$90	\$90	80,000	150
\$3,000	\$3,000	800,000	15

DOUBLE (DBL) = Doubles the prize won.

TRIPLE (TRPL) = Triples the prize won.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 333 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 333, prize money from winning Pennsylvania 333 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 333 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 333 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-628. Filed for public inspection April 14, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
6-298	Department of Education Vocational Education 36 Pa.B. 560 (February 4, 2006)	3/6/06	4/5/06
4-84	Department of Community and Economic Development Manufactured Housing 36 Pa.B. 559 (February 4, 2006)	3/6/06	4/5/06

Department of Education Regulation #6-298 (IRRC #2520)

Vocational Education

April 5, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the February 4, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Education (Department) to respond to all comments received from us or any other source.

1. Statutory Authority to promulgate regulations.

Senator Raphael Musto expressed the concern that the Department lacks the statutory authority to promulgate

these regulations. The Department responded to Senator Musto, citing several statutory provisions authorizing the Department to establish standards for vocational education and the State Board of Vocational Education to approve these standards. However, the Department has also noted that, pursuant to the Public School Code of 1949, 24 P. S. §§ 26-2603-B(k) and 2606-B, "the State Board of Education makes all rules and regulations and approves policy, standards, rules and regulations developed, modified by the Department of Education under the control of the board."

We agree with Senator Musto and share his concern. Promulgation of such standards as regulations must be undertaken by the State Board of Education. The authority to establish standards does not include the authority to promulgate regulations. Where the legislature intends

to authorize the promulgation of regulations, it has done so explicitly, *Main Line Health, Inc. v. CAT Fund*, 738 A.2d 66 (Pa. Cmwlth. 1999) affirmed 777 A.2d 1048 (Pa. 2001).

2. Minimum time requirements and funding.—Economic or fiscal impact; Reasonableness.

The House Education Committee, Senator Noah Wenger, Chairman of the Senate Appropriations Committee, Representative Lynn Herman and several commentators representing vocational education programs and agriculture education in particular have submitted comments on § 339.22(a)(10)(i). This section pertains to minimum time requirements and state funding.

Some commentators have questioned the reasonableness of increasing the minimum hour requirements for vocational education programs. In order for a school entity to qualify for state subsidy under existing regulations, a student in a vocational education program must complete 240 hours per year in ninth grade and 360 hours per year in tenth, eleventh and twelfth grade. The proposed rulemaking would require all high school students to meet the 360 hour requirement. In addition, language that allows students to count out-of-class time towards the hour requirement is being eliminated. Commentators argue that these changes, coupled with increased enforcement, would make it impossible for many programs, especially agriculture education programs, to meet the hour requirements. Thus, those schools would not receive reimbursement. The consequence of the loss of funding would be the elimination of vocational education programs from those schools.

We acknowledge the Department's difficult task of ensuring a quality vocational education system for all students in Pennsylvania and the necessity to do this. We understand that the minimum hour requirement is just one of several criteria used to ensure that vocational education programs meet a certain level of quality. However, we question the need to impose an hour requirement if a vocational education program is otherwise providing a quality program that is meeting the needs of the student and the local community.

We understand that the Department plans to reconsider the decision to delete provisions related to hours spent in supervised occupational and clinical experiences that currently count towards minimum hour requirements. The Department's intent to allow these experiences to count towards the minimum hour requirements should be included in the final-form regulation.

Finally, the existing time requirements found in the chart under Subsection (a)(4)(i) should be deleted.

VOCATIONAL EDUCATION STANDARDS

3. Section 339.1a. Definitions.—Clarity.

Concentrator

The last sentence of this definition states, "Only concentrator students are counted for vocational subsidies." This is a substantive provision that is not repeated in the body of the regulation. Substantive provisions in a definition are not enforceable. Therefore, the Department should delete this phrase from the definition and place it in the body of the regulation.

Diversified Occupations Program

The last sentence of this definition states, "A cooperative education certified teacher is required for such a program." This is a substantive provision that should be moved to the body of the regulation.

In addition, we recommend that the definition be redrafted with subparagraphs that list each of the characteristics of the diversified occupations program.

Participant

This term is defined but not used in the rest of Chapter 339. We recommend that it be deleted. If the Department chooses to retain this definition, we have two concerns. First, this definition identifies who is not a participant, but does not establish who is. The first sentence should be redrafted as follows: "A student enrolled in vocational education planned instruction for less than 360 hours per year."

Second, the last sentence of this definition states, "Participants do not qualify for vocational education subsidy." This is a substantive provision that should be moved to the body of the regulation. If this provision is moved, the definition should be retained.

SBVE—Standards-Based Vocational Education

This phrase is not used in Chapter 339. However, the term "standards-based" is used throughout the regulation. The Department should either use the defined term of SBVE or amend the definition to "standards-based."

In addition, the last two sentences of this definition state the following: "Occupational tasks reviewed by an occupational advisory committee provide the basis for instruction. The instructional system also incorporates and addresses attainment of academic standards (§ 4.12)." These sentences are substantive and should be moved to the body of the regulation.

School entity

This term is defined as follows: "Any local public education provider (such as public school, charter school, cyber charter school, AVTS, intermediate unit)." Would a technical institute be considered a school entity? If so, it should be added to the list of examples.

Technical institute

The last sentence of this definition states, "Technical institutes may not grant degrees, but are encouraged to develop articulation agreements with degree-granting institutions to facilitate transfer of student credit." We have two concerns. First, this sentence is substantive and should be moved to a section in the regulation that pertains to technical institutes.

Second, the phrase "are encouraged to develop articulation agreements with degree-granting institutions to facilitate transfer of student credit" is non-regulatory language which indicates that this phrase is optional. It is inappropriate to include optional provisions in a regulation. If the Department wants technical institutes to develop articulation agreements, it should use the term "shall" instead of "encourage."

4. Section 339.2. Operation.—Clarity.

This section uses the word "rigorous" to describe certain vocational programs. The Pennsylvania Code and Bulletin *Style Manual* discourages the use of indefinite terms (§ 6.16(b)(6)). "Rigorous" is such a term. Therefore, it should be defined or deleted and replaced with a term or phrase that is definitive and measurable. ("Rigorous" also appears in § 339.4(d)(1)(i)(C)(I).)

In addition, this section uses the phrase "career and technical education vocation programs" and "technical education programs." It is our understanding that these

terms mean the same thing. We recommend that one term be used in this section and throughout the remainder of the regulation.

5. Section 339.4. Program approval.—Implementation procedures; Clarity.

Subsection (a) General rule

Subsection (a)(2) states that reapproval will take place between September 1, 2005, and June 30, 2010. This conflicts with Section 339.4(d)(2), which states that school entities shall submit for reapproval at least every five years. If reapproval on a five-year cycle is the goal of the Department, the date of June 30, 2010, should be deleted.

Subsection (b) Application for approval or reapproval

Subsection (b)(2) requires "Evidence that the program prepares students for high priority occupations or other occupations supported by local labor market information and is supported by local employers." Other paragraphs of Subsection (b) also require "assurance" or "evidence," but those paragraphs do not indicate how to meet those requirements. The final-form regulation should include specific requirements for all paragraphs under Subsection (b) that would allow the regulated entity to know if it is meeting its compliance requirements.

Subsection (b)(4) references the undefined terms of "industry-based standards" and the "Pennsylvania Skills Certificate." We recommend that the Department either define these terms or provide a cross-reference to where the meaning of these terms can be found.

Subsection (b)(8) pertains to assurances that support or special services are available to students when disadvantaged, disabled or limited English-speaking students are enrolled as required by Chapters 14 and 15 of 22 Pa. Code. The Education Law Center submitted comments on their behalf and on the behalf of the Disabilities Law Project, The ARC of Pennsylvania, and Pennsylvania Protection Advocacy, Inc. The comments touch on several sections of the proposed rulemaking and include language that they believe would assure access to vocational education for students with disabilities and avoid future litigation. We encourage the Department to consider each of the concerns raised by these commentators to ensure that students with disabilities are served and to ensure the Department is meeting its statutory and regulatory duties.

Subsection (b)(13) requires evidence of joint planning with sending schools "around academic and other needs of attending students." The phrase "other needs" imposes a vague requirement that would be difficult to meet. The "other needs" should be listed in the final-form regulation.

Subsection (c) Documentation

This subsection requires the maintenance of documents, but does not specify how long the documents should be kept. The final-form regulation should specify how long records should be kept after the compliance review is complete.

Subsection (d) Retain approval

Subsection (d)(1)(i) pertains to accountability standards. It requires school entities to implement the standards which will be subject to review by the Department. We have two concerns with Subsection (d)(1)(i)(A), which references "industry assessment," "industry credentials," "certification," "State assessment" and "occupational competency evaluation." Similar to our recommendation above, we recommend that the Department either define these terms or provide a cross-reference to where the

meaning of these terms can be found. Second, this Subsection states that a student's level of occupational achievement will be measured by the Pennsylvania Skills Certificate or "other approved industry certification." Who decides which method will be used to measure competency?

Subsection (d)(1)(i)(D) directs local entities to conduct studies. We have two questions. First, what is a local entity? Second, how often must the studies be conducted?

Subsection (d)(2) requires school entities to submit for reapproval "at least" every five years. The Department has indicated that reapproval is also required if the content of a program changes. Since the phrase "at least" is non-regulatory language that cannot be enforced, it should be deleted. The final-form regulation should include language that instructs school entities to submit for reapproval every five years and when changes to a program have occurred.

Subsection (d)(3) states the following:

In addition, the Department will notify, in writing, each school entity that does not meet or exceed expectations of the standards set by the Secretary, and will require the school to submit a compliance plan to the Bureau of Career and Technical Education. Each noncomplying school entity shall develop a compliance plan and document all corrective actions taken pursuant to it. Upon its approval of the plan, the Department will continue to review the program and provide technical assistance.

We have three concerns. First, the phrase "In addition" is not needed. Second, this section should include a time frame for completion of the duties imposed on the Department and the noncomplying school. Third, the phrase "does not meet or exceed" is problematic. A school might meet the standards but be in noncompliance because it did not exceed the standards. Therefore, the phrase "or exceed" should be deleted.

PLANNING

6. Section 339.15. Minutes.—Clarity.

This section requires minutes of the advisory, occupational advisory and administrative committee meetings to be kept for five years. Section 4.33, pertaining to advisory committees, addresses requirements of advisory committees. We recommend that record-keeping requirement be placed in § 4.33. We note that administrative committees are not referenced in this part of Chapter 339. If the Department retains § 339.15, the reference to administrative committees should be deleted.

CURRICULUM

7. Section 339.22. Program content.—Possible conflict with existing regulations; Clarity.

Subsection (a)(2) references the academic standards of "mathematics, language arts and science." Has the Department considered adding the standards for reading, writing, speaking and listening? Chapter 4, relating to academic standards, does not include language arts as a specific standard. What is meant by this term?

Similar to our concern under Section 339.4(d)(1)(i)(A), the terms or phrases found in Subsection (b)(6), which pertains to industry standards, are not defined. In order for the regulated community to meet the industry standards, they must have a clear understanding of what those standards are. Therefore, we recommend defining or providing appropriate cross-references for all of the terms used in this subsection.

Subsection (d) pertains to postsecondary education and training. It “encourages” articulation of secondary programs with postsecondary programs. The term “encourages” is non-regulatory language which indicates that compliance is optional. It is inappropriate to include optional provisions in a regulation. If the goal of the Department is to require a plan for articulation between secondary and post-secondary institutions, then this section should be rewritten to impose that mandate. In the alternative, this section should be deleted.

8. Section 339.29. Cooperative vocational education.—Implementation procedures.

This section requires compliance with guidelines published by the Department. Guidelines are not binding on either the Department or the regulated community. In order for the guidelines to be enforceable, they must be included in the regulation. In the alternative, this provision should be deleted.

FACILITIES

9. Section 339.51. Learning environment.—Clarity.

Paragraph (1) requires shop laboratories to meet standards of State licensing boards, accreditation providers and industry certification standards and also to take into consideration the recommendations of the occupational advisory committee. In order to assist the regulated community in complying with this requirement, the final-form regulation should list or cross-reference the boards, providers and certification standards that shop laboratories are expected to meet.

10. Section 339.53. Contemporary equipment.—Clarity.

This section requires equipment and facilities to be comparable to industry standards or reimbursement from the Department may be withheld if the standards are not met. As noted above, the final-form regulation should list the industry standards that will be applied. In addition, the term “comparable” is vague and unenforceable. Since funding may be denied if this requirement is not met, the first sentence of this section should be amended to state, “The equipment and facilities must meet industry standards.”

TECHNICAL INSTITUTES

11. Section 339.56. Technical Institutes.—Implementation procedures; Clarity.

All of the goals, requirements and standards of technical institutes are contained in this one section. In order to highlight the various requirements pertaining to technical institutes and make the regulation clearer to the regulated community, the Department should break certain subject areas into separate sections. Suggested section titles are: scope, authority, definitions, eligibility and reimbursement.

Subsection (e) pertains to funding. Subsection (e)(8) requires a technical institute to have a compliance plan as required by formal compliance review conducted by the Department. In order for technical institutes to meet the binding standards of this subsection and remain eligible for funding, they must know what those standards are. Therefore, the Department should explain what standards must be met during a formal compliance review and when that review will take place.

Subsection (e)(9) requires “contemporary equipment.” As noted above, the Pennsylvania Code and Bulletin *Style Manual* discourages the use of indefinite terms (§ 6.16(b)(6)). The final-form regulation should include a more definitive standard related to equipment that will allow a technical institute to know if it is in compliance.

Under Subsection (e)(10), a Technical Institute (TI) must be recognized by an accrediting agency to receive funding. It is our understanding that accreditation is only granted after an institution has been operating. How will the Department implement this provision?

Subsection (f) states the following: “Once a favorable vote takes place, a proposal to establish a TI shall be presented to the State Board for Vocational Education for its approval.” Subsection (c) requires a “majority vote.” This subsection references a “favorable vote.” Since “favorable” is an indefinite term, we recommend that it be replaced by “majority.” This would provide consistency between both subsections.

Subsection (j) pertains to cost and reimbursement. We have three concerns. First, what is an “out of school youth”? Would a student that dropped out or an expelled student be eligible for enrollment? At what age is a person no longer a youth? We recommend that this term be defined. Second, does the reference to an “approved budget” pertain to the budget of the Department or the technical institute? Third, do the phrases “current expense per student” and “per student cost for current expense” mean the same thing? If so, one term should be used and defined. If not, both terms should be defined.

Subsection (k) states, “TIs are not degree-granting institutions, but can offer technical certificates.” The phrase “are not degree-granting institutions, but can” is non-regulatory language that should be deleted.

The term “TI board” is used in Subsection (k). This term is not defined. Clarity would be improved if this term was defined and used consistently throughout the regulation.

12. Miscellaneous clarity.

The definition of cluster vocational education in § 339.1a. references § 339.22(k). Subsection (k) does not exist. In addition, this definition is not used in the remaining text of Chapter 339. Therefore, it should be deleted.

The phrase “but not be limited to” in § 339.4(b) and § 339.32(2) is non-regulatory language that should be deleted.

The citation contained in § 339.4(b)(5) is incorrect. It should be § 339.22(a)(10)(i).

Section 339.22(c)(i)(A) is a repeat of § 339.22(a)(2).

The reference to § 4.3 under § 339.29 is incorrect. Section 4.3 relates to definitions. The correct citation is § 4.33, relating to advisory committees.

Section 339.23(6) refers to the “Industrial Board.” The correct reference is the Department of Labor and Industry.

Under Section 339.56, the phrase “as required” should be inserted between the word “Commonwealth” and “§ 40.2.”

Department of Community and Economic Development Regulation #4-84 (IRRC #2521)

Manufactured Housing

April 5, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the February 4, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Community and Economic Development to respond to all comments received from us or any other source.

Section 143.15. Fees.—Clarity.

The fees for “Follow-up inspection or monitoring services” and “Administrative services associated with follow-up inspection or monitoring services” both include a day and an hourly rate. The Department has indicated that it intends for the manufacturer or retailer to pay the lesser of the two fees in all situations. Therefore, for clarity, the Department should add “whichever is less” after “per hour” in both of these fees.

Also, the Department should add a cross reference to where the manufacturer or retailer can find the current rates for “Travel and per diem expenses.”

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-629. Filed for public inspection April 14, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. Note that the time and date of the meeting is tentative and interested parties are encouraged to contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us to confirm that information. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
15-435	Department of Revenue Terminal-Based Lottery Games	4/5/06	5/4/06

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-630. Filed for public inspection April 14, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Allied Services Continuing Care Retirement Community has applied for a continuing care provider Certificate of Authority to operate a facility located in Scranton, PA. The initial filing was received on March 28, 2006, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-631. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application and Request for a Certificate of Authority

Synergy Comp Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The initial filing was received on April 4, 2006, and was made under 15 Pa.C.S. §§ 1101—1110 (relating to the Business Corporation Law of 1988). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department’s (Department) order approving this Certificate of Authority are invited to submit a written statement to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-632. Filed for public inspection April 14, 2006, 9:00 a.m.]

Application for Approval of a Certificate of Authority

Geisinger Quality Options, Inc., a domestic for-profit corporation, has applied for a Certificate of Authority to operate as a preferred provider organization that is not a licensed insurance company in this Commonwealth. The filing was made under the requirements set forth in the applicable insurance laws, including 40 P. S. §§ 764a and 991.1401—991.1413. Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-633. Filed for public inspection April 14, 2006, 9:00 a.m.]

Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner (Commissioner) published a notice at 36 Pa.B. 784 (February 11, 2006) soliciting comments to the export list published at 35 Pa.B. 3270 (June 4, 2005). Consideration was given to all comments received. The Commissioner proposes to amend the June 4, 2005, list to add "real-estate environmental impairment coverage."

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Written statements must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the June 4, 2005, list remains in effect.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-635. Filed for public inspection April 14, 2006, 9:00 a.m.]

Erie Insurance Exchange; Homeowners Rate and Rule Revision; Rate Filing

On March 22, 2006, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 6.2% decrease amounting to \$17.471 million annually, to be effective August 1, 2006, for new and renewal business.

Unless formal administrative action is taken prior to April 21, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is 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 Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-634. Filed for public inspection April 14, 2006, 9:00 a.m.]

First Priority Health; Blue Care HMO; Rate Filing

On April 5, 2006, the Insurance Department (Department) received from First Priority Health a filing requesting to extend the currently approved index factor (2.93%) through the 4th quarter of 2006 and to offer new copayment options for inpatient and outpatient mental health benefits for groups enrolled in the Blue Care HMO product. The new mental health copayment options are consistent with the medical copayment options currently approved for inpatient and outpatient services. With these new mental health copayment options, the group must adopt the same copay level for inpatient mental health and inpatient acute care (\$0, \$100, \$240, \$250, \$300 or \$500 per admission or \$0, \$100 or \$250 per day) and the same copay level for outpatient mental health and outpatient specialist office visits (\$0, \$5, \$10, \$15, \$20, \$25, \$30 or \$40 per visit).

The proposed effective date is July 1, 2006. These mental health copay changes will impact all subscribers who have mental health benefits.

A copy of the filing is available on the Department's website at 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.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-636. Filed for public inspection April 14, 2006, 9:00 a.m.]

Jonathan D. Gomberg, M. D.; Prehearing**Appeal of Jonathan D. Gomberg, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-03-023**

On or before April 20, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 14, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 11, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 5, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 27, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 4, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-637. Filed for public inspection April 14, 2006, 9:00 a.m.]

William J. Hammer, M. D.; Prehearing**Appeal of William J. Hammer, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-03-010**

On or before April 6, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 14, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 27, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 21, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 13, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 20, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-638. Filed for public inspection April 14, 2006, 9:00 a.m.]

Richard C. Meltz, D. O.; Prehearing**Appeal of Richard C. Meltz, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-03-024**

On or before April 26, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 24, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for May 17, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 11, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 3, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before May 10, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-639. Filed for public inspection April 14, 2006, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Elizabeth Williams; file no. 05-188-11911; U.S. Auto Insurance Company; Doc. No. P06-03-008; May 2, 2006, 10 a.m.

Appeal of Michael and Lori Groover; file no. 06-188-14973; Travelers Insurance Co.; Doc. No. P06-03-028; May 17, 2006, 10 a.m.

Appeal of Wayne E. Bradley; file no. 05-119-11391; First National Insurance Company; Doc. No. P06-03-031; May 18, 2006, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Alvin D. Smith; file no. 06-266-13913; Geico Indemnity Company; Doc. No. PH06-03-006; May 30, 2006, 2 p.m.

Appeal of David M. and Sandra L. Chryszczanavicz; file no. 06-119-13394; Erie Insurance Exchange; Doc. No. P06-03-030; May 30, 2006, 4 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Joseph E. Williams, Jr.; file no. 05-188-12210; Nationwide Insurance Co.; Doc. No. P06-03-027; July 13, 2006, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-640. Filed for public inspection April 14, 2006, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.9—Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Amended March 7, 2006.

Management Directive No. 205.10—Financial Disclosures Required by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 7, 2006.

Management Directive No. 205.12—Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 7, 2006.

Management Directive No. 245.14—Wireless Antenna Tower Management, Amended March 8, 2006.

Management Directive No. 245.15—Statewide Public Safety Radio System, Amended March 7, 2006.

Management Directive No. 245.16—Pennsylvania Justice Network (JNET) Governance Structure, Amended March 7, 2006.

Management Directive No. 315.1—Calculation and Payment of Statutory Salaries, Amended March 3, 2006.

Management Directive No. 515.10—Selection and Appointment to Non-Civil Service Positions, Amended February 16, 2006.

Management Directive No. 535.2—Physicians and Related Occupations Specialty Board Certification Payments, Amended February 21, 2006.

Management Directive No. 570.6—Optional Membership in the State Employees' Retirement System, Amended February 22, 2006.

Management Directive No. 570.9—Reinstatement into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed, Amended February 17, 2006.

Management Directive No. 570.12—Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions, Amended February 17, 2006.

Management Directive No. 580.21—Veterans' Preference on Classified Service Employment Lists, Amended March 6, 2006.

Management Directive No. 590.1—Labor Relations, Amended February 16, 2006.

Management Directive No. 590.2—Confidential Positions and Employees, Amended March 8, 2006.

Administrative Circular No. 06-05—Closing Instruction No. 1, Fiscal Year 2005-2006 Submission of Purchasing Documents, Dated February 23, 2006.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 06-641. Filed for public inspection April 14, 2006, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5169, 1935 Fairmount Avenue, Philadelphia, PA 19130.

Lease Expiration Date: June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/4 mile radius of 20th Street and Fairmount Avenue, Philadelphia.

Proposals due: May 5, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 06-642. Filed for public inspection April 14, 2006, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on June 7, 2006, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on June 30, 2006, and whether an adjustment should be made to the level of the over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on April 28, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on April 28, 2006, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on May 2, 2006, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on May 16, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on May 30, 2006, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on April 25, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 06-643. Filed for public inspection April 14, 2006, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water and Drinking Water State Revolving Fund Programs; Public Meeting on Federal Fiscal Year 2006 Intended Use Plans

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FY) 2006 Intended Use Plans (IUPs) which include a list of drinking water and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from Federal FY 2006 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs.

The projects to be considered for a loan from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to use of the DWSRF and CWSRF loan funds. Projects listed in the FY 2006 IUPs are on the Commonwealth's FY 2006/2007 Project

Priority Lists (PPLs) and are expected to proceed with design and engineering or to construction in the near future.

The DWSRF will be capitalized with approximately \$27.7 million of Federal FY 2006 funds and approximately \$5.5 million of State funds. Some \$8.6 million of the Federal funds will be set aside for program administration costs, technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under the Safe Drinking Water Act. The DWSRF IUP also includes a narrative Work Plan that describes how these set-aside funds will be used.

The CWSRF will be capitalized with approximately \$34.7 million of Federal funds and approximately \$6.9 million of State funds. Some \$1.7 million of the Federal funds will be set aside for program administration costs.

A public meeting will be held. After the public meeting and assessment of comments received, the Final FY 2006 IUPs will be completed, and potentially, they may include other projects from the PPLs. A project must appear on a PENNVEST-approved IUP before it can receive a loan from the SRF programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

Federal guidance on development of the IUPs requires that they be subject to public review and comment before being submitted to the United States Environmental Protection Agency.

The Department has scheduled a public meeting for May 24, 2006, at 1 p.m. in the Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the Federal FY 2006 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the set-aside Work Plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Infrastructure Grant Administration Section at the address or telephone number listed at the end of this notice or by e-mail to amaisano@state.pa.us by 4 p.m. on May 23, 2006. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set-aside Work Plan or the IUP list of projects. Interested persons may submit written comments to the Department at the address that follows. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Infrastructure Grant Administration Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUPs, as well as the Federal FY 2006/2007 PPLs, and the narrative portion of the IUPs

and set-aside Work Plan may be requested from or are available for public review in the offices listed at the end of this notice and are accessible electronically through the Department's website: www.depweb.state.pa.us/water_supply/cwp/view.asp?a=1263&Q=448094&watersupplyNav=30198.

Department of Environmental Protection
Bureau of Water Standards and Facility Regulation
Division of Technical and Financial Assistance
Infrastructure Grant Administration Section
11th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101
(717) 787-0122

PENNVEST
22 S. Third Street
4th Floor, Keystone Building
Harrisburg, PA 17101
(717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority

and

PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority
[Pa.B. Doc. No. 06-644. Filed for public inspection April 14, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Acquisition of Real Property

A-121850F0013. National Fuel Gas Distribution Corporation. Application of National Fuel Gas Distribution Corporation for approval of the acquisition of real property located at SR 6 and Abraham Hollow Road, Brokenstraw Township, Warren County, PA, currently owned by Country Trails Bus Company, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 1, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: National Fuel Gas Distribution Corporation
Through and By Counsel: Christopher M. Trejchel,
Esquire, P. O. Box 2081, Erie, PA 16512

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-645. Filed for public inspection April 14, 2006, 9:00 a.m.]

Merger

A-310503F0004. AT&T, Inc., BellSouth Corporation and BellSouth Long Distance, Inc. Joint application of AT&T, Inc., BellSouth Corporation and BellSouth Long Distance, Inc. for approval of a merger between AT&T, Inc. and BellSouth Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 1, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: AT&T, Inc., BellSouth Corporation and BellSouth Long Distance, Inc.

Through and By Counsel: Daniel P. Delaney, Esquire, Kirkpatrick & Lockhart, Nicholson, Graham, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-646. Filed for public inspection April 14, 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 8, 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-00122554. Patsy L. Pruitt (234 Springville Road, Kinzers, Lancaster County, PA 17535)—persons, 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-00122566. Black Diamond Cab Company, Inc. (212 West Independence Street, Shamokin, Northumberland County, PA 17872), a corporation of the Commonwealth—persons, upon call or demand, in the Boroughs of Frackville, Mahanoy City, Ringtown and Shenandoah, and within an airline distance of 10 statute miles of the limits of said boroughs, all in Schuylkill County.

Applications of the following for the approval of the transfer of stock as described under each 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 Thomas Muller. *Attorney:* Craig A. Doll, Esquire, 25 West Second Street, P. O. Box 403, Hummels-town, PA 17036.

A-00116860, F. 5000. Best Rate Limousine Service, Ltd. (1005 Westwood Drive, Clarks Summit, PA 18411), a limited liability company of the Commonwealth—ownership transfer—for the approval of the transfer of all (100%) membership interest of the issued and outstanding membership interest from Timothy C. Morgan (50%) and Carl Reynolds (50%) to John Nasser (100%). *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, PA 18512-2614.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-647. Filed for public inspection April 14, 2006, 9:00 a.m.]

Transfer of Stock and Rights

A-122250F5000. Equitable Resources, Inc. and The Peoples Natural Gas Company d/b/a Dominion Peoples. Joint application of Equitable Resources, Inc. and The Peoples Natural Gas Company d/b/a Dominion Peoples for approval of the transfer of all stock and rights of The Peoples Natural Gas Company d/b/a Dominion Peoples to Equitable Resources, Inc. and for the approval of the transfer of all stock of Hope Gas, Inc. d/b/a Dominion Hope to Equitable Resources, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 1, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Equitable Resources, Inc. and The Peoples Natural Gas Company d/b/a Dominion Peoples

Through and By Counsel: Charles E. Thomas, Jr., Esquire, Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500 and William T. Hawke, Esquire, Hawke, McKeon, Sniscak & Kennard, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-648. Filed for public inspection April 14, 2006, 9:00 a.m.]

Water Service

A-212285F0133. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Plymouth Township, Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 1, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-649. Filed for public inspection April 14, 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		③ Contract Information
Location:	Harrisburg, Pa.	④	④ Department
Duration:	12/1/93-12/30/93	⑤	⑤ Location
Contact:	Procurement Division 787-0000	⑥	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

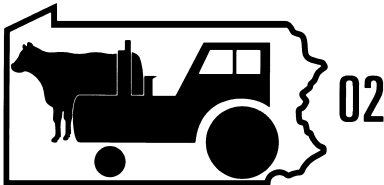
DO BUSINESS WITH STATE AGENCIES

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.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

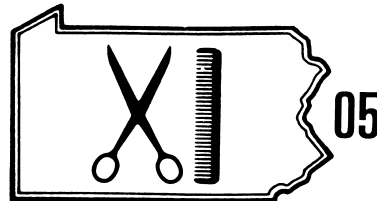
SERVICES



Agricultural Services

Rebid-Revised CN00019481 Contractor to provide ground application of herbicide at specifically designated location in forested areas of Pennsylvania with a 20 percent gradient or more (steep). Contractor to provide the herbicide. The Department will reimburse contractor for the actual cost of herbicide applied to each spray block based upon the invoiced cost to the contractor from the herbicide supplier. The awarded contractor must furnish the Department with a performance bond in the form of a surety bond or letter of credit in the amount of \$10,000 (Estimated acres: 734).

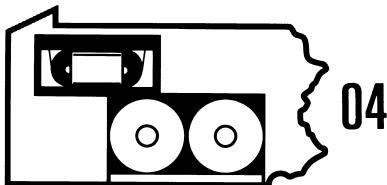
Department: Conservation and Natural Resources
Location: Elk, Potter, and Cameron Counties
Duration: Commence July 1, 2006, and terminate March 31, 2007. Parties may renew for 2 additional consecutive annual terms with final termination date of March 31, 2009. Upon each renewal, unit prices may be increased by 5 percent.
Contact: Nancy Weibley, 717-783-4884



Barber Services

CN00019970 Provide the services of a Licensed Cosmetologist to the South Mountain Restoration Center. The bid will cover five (5) fiscal years, Monday through Friday (8:00 AM - 4:30 PM).

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: 5 year contract from award date
Contact: Rodney Waaman, 717-749-4032



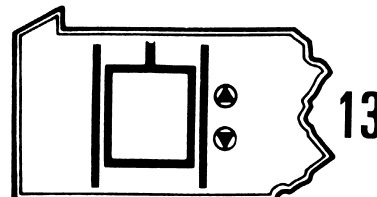
Audio/Video

033106 This service provides for Cable Television Service and Maintenance of Lines to the Hospital. A copy of the Bid Packet can be obtained by contacting the Purchasing Department of the Allentown State Hospital. Phone 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

30-EquipNET East Stroudsburg University has a need for a professional firm to do an Audit of our Telecommunications Services. E-mail azaffuto@po-box.esu.edu for an RFP Package. Proposal Closing date is May 2, 2006. All responsible firms including MBE/WBE are invited to participate.

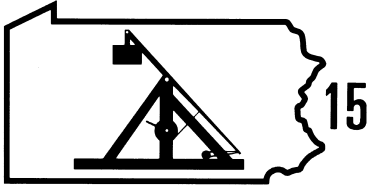
Department: State System of Higher Education
Location: East Stroudsburg University
Duration: 24 months
Contact: Ann Zaffuto, 570 422-3595



Elevator Maintenance

6500-185 Vendor shall provide maintenance to the elevators at the State Correctional Institution at Retreat.

Department: Corrections
Location: State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621
Duration: July 01, 2006 to June 30, 2008
Contact: Barbara Swiatek, 570-674-2717



Environmental Maintenance Service

OSM 04(1261)102.1 Mine Subsidence Control Project, Freedom School. The principal items of work and approximate quantities include 38,667 tons of Supply and Delivery, and Injection of Grout Material, 18,392 linear feet of Air Rotary Drilling and 18,772 linear feet of Installing Casing Pipe, Steel or PVC. This project issues on April 14, 2006 and bids will be opened on May 11, 2006 at 2:00 p.m. Bid documents cost \$15.00 per set and will not be mailed until payment has been received. This project is financed under "The Surface Mining Control and Reclamation Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

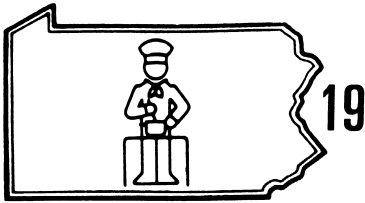
Department: Environmental Protection
Location: New Sewickley Township and Freedom Borough, Beaver County
Duration: 365 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

OSM 13(4653)101.1 Abandoned Mine Reclamation, Nesquehoning Southwest. The principal items of work and approximate quantities include 109,000 cubic yards of Grading and 19.6 acres of Seeding. This project issues on April 14, 2006 and bids will be opened on May 11, 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: Nesquehoning Borough, Carbon County
Duration: 150 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

EPR 66939 The DEP is requesting bids for the following: Conduct Mine Drainage Treatment and Continued Dewatering of the Lion Mining Company Grove No. 1 deep mine pool. Bid opening will be April 13, 2006 at 2:00 p.m. Eastern Standard Time.

Department: Environmental Protection
Location: Lion Mining Company Grove No.1
Duration: One year with a possible (4) four (1) one year renewals
Contact: Bill McDade, 717-783-0486



Food

FS-28 The State Correctional Institution at Rockview, Bellefonte, Centre County, will be soliciting for Milk Products (2% 1/2-pints, and 5-gallon dispenser bags). Issuance of bid requests will be made on a quarterly basis. Pricing to be consistent with the PA Milk Marketing Board Wholesale Pricelist for Area 6. Vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814) 355-6026, or via e-mail dibaney@state.pa.us.

Department: Corrections
Location: SCI-Rockview, State Route 26, Box A, Bellefonte, PA 16823
Duration: 07/01/06 - 06/30/07
Contact: Diane Baney, Pur Agt 2, (814) 355-4874, ext. 206

FS-33 The State Correctional Institution at Rockview, Bellefonte, Centre County, will be soliciting for Breads, Fresh Baked: To include, but not limited to, White and Whole Wheat loaves; hoagie and steak rolls, hamburger and hotdog buns. Issuance of bid requests will be made on a monthly basis. Vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814) 355-6026, or via e-mail dibaney@state.pa.us.

Department: Corrections
Location: SCI-Rockview, State Route 26, Box A, Bellefonte, PA 16823
Duration: 07/01/06 - 06/30/07
Contact: Diane Baney, Purchasing Agent, (814) 355-4874, ext. 206

FS-29 The State Correctional Institution at Rockview, Bellefonte, Centre County, will be soliciting for Fresh Shell Eggs: shell, white, grade A, medium, naturals, PA Spec. 3-10, Effective 5/1/74. Thirty (30) dozen/case. Issuance of bid requests will be made on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814) 355-6026, or via e-mail dibaney@state.pa.us.

Department: Corrections
Location: SCI-Rockview, State Route, Box A, Bellefonte, PA 16823
Duration: 07/01/06 - 06/30/2007.
Contact: Diane Baney, Pur Agt 2, (814) 355-4874, ext. 206

FS-32 The State Correctional Institution at Rockview, Bellefonte, Centre County, will be soliciting for Meats, Poultry, and Meat Products: Unbreaded veal patty, beef cubes, beef round (top inside), beef/soy ground (bulk), beef cubed steak, pork ham (outside, trim/tied), pork/soy ground (bulk), beef wafer steak, poultry sliced bologna, poultry franks (low sodium), beef/soy ground (patties), turkey roast, whole turkey, chicken leg quarters, boneless skinless chicken breasts, turkey ground (bulk), poultry kielbasa, and like products. Issuance of bid requests will be made on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814) 355-6026, or via e-mail dibaney@state.pa.us.

Department: Corrections
Location: SCI-Rockview, State Route 26, Box A, Bellefonte, PA 16823
Duration: 07/01/06 - 06/30/07
Contact: Diane Baney, Purchasing Agent, (814) 355-4874, ext. 206

FS-30 The State Correctional Institution at Rockview, Bellefonte, Centre County, will be soliciting for Miscellaneous Frozen Foods: Pizza, broccoli florets, Brussels sprouts, cauliflower, frozen eggs, frozen egg whites, waffles, juice, juice bars, and like items. Issuance of bid requests will be made on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814) 355-6026, or via e-mail dibaney@state.pa.us.

Department: Corrections
Location: SCI-Rockview, State Route 26, Box A, Bellefonte, PA 16823
Duration: 07/01/06 - 06/30/07.
Contact: Diane Baney, Purchasing Agent, (814) 355-4874, ext. 206

6500-184 Assorted dry and canned foodstuffs as required per institutional need. Product shall be supplied to the State Correctional Institution at Retreat.

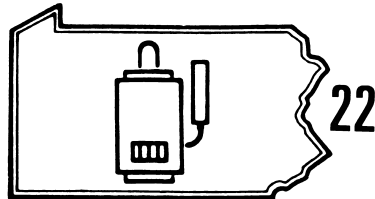
Department: Corrections
Location: State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18612
Duration: April 03, 2006 to June 30, 2006
Contact: Barbara Swiatek, 570-674-2717

FS-31 The State Correctional Institution at Rockview, Bellefonte, Centre County, will be soliciting for Seafood: Clams, breaded and unbreaded haddock, crab cakes, imitation crab meat and like items. Issuance of bid requests will be made on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814) 355-6026, or via e-mail dibaney@state.pa.us.

Department: Corrections
Location: SCI-Rockview, State Route 26, Box A, Bellefonte, PA 16823
Duration: 07/01/06 - 06/30/07
Contact: Diane Baney, Purchasing Agent, (814) 355-4874, ext. 206

2500-001 Assorted dry and canned goods to be supplied to the State Correctional Institution at Dallas on an as-needed basis.

Department: Corrections
Location: State Correctional Institution at Dallas, 1000 Follies Road, Dallas, PA 18612
Duration: April 03, 2006 to June 30, 2006
Contact: Linda Davenport, 570-674-2710



HVAC Services

CN00020040 This contract will be for maintenance on a gas fired heating system at the Mifflin County Maintenance Building in Lewistown, PA.

Department: Transportation
Location: S.R. 022, 1200 West 4th Street, Lewistown, PA
Duration: 1 year service contract with two renewals. Anticipated term of 8/1/2006 through 7/31/07
Contact: Larry Lawson, 717-248-7851

CN00020041 This contract will be for maintenance on an oil fired heating system with one office central air conditioning unit carrier (Weathermaker model no. 50K8-C509) at the Juniata County Maintenance Building.

Department: Transportation
Location: S.R. 3002, one mile east of Mifflintown, PA 17059
Duration: One year contract with two (2) renewals. Anticipated term 8/1/06 through 7/31/07
Contact: Larry Lawson, 717-436-2187

CN00019965 The Department of Conservation and Natural Resources, Bureau of State Parks, Prince Gallitzin State Park, requires services to relocate electrical pedestals at Prince Gallitzin State Park, 966 Marina Road, Cambria County, Patton, PA 16668-6317. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. A Mandatory site visit is required prior to the bid opening of 04/18/2006 and can be arranged by calling Rory Bower at (814) 674-1000. Bid Opening Date/Time: 04/18/2006 at 2:00 p.m.

Department: Conservation and Natural Resources
Location: Prince Gallitzin State Park, 966 Marina Road, Cambria County, Patton, PA 16668-6317
Duration: Commence upon receipt of Purchase Order and Notice to Proceed letter, and terminates November 23, 2006.
Contact: Steven E. Smith, 717-783-1896

0019991 Contractor to perform inspections and functional/diagnostic test of panel functions, auxiliary/monitoring functions and all accessible peripheral devices listed and currently on-line with the facility life safety system. For Detail specifications please send fax request to (570) 961-4317 or e-mail request to rcasey@state.pa.us.

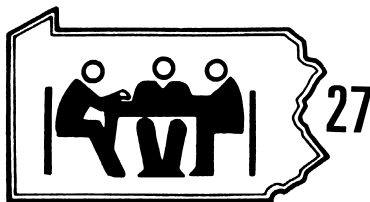
Department: Military Affairs
Location: Gino J. Merli Veterans Center, 401 Penn Ave., Scranton, PA 18503
Duration: 07/01/2006 through 06/30/2009
Contact: Robert J. Casey, 570-961-4317



Janitorial Services

CN00020000 Provide janitorial, recycling and trash removal services, and furnish all materials and equipment required to perform services outlined in Bid CN00020000 specifications. A mandatory office visitation/walk-through will be conducted on April 26, 2006 at 9:00 a.m. at the OAG Butler office. Contact OAG Facilities Management at (717) 787-7830 to confirm attendance at the April 26 office visitation.

Department: Attorney General
Location: 106 Independence Drive, Butler, PA 16001
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
Contact: Kellie L. Kask, 717-783-6275



Lodging/Meeting Facilities

99-1739 Hotel accommodations needed for a MAGLOCLLEN conference being held from Monday, June 26, 2006 to Friday, June 30, 2006, to include 475 sleeping rooms; meeting room for approximately 700 people, AM and PM breaks and one (1) luncheon for approximately 700 people.

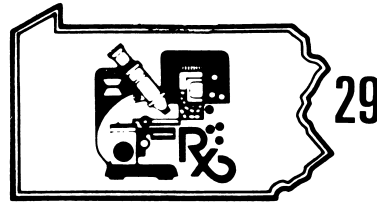
Department: Attorney General
Location: Baltimore, MD, Inner Harbor
Duration: June 24 to July 2, 2006
Contact: Jay Friske, 800-345-1322, ext. 1570

CN00019999 Provide lodging, meeting rooms and meals for the Department of Environmental Protection, Bureau of Water Standards and Facility Regulation training sessions for approximately 100 attendees per session.

Department: Environmental Protection
Location: The contract shall be awarded to the lowest responsible bidder with facilities located along I-80 corridor within a 20-mile radius of any of the exits between exits 97 (DuBois/Brockway) and 262 (Mountaintop/Hazleton), or along the I-76 corridor within a 20-mile radius of any of the exits between 110 (Somerset) and 266 (Lebanon/Lancaster).
Duration: Through 6/30/06, with option to renew.
Contact: Dave Stillions, 717-783-8551

CN00019974 The Department of Conservation and Natural Resources, Bureau of Forestry, requires services to provide lodging, meeting rooms, and meals for various meetings/training conducted by the Department of Conservation and Natural Resources' Bureau of Forestry. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. Bid Opening Date/Time: 04/18/2006 at 2:00 p.m.

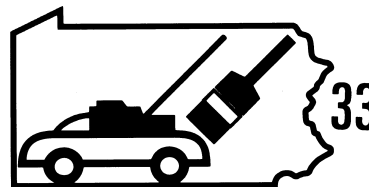
Department: Conservation and Natural Resources
Location: Facility requested must be within a 10-mile radius of downtown State College
Duration: Commences upon July 1, 2006, and terminates June 30, 2007. Parties may agree to renew 4-1 year term with final termination June 30, 2012.
Contact: Steven E. Smith, 717-783-1896



Medical Services

CN00020014 Routine/Scheduled Ambulance Transportation Services: The contractor agrees to provide non-emergency ambulance service for routine medically necessary trips, and transportation service for residents for non-medically necessary trips. Contractor's ambulance must meet all Medicare regulations for proper staffing and medical equipment. The ambulance company must meet voluntary ambulance service certification as regulated by the Department of Health Pa. Code Title 28-Chapter 10.005. The contractor shall be available via direct telephone contact on a 24 hour basis for prompt response for ambulance service for non-emergency medically necessary trips. The contractor must supply appropriate transport vehicle for pre-scheduled visits depending on resident's condition. Transport vehicles will include stretcher vans and wheelchair vans equipped with basic life support equipment. Mode of transportation will be mutually agreed upon by the contractor and the facility contact. Additional conditions and specifications can be obtained by contacting the Center.

Department: Public Welfare
Location: DPW-South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Five-year contract
Contact: Jennifer Karper, Financial Mgr., 717-749-4012



Property Maintenance

CN00020009 Provide snow removal services for driveways and parking lot at PA National Guard Armory. 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: PA National Guard Armory, 565 Walters Avenue, Johnstown, PA 15904-1298
Duration: 11/01/06 - 03/31/09
Contact: Glenda Nagle, 717-861-2116, gnagle@state.pa.us.

Project MU-06-02 Project consists of replacing the windows and selective doors in Memorial Hall. The project includes the removal of the aluminum framing systems sash glass and hollow metal doors, frames, and sidelights. Provide new aluminum framing systems, sash, doors, sidelights, tinted insulating glass, and spandrel glass panels. All responsible firms are invited to participate including MBE/WBE Firms. Pre-bid meeting Thursday, May 4, 2006 at 10 AM, Brooks Maintenance Building. Bids open May 18, 2006, 2 PM, Brooks Maintenance Bldg. To obtain a copy of the bid documents submit a \$20.00 non-refundable check to Mansfield University, 115 Sherwood St., Mansfield, PA 16933, Attn: Peg Chapel.

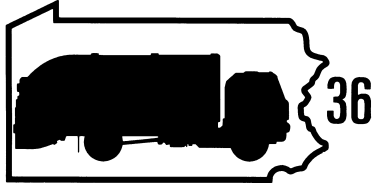
Department: State System of Higher Education
Location: Mansfield University, 115 Sherwood St., Mansfield, PA 16933
Duration: 60 days after Notice to Proceed
Contact: Peg Chapel, 570-662-4148

CN00020028 Application of dust control and stabilization material to 20 miles of tank trails located at Fort Indiantown Gap. For a copy of the bid package please fax your request to 717-861-2932 or e-mail to the address below. Bids opening will be Wednesday, April 19, 2006 at 2:00 PM.

Department: Military Affairs
Location: Fort Indiantown Gap, Annville, PA 17003-5002
Duration: Product to be applied prior to 25 May 2006.
Contact: Glenda Nagle, 717-861-2116, gnagle@state.pa.us.

Project MU-06-02A Project consists of replacing the roof (approximately 7,000 sq. ft.) on Memorial Hall. The project includes the removal of existing single-ply fully adhered membrane and insulation, and built-up roof and insulation down to existing concrete deck. Provide new EPDM-single-ply roof membrane with tapered insulation and a new aluminum coping. Replace existing roof ladder. All responsible firms are invited to participate including MBE/WBE Firms. Pre-bid meeting Thursday, May 4, 2006 at 11 AM, Brooks Maintenance Building. Bids open May 18, 2006, 2 PM, Brooks Maintenance Bldg. To obtain a copy of the bid documents submit a \$20.00 non-refundable check to Mansfield University, 115 Sherwood St., Mansfield, PA 16933, Attn: Peg Chapel.

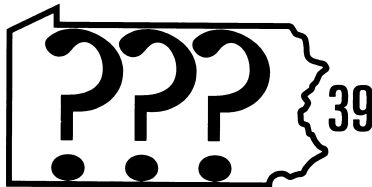
Department: State System of Higher Education
Location: Mansfield University, 115 Sherwood St., Mansfield, PA 16933
Duration: 60 days after Notice to Proceed
Contact: Peg Chapel, 570-662-4148



Sanitation

CN00020011 The Department of Conservation and Natural Resources, Bureau of State Parks, Beltzville State Park, requires service for collection and disposal of solid waste and recyclables at Beltzville State Park, 2950 Pohopoco Drive, Carbon County, Lehigh, PA 18235-8905. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. Bid Opening Date/Time: 04/20/2006 at 2:00 p.m.

Department: Conservation and Natural Resources
Location: Beltzville State Park, 2950 Pohopoco Drive, Carbon County, Lehigh, PA 18235-8905.
Duration: Commence upon June 1, 2006, and terminates December 31, 2008. Parties may agree to renew 1-2 year term with final termination December 31, 2010. Upon renewal a 5 percent increase can be requested.
Contact: Steven E. Smith, 717-783-1896



Miscellaneous

RS0028 Vendor to provide labor, material and equipment to provide and install one partition modular in-plant to create two offices, one approximately 11' by 12' and one 10' by 12' at the Delaware Valley Veterans' Home located at 2701 Southampton Road, Philadelphia, PA 19154, as requested or required. For information regarding the bid package, please send inquiries to fax number 215-965-0377 or e-mail to the Purchasing Agent listed below. If you are not on the Commonwealth Vendors' List, you need to register at (www.ies.state.pa.us)

Department: Military Affairs
Location: Delaware Valley Veterans' Home, 2701 Southampton Road, Philadelphia, PA 19154
Contact: Ruth Suder, 215-965-0312, rsuder@state.pa.us.

CN00019975 Furnish and install approximately 1,400 feet of fencing at the Tom Ridge Environmental Center at the Presque Isle State Park, Erie, PA. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868. Bid Opening: 04/13/06, 2:00 PM.

Department: Conservation and Natural Resources
Location: Presque Isle State Park, 301 Peninsula Drive, Ste. 1, Erie, PA 16505-2006
Duration: Contract shall commence upon execution and receipt of Purchase Order and terminate May 22, 2006.
Contact: Lawanza Poteat, (717) 783-3309

CN00020047 6' by 12' Car Mate (or approved equal) Trailer. Bid opening 4/17/2006, 2:00 p.m. Eastern Standard Time.

Department: Environmental Protection
Location: To be delivered to DGS Bureau of Vehicle Management, Harrisburg, PA
Contact: Bill McDade, 717-783-0486

CN00020051 The Contractor shall provide Repair Services, to include Emergency Repair, to the institutional Fire Alarm System located at the State Correctional Institution at Cresson. Contractor also to provide annual complete system check/test. Bid proposal on file in agency purchasing department. Vendor must be registered with the Commonwealth of PA and must have a vendor SAP number to receive bid proposal.

Department: Corrections
Location: Department of Corrections, State Correctional Institution at Cresson, Old Route 22, Cresson, PA 16630
Duration: July 1, 2006 through June 30, 2008 (two fiscal years)
Contact: Barbara A. Lloyd, Purchasing Agent, 814-886-8181, X166

0821-032706 Due to severe flooding, water rose to the first and second floors of the Thompson Neely Mill. Vendor will clean (pressure wash or steam clean) certain areas with a solution that will be strong enough to degrease, disinfect and limit mold growth, but mild enough to be environmentally friendly and protect the historic fabric of the mill and its contents.

Department: Historical and Museum Commission
Location: 1633 River Road, New Hope, PA
Duration: Start 4-26-06, End 5-12-06
Contact: Tobi Gilson, 717-772-8875

CN00019971 This Certified Music Therapist will provide music therapy services to the residents of South Mountain Restoration Center. These services will be provided to staff, individuals and groups of residents throughout the facility. The contractor will work both independently and in conjunction with the Therapeutic Activities Staff in providing music programs for the residents. The main focus of the job will be to provide additional resident music therapy activities at the center. However, the therapist's skills will also be used to provide periodic in-service training for center staff. Contractor will also be available to treatment teams to provide recommendations related to certain Care Plan needs. The music/therapist/contractor is to be certified by the American Music Therapy Association. South Mountain Restoration Center is a state owned and operated Long Term Care Facility located in the southeastern corner of Franklin County. Contractor will provide a maximum of 6 (six) sessions per week. Each session will consist of 4 (four) hours of music therapy services.

Department: Public Welfare
Location: DPW/South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: 5 year contract
Contact: Rodney Wagaman, 717-749-4032

CN00020003 China Dishes: These rectangular shaped dishes must be compatible with/and fit the Aladdin Temp-rite II Tray System. All dishes must be high heat and be able to endure the heat of a conduction system. The dishes and code numbers listed are Aladdin Products. If you are bidding on a comparable item, you will be required to provide a sample of each dish with your bid. Dishes needed are: J291 Entree Dish, High Heat, Ivory; J32 Side Dish, High Heat, Ivory; K319 Soup Bowl, 5oz., High Heat, Ivory; B82 Non vented lid for Soup Bowl, disposable. Quantity needed for 137 trays per meal, 3 meals per day. Plastic ware items are not acceptable. Quotes/bids prices must be good for 90 (ninety) days.

Department: Public Welfare
Location: DPW-South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Contact: Rodney Wagaman, 717-749-4032

CN00020013 Advance Life Support Services: Contractor agrees to provide emergency Advance Life Support (ALS) as directed by Emergency Medical Dispatch.

Department: Public Welfare
Location: DPW-South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Five-year contract
Contact: Jennifer Karper, Financial Mgr., 717-749-4012

ESU 30-1182 East Stroudsburg University has a need for a Professional Firm to do a Campus Master Plan. Send your e-mail request for the RFP package to azaffuto@po-box.esu.edu. All responsible firms including MBE/WBE Firms are invited to participate. Proposal closing date is May 4, 2006.

Department: State System of Higher Education
Location: East Stroudsburg University
Duration: 6 months
Contact: Ann Zaffuto, 570-422-3595

CN00019982 The State Correctional Institution at Laurel Highlands will be soliciting bids for preventative maintenance and repairs as needed to a 80 KVA Comet UPS. The service will include battery PM and repair parts as required. Interested vendors must be registered with the Commonwealth to receive bids and purchase orders and should contact the individual listed below for a complete bid package.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: 7/1/06 through 6/30/07
Contact: Theresa Solarczyk, Purchasing Agent II, 814-445-6501 X1232

SU-05-20 Shippensburg University is seeking vendors interested in providing maintenance and service as required for the fire extinguishers located in the various buildings on campus in accordance with laws of the Commonwealth of PA, NFPA10 and EPA standards for Ozone Depleting Agents. Interested bidders may request a bid package either by faxing request to (717) 477-1350 or e-mailing a request to kmsmit@ship.edu. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: July 1, 2006 through June 30, 2007 with renewal option for four (4) additional one (1) year periods
Contact: Karen Smith, (717) 477-1386

CN00019943 Vendor to supply boat as manufactured by Boston Whaler, Model No. 150 Sport, or an approved equal, with standard 60 hp fourstroke Mercury outboard boat engine, 6 person capacity, 15' 5" LOA, 6' 6" beam, 3' 2" bridge clearance. Standard Equipment Package, with the following Options and Modifications: Fire Extinguisher, B-II mounted within arm's reach of boat operator; Swim Ladder; Tackle Storage; Eliminate rod rack with rod holders; Retain the starboard stainless steel side rail; Eliminate port side rail; Mount atop port side gunwale two stainless steel cleats - one aligned with front edge of helm seat and the other aligned or slightly (several inches preferred) in front of the front edge of the removal bench seat; If hull comes with pre-drilled, side rail holes on port side, then mount cleats in those holes at both bench locations; Mount hold down strap for portable gas tank under boat operator's portion of helm bench (instead of passenger side). **OPTIONS:** Bow Cushion - comfort seating package with following modifications: Remove backrest behind passenger seat only on helm bench - backrest to remain behind boat operator. Vendor to supply boat trailer as manufactured by Boston Whaler, or approved equal, to transport above boat. Galvanized with swing tongue to include: trailer jack, tie downs, winch with nylon strap and LED lights. In order to be awarded a state contract, interested vendors must be registered with the Commonwealth and must have a registered vendor number. To register and obtain number, call CVMU at 1-866-775-2868 or online at www.vendor.registration.state.pa.us. Bid Opening: April 13, 2006, 2 p.m.

Department: Conservation and Natural Resources
Location: To be delivered to DCNR Marsh Creek State Park, 675 Park Road, Downingtown, PA 19335-1898
Duration: One time purchase
Contact: Naomi Rudisill, 717-783-0749

CN00019866 Services required of a contractor to deliver, paver-place and roll approximately 2,900 tons of DSA (driving surface aggregate), to Four Mile Road, Pine Township, Clearfield County, per the attached specifications. In order to be awarded a state contract, interested vendors must be registered with the Commonwealth and must have a registered vendor number. To register and obtain number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. Bid Opening: 4/6/06, 2 PM.

Department: Conservation and Natural Resources
Location: DCNR Forest District 9, 3372 State Park Road, Penfield, PA 15849
Duration: Upon receipt of purchase order and terminate 6/23/06
Contact: Naomi Rudisill, 717-783-0749

CN00019839 Services required of a contractor to deliver, paver-place and roll approximately 3,600 tons of DSA (driving surface aggregate), to Brunnerdale Road in Loyalsock State Forest - Forest District No. 20 Office, 274 Arbutus Park Road, Bloomsburg, PA 17815 (Sullivan County). In order to be awarded a state contract, interested vendors must be registered with the Commonwealth and must have a registered vendor number. To register and obtain number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. Bid Opening: 4/6/06, 2 PM.

Department: Conservation and Natural Resources
Location: DCNR Forest District 20, 274 Arbutus Park Road, Bloomsburg, PA 17815
Duration: Upon receipt of purchase order and terminate 6/30/06
Contact: Naomi Rudisill, 717-783-0749

CN00019997 This service is for Building and Equipment Maintenance at the Bureau of Construction and Materials, Materials and Testing Laboratory located at 1118 State Street, Harrisburg, PA. Personnel will be required to do cleaning, adjustments, calibrations, replacing worn or damaged belts, replace filters, lube, change oil, clean coils, add Freon, as part of their service. Provide 37 service and inspection visits of listed building equipment throughout the year. Provide emergency service a maximum of 750 normal hours and 425 overtime/premium hours for maintenance and repair of building. For bid package, fax your name and address to Joann Prather at 717-783-5955 or e-mail Purchaser at e-mail address listed below. Bid opening date and time will be Wednesday, April 19, 2006 at 2:00 p.m.

Department: Transportation
Location: 1118 State Street, Harrisburg, PA 17120
Duration: 2 years from July 30, 2006 through June 30, 2008, with an option to renew by mutual consent for one (1) 2 year period.
Contact: Joann Prather, 717-783-6717

RFP 02-06 The Department of Public Welfare, Office of Mental Health and Substance Abuse is seeking proposals for the expansion of HealthChoices Behavioral Health Services for Bradford, Cameron, Center, Clarion, Clearfield, Columbia, Elk, Forest, Franklin, Fulton, Huntington, Jefferson, Mckean, Juniata, Mifflin, Montour, Potter, Schuylkill, Snyder, Sullivan, Tioga, Union, Warren and Wayne Counties. DPW utilizes the information contained in the vendor master file for its procurement activities. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. 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. Failure to update or change information could result in not receiving requested bid information. Technical proposals and Disadvantaged Business/Enterprise Zone Small Business Utilization Response proposals must be received no later than 2:00 p.m. on May 15, 2006. Cost proposals must be received no later than 2:00 p.m. on June 9, 2006. Late proposals will not be considered regardless of the reason. Send proposals to Department of Public Welfare, Procurement Section, Room 106, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA 17120. Check back often to this site. Updates will be posted as they occur.

Department: Public Welfare
Location: Multiple Locations/Counties.
Contact: Beth Trowbridge, 717 783 1083

15939-05 State Correctional Institution at Muncy requires the service of a translator/interpreter for Spanish speaking inmates. The service is approximately 2-3 hours per day, approximately 1-2 days per week. Institution will not pay for services rendered.

Department: Corrections
Location: State Correctional Institution at Muncy, Route 405, P. O. Box 180, Muncy, PA 17756
Duration: 7/1/06 to 6/30/07
Contact: Cindy Lyons, 570-546-3171, ext. 373

[Pa.B. Doc. No. 06-650. Filed for public inspection April 14, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

