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# PENNSYLVANIA BULLETIN

Volume 36

Number 20

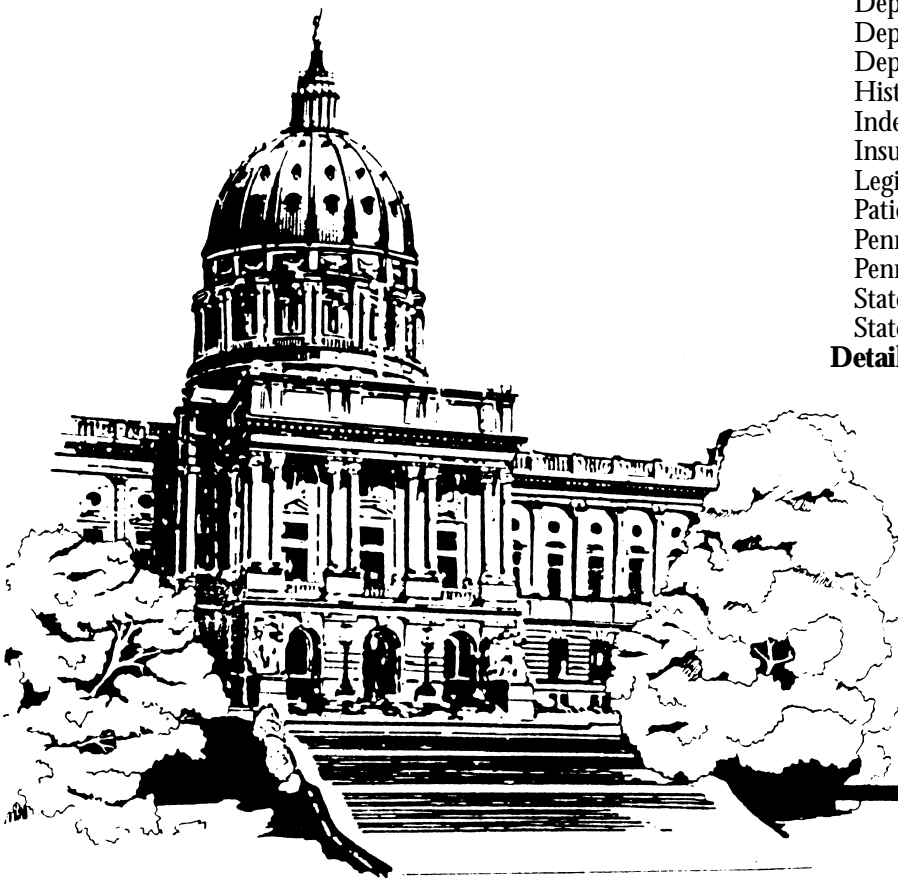
Saturday, May 20, 2006 • Harrisburg, PA

Pages 2359—2492

**Agencies in this issue:**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Historical and Museum Commission  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Patient Safety Authority  
Pennsylvania Energy Development Authority  
Pennsylvania Public Utility Commission  
State Board of Medicine  
State Board of Nursing

**Detailed list of contents appears inside.**



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

**No. 378, May 2006**

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# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2006 regular session of  
the General Assembly ..... 2367

## THE COURTS

### JUDICIAL SYSTEM GENERAL PROVISIONS

Amendments to rules of organization and procedure  
of the Disciplinary Board of the Supreme Court of  
Pennsylvania; order no. 65 ..... 2368

### LOCAL COURT RULES

#### Carbon County

Intermediate punishment plan; no. CP-13-AD-  
0000003-2006 (old no. 057 MI 93)..... 2381

### RULES OF CIVIL PROCEDURE

Order amending rules 1901, 1901.1, 1901.2, 1901.3,  
1901.4, 1901.5, 1901.6, 1901.7 and 1905; no. 454  
civil procedural rules; doc. no. 5 ..... 2369

## EXECUTIVE AGENCIES

### DELAWARE RIVER BASIN COMMISSION

#### Rules and Regulations

Amendment to the water quality regulations, Water  
Code and Comprehensive Plan to Establish Pol-  
lutant Minimization Plan Requirements for Point  
and Non-Point Source Discharges of Toxic  
Pollutants..... 2391

### DEPARTMENT OF BANKING

#### Notices

Action on applications ..... 2412  
Maximum lawful rate of interest for residential  
mortgages for the month of June 2006 ..... 2414

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Yellow Breeches Creek Watershed Conservation  
Plan ..... 2414

### DEPARTMENT OF EDUCATION

#### Notices

Revised fee structure for certification applications .. 2414

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices..... 2415  
Availability of technical guidance ..... 2463  
Pennsylvania Sewage Advisory Committee meeting  
cancellation ..... 2464  
Pennsylvania Sewage Advisory Committee Regula-  
tions Subcommittee meeting cancellation..... 2464  
Storage Tank Advisory Committee meeting cancella-  
tion..... 2465

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information..... 2488

### DEPARTMENT OF HEALTH

#### Notices

##### Applications for exception:

The Bloomsburg Hospital..... 2465  
Carlisle Endoscopy Center, Ltd..... 2465  
Endoscopy Center of Central Pennsylvania, LLC.. 2465  
Hershey Outpatient Surgery Center..... 2466  
Kindred Hospital ..... 2466  
Kindred Hospital Pittsburgh..... 2466  
Plastic Surgical Associates of Johnstown, Inc..... 2466  
Pottstown Surgical Center..... 2467  
The Reading Hospital Surgi Center at Spring  
Ridge ..... 2467  
St. Joseph Medical Center..... 2467  
St. Mary Medical Center ..... 2467  
Southwest Regional Medical Center..... 2468  
Tri-County Surgery Center ..... 2468  
Warminster Hospital..... 2468  
York Endoscopy Center..... 2469

Draft Title V Block Grant Program; 2005 report and  
2007 application; public comment period ..... 2469

Emergency medical services operating fund funding  
priorities ..... 2469

Infant Hearing Screening Advisory Committee  
meeting ..... 2472

Pennsylvania Cancer Control, Prevention and Re-  
search Advisory Board meeting ..... 2472

### DEPARTMENT OF REVENUE

#### Rules and Regulations

Terminal-based lottery games..... 2406

#### Notices

Pennsylvania \$100 Million High Roller instant lot-  
tery game ..... 2472  
Pennsylvania Silver 7's instant lottery game..... 2476

### HISTORICAL AND MUSEUM COMMISSION

#### Notices

National Register nominations to be reviewed by  
the Historic Preservation Board ..... 2478

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Actions taken by the Commission..... 2479  
Notice of comments issued ..... 2479

### INSURANCE DEPARTMENT

#### Notices

Altoona Center for Nursing Care; prehearing..... 2481  
Application and request for a certificate of authority  
(2 documents) ..... 2481  
The Birth Center; prehearing..... 2482  
List of approved guide source method vendors;  
notice no. 2006-02 ..... 2482  
Timothy E. Perschke, DPM; prehearing ..... 2482  
Procedures applicable to right-to-know request; no-  
tice no. 2006-03..... 2483

---

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**LEGISLATIVE REFERENCE BUREAU**

**Notices**

Documents filed but not published ..... 2485

**PATIENT SAFETY AUTHORITY**

**Notices**

Public meeting ..... 2485

**PENNSYLVANIA ENERGY DEVELOPMENT  
AUTHORITY**

**Notices**

Draft Pennsylvania energy development plan ..... 2485

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Service of notice of motor carrier applications..... 2485  
Telecommunications (3 documents)..... 2486, 2487

**STATE BOARD OF MEDICINE**

**Proposed Rulemakings**

Registration and practice of acupuncturists; advance  
notice of final rulemaking ..... 2411

**STATE BOARD OF NURSING**

**Rules and Regulations**

Licensed dietitian-nutritionists ..... 2396  
Temporary practice permits..... 2402

# 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.

## 4 Pa. Code (Administration)

### Adopted Rules

1	1741
6	378, 381, 1039
7	1633
161	194

### Statements of Policy

9	29, 397, 724, 1049
114	2017

## 7 Pa. Code (Agriculture)

### Proposed Rules

49	936
130e	288
145	2016

### Statements of Policy

130e	196
------	-----

## 12 Pa. Code (Commerce, Trade and Local Government)

### Adopted Rules

141	283
-----	-----

### Proposed Rules

143	559
-----	-----

## 22 Pa. Code (Education)

### Adopted Rules

171	1645
-----	------

### Proposed Rules

339	560
-----	-----

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

78	465
93	1648
109	465
252	465
261a	705
901	2391
1021	709

### Proposed Rules

121	715, 1991
126	715
127	1991
245 (with correction)	1851, 2016

## 28 Pa. Code (Health and Safety)

### Adopted Rules

25	1218
----	------

## 31 Pa. Code (Insurance)

### Proposed Rules

73	391
84a	392

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

3	514
3a	514

## Statements of Policy

67	957
----	-----

## 37 Pa. Code (Law)

### Adopted Rules

81	1495
----	------

### Statements of Policy

200	957, 2282
-----	-----------

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

1	1496
17	532
19 (with correction)	536, 714
21	2396, 2402
45	1648

### Proposed Rules

7	1229, 1231
16	1233, 2411
17	1233
18	2411
31	578, 1240

## 52 Pa. Code (Public Utilities)

### Adopted Rules

1	2097, 2281
3	2097, 2281
5	2097, 2281
62	1748

### Proposed Rules

54	956
57	956
63	1044, 1886, 1897
75	571, 942
64	1897
71	1897
73	1897

### Proposed Statements of Policy

69	824
----	-----

## 55 Pa. Code (Public Welfare)

### Adopted Rules

601	285
-----	-----

## 58 Pa. Code (Recreation)

### Adopted Rules

63	1124, 1126
65	1126
141	1990
147	194

### Proposed Rules

53	1220
61	1656
63	1220, 1655
65	1655, 1656
71	1655
73	1655
77	1220
79	1220



131 .....12, 1498  
 139 .....12, 13  
 141 ..... 19, 20, 21, 22, 1400, 1498  
 143 ..... 23  
 147 ..... 23, 25, 26, 27, 1401  
 163 ..... 2173

**Temporary Regulations**

401 ..... 679, 909, 1347, 1577  
 421 ..... 909  
 423 .....681, 1347  
 437 ..... 909  
 440 ..... 679  
 441 ..... 679, 681, 909  
 463 ..... 1577  
 465 ..... 910, 1347, 1577  
 481 ..... 1347  
 492 ..... 1578  
 493 ..... 1578  
 494 ..... 1578

**Statements of Policy**

465a .....919, 1586

**61 Pa. Code (Revenue)**

**Adopted Rules**

111 ..... 822  
 875 ..... 2406

**Statements of Policy**

125 (with correction) .....959, 1130  
 170 ..... 1403

**67 Pa. Code (Transportation)**

**Adopted Rules**

86 ..... 1128  
 201 ..... 537  
 203 ..... 537  
 204 ..... 537  
 211 (with correction) .....537, 714  
 212 ..... 537  
 217 ..... 537

**Proposed Rules**

105 ..... 12

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

71 ..... 1642  
 81 ..... 173  
 83 ..... 1490, 1642, 1745  
 85 ..... 929  
 87 ..... 929  
 89 ..... 2368  
 91 .....929, 1490  
 93 ..... 929, 1490, 2368  
 207 ..... 1491

**Proposed Rules**

83 ..... 1363

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

21 ..... 1213  
 51 ..... 1367

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

67 ..... 1745, 2171

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

ART. I ..... 384  
 ART. IV .....384, 1213

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 .....272, 1745  
 1000 ..... 1745  
 1300 .....174, 693  
 1350 ..... 693  
 1400 ..... 693  
 1480 ..... 693  
 1900 ..... 2369  
 3000 ..... 176

**Proposed Rules**

200 .....272, 934  
 1000 ..... 510  
 1900 ..... 1369  
 1910 ..... 10, 273, 385, 1381  
 1920 ..... 273  
 1930 ..... 693  
 2250 ..... 272  
 3000 ..... 386

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 181, 694  
 3 ..... 1385  
 4 ..... 1385, 1396  
 5 ..... 181, 694, 1385, 1397, 2279  
 6 ..... 1385  
 7 ..... 1396  
 10 ..... 1385

**Proposed Rules**

5 ..... 814

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 186  
 3 ..... 186  
 6 ..... 186  
 8 ..... 186

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 188, 512, 815, 1643, 1843, 1846

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 189, 388, 512, 935, 1043,  
 1216, 1399, 1491, 1644, 1850, 1986, 2171, 2280, 2381

# THE GENERAL ASSEMBLY

## Recent Actions during the 2006 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2006 GENERAL ACTS ENACTED—ACT 034 through 035</b>					
034	May 4	HB2054	PN3848	120 days	Eminent Domain Code (26 Pa.C.S.), Judicial Code (42 Pa.C.S.) and Military Affairs (51 Pa.C.S.)—omnibus amendments
035	May 4	SB0881	PN1738	120 days	Eminent Domain Code (26 Pa.C.S.)—limitations on the use of eminent domain

\*denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 06-861. Filed for public inspection May 19, 2006, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 89 AND 93]

#### Amendments to Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 65

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Orders dated October 13, 2005 and November 9, 2005, the Supreme Court of Pennsylvania amended Pa.R.D.E. 208(h) and 219(g) and (i). By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

##### CHAPTER 89. FORMAL PROCEEDINGS

##### Subchapter G. PROBATION

#### § 89.292. Violation of probation.

Enforcement Rule 208(h) provides that:

(1) Where it appears that a respondent-attorney who has been placed on probation [ pursuant to § 85.8(a)(4) (relating to types of discipline) ] has violated the terms of the probation, the Office of Disciplinary Counsel may file a petition with the Board detailing the violation and suggesting appropriate modification of the order imposing the probation, including without limitation immediate suspension of the respondent-attorney.

(2) A hearing on the petition shall be held within ten business days before a member of the Board designated by the [ Chairman of the ] Board Chair. [ The designated Board member shall hear the petition and, if ] If the designated Board member finds that the order imposing probation should be modified, the following procedures shall apply:

(i) If the order imposing probation was entered by the Supreme Court, the designated Board member shall submit a transcript of the hearing and a recommendation to the Supreme Court within five business days after the conclusion of the hearing. A copy of the transcript and recommendation shall be personally served upon the respondent-attorney.

[ (3) ] The Court, or any justice thereof, may enter a rule directing the respondent-attorney to show cause why the order imposing probation should not be modified as set forth in the petition, which rule shall be returnable within ten business days. If the period for response has passed without a response having been filed, or after consideration of any response, the Court may enter an order modifying as appropriate the order imposing probation.

(ii) If the order imposing probation was entered by the Board, the designated Board member shall submit a transcript of the hearing and a recommendation to the Board within five business days after the conclusion of the hearing. A copy of the transcript and recommendation shall be personally served upon the respondent-attorney along with a notice that the respondent-attorney may file a response to the recommendation with the Board within ten business days. If the period for response has passed without a response having been filed, or after consideration of any response, the Board may enter an order modifying as appropriate the probation previously ordered or directing the commencement of a formal proceeding under this chapter.

#### CHAPTER 93. ORGANIZATION AND ADMINISTRATION

##### Subchapter G. FINANCIAL MATTERS

##### TAXATION OF COSTS

#### § 93.112. Failure to pay taxed expenses.

\* \* \* \* \*

(b) *Action by Supreme Court.* Enforcement Rule 219(g) provides that upon certification to the Supreme Court of the name of any attorney pursuant to paragraph (a)(2), the Court shall immediately enter an order transferring such attorney to inactive status; and that the Chief Justice may delegate the processing and entry of orders under this subsection to the Prothonotary.

\* \* \* \* \*

**ANNUAL ASSESSMENT OF ATTORNEYS**

**§ 93.144. Transfer to inactive status for failure to comply.**

\* \* \* \* \*

(b) *Action by the Supreme Court.* Enforcement Rule 219(g) provides that upon certification to the Supreme Court of the name of any attorney pursuant to paragraph (a)(2), the Court shall immediately enter an order transferring such attorney to inactive status; **and that the Chief Justice may delegate the processing and entry of orders under this subsection to the Prothonotary.**

**§ 93.146. Voluntarily retired or inactive attorneys.**

(a) *General rule.* Enforcement Rule 219(i) provides that:

(1) an attorney who has retired, is not engaged in practice or who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct shall file with the Administrative Office a notice in writing (Form DB-28) (Notice of Voluntary Assumption of Inactive Status) that the attorney desires voluntarily to assume inactive status and discontinue the practice of law; **[ that ]**

(2) upon the transmission of such notice from the Administrative Office to the Supreme Court, the Court shall enter an order transferring the attorney to inactive status, and the attorney shall no longer be eligible to practice law but shall continue to file the statement specified in § 93.142(b) (relating to filing of annual statement by attorneys) for six years thereafter in order that the formerly admitted attorney can be located in the event complaints are made about the conduct of such person while such person was engaged in practice; **[ that ]**

(3) the formerly admitted attorney will be relieved from the payment of the fee specified in § 93.141 (relating to annual assessment); **[ and that ]**

(4) Chapter 91 Subchapter E (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Supreme Court in connection with the entry of an order of suspension or disbarment under another provision of the Enforcement Rules; **and**

(5) **the Chief Justice may delegate the processing and entry of orders under this subsection to the Prothonotary.**

\* \* \* \* \*

[Pa.B. Doc. No. 06-862. Filed for public inspection May 19, 2006, 9:00 a.m.]

**Title 231—RULES  
OF CIVIL PROCEDURE**

**PART I. GENERAL**

**[231 PA. CODE CH. 1900]**

**Order Amending Rules 1901, 1901.1, 1901.2, 1901.3, 1901.4, 1901.5, 1901.6, 1901.7 and 1905; No. 454 Civil Procedural Rules; Doc. No. 5**

**Order**

*Per Curiam:*

*And Now,* this 2nd day of May, 2006, Rules 1901, 1901.1, 1901.2, 1901.3, 1901.4, 1901.5, 1901.6, 1901.7 and

1905 of the Pennsylvania Rules of Civil Procedure are amended as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on May 9, 2006.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT**

**Rule 1901. Definitions.**

As used in this chapter:

“Act” means “Protection From Abuse Act” No. 206 approved December 19, 1990, 23 Pa.C.S.A. § 6101 et seq.

“Action” means a proceeding for protection from abuse defined in § 6102 of the Act.

“Court” means the court of common pleas.

“Emergency Order” means an order entered by a hearing officer, who is a person meeting the definition set forth at 23 Pa.C.S.A. § 6102.

“Fees” means any costs associated with the filing, issuance, registration, service or appeal of a Protection From Abuse matter, including any foreign protection order.

“Master for Emergency Relief” means an attorney, admitted to the practice of law by the Supreme Court of Pennsylvania and appointed pursuant to 23 Pa.C.S.A. § 6110(e), to hear petitions for emergency protection from abuse.

“Temporary Order” means an ex parte order entered by the court pursuant to 23 Pa.C.S.A. § 6107.

**Explanatory Comment—2006**

The 2005 amendments to the Protection From Abuse Act, Act 66 of 2005, authorize two methods to secure emergency protection from abuse orders. The first is through a magisterial district judge and the other is through a master for emergency relief. In order for a county to exercise the master for emergency relief option, the county must assume the costs of the master and the Administrative Office of Pennsylvania Courts must approve the master’s selection and appointment. 23 Pa.C.S.A. § 6110 (e).

The 2005 amendments to the Protection From Abuse Act also prohibit the assessment of fees or costs against the plaintiff or petitioner. This prohibition includes fees related to filing, serving, registering or appealing a protection from abuse petition or order. 23 Pa.C.S.A. §§ 6104 (d)(1), 6106(b) and (g.1) and 6113.1(b).

**Rule 1901.1. Venue.**

(a) Except as provided in subdivision (b), an action for protection from abuse may be brought in a county in which

- (1) the plaintiff resides, either temporarily or permanently, or is employed, or
- (2) the defendant may be served, or
- (3) the abuse occurred.

(b) If the relief sought includes possession of the residence or household to the exclusion of the defendant,

the action shall be brought only in the county in which the residence or household is located.

**(c) An action for indirect criminal contempt may be filed in, and heard by, the court in the county in which the order was issued or where the violation occurred.**

#### **Explanatory Comment—1991**

The statute and rules governing actions for protection from abuse formerly contained no provision for venue. Recommendation No. 84 of the Civil Procedural Rules Committee proposed a new rule to fill that void and the rule has been adopted as Rule 1901.1

Subdivision (a) provides for venue in the following counties: (1) the county in which the abuse occurred, (2) the county in which the defendant may be served, (3) the county in which the plaintiff resides, either permanently or temporarily, and (4) the county in which the plaintiff is employed. These are the counties with which the plaintiff has the most significant contacts and the greatest interest in remaining free from abuse. The county of temporary residence is included because an abused person may have to flee the county of permanent residence to escape further abuse.

The rule imposes limited venue when the relief sought includes the sole possession of the residence or household. In that instance, the action must be brought in the county in which the residence or household is located.

#### **Explanatory Comment—2006**

**The 2005 amendments to the Protection From Abuse Act grant jurisdiction over indirect criminal contempt complaints in either the county in which the order was issued or the county where the violation occurred. This rule allows for flexible and immediate enforcement of protection from abuse orders. With this amendment, indirect criminal contempt jurisdiction is parallel to prosecution for stalking and harassment. 23 Pa.C.S.A. § 6114 (a.1).**

#### **Rule 1901.2. Scheduling.**

Each judicial district shall establish times when the court will hear temporary Protection From Abuse matters.

#### **Rule 1901.3. Commencement of Action.**

(a) Except as provided in subdivision (b), an action shall be commenced by presenting to the court or filing with the prothonotary a petition setting forth the alleged abuse by the defendant. The petition shall be substantially in the form set forth in Rule 1905(b) and shall have as its first page the Notice of Hearing and Order set forth in Rule 1905(a).

(b) An action may be commenced by filing with the prothonotary a certified copy of an emergency order entered pursuant to 23 Pa.C.S.A. § 6110, **including orders issued by masters for emergency relief.**

**(c) Any fees associated with this action shall not be charged to the plaintiff.**

**(d) The master for emergency relief shall follow the procedures set forth in the Pennsylvania Rules of Civil Procedure Governing Actions and proceedings before magisterial district judges for emergency relief under the Protection From Abuse Act.**

#### **Explanatory Comment—2006**

**New subdivision (c) reflects the 2005 amendments to the Protection From Abuse Act which prohibits charging fees or costs against the plaintiff. 23 Pa.C.S.A. § 6106(b). The 2005 amendments to 23 Pa.C.S.A. § 6110(e) of the Protection From Abuse Act authorize the use of masters for emergency relief which is reflected in new subdivision (d).**

#### **Rule 1901.4. Service and Registration of Order.**

(a) Service of the petition and temporary order shall be in accordance with Rule 1930.4.

(b) An Affidavit of Service substantially in the form set forth in Rule 1905(d) shall be filed with the prothonotary.

(c) Upon the filing of a protection order with the prothonotary, the prothonotary shall transmit a copy of the order to the State Police PFA Registry in the manner prescribed by the Pennsylvania State Police.

**Official Note:** This provision also applies to an order denying a plaintiff's request for a final protection order.

**(d) No fee shall be charged to the plaintiff or petitioner for service of any protection from abuse order or pleading or for the registration, filing or service of any foreign protection order.**

#### **Explanatory Comment—1997**

Subdivision (c) reflects the prothonotary's role in ensuring that all protection orders reach the new statewide PFA Registry. Pursuant to the 1994 amendments to the Protection From Abuse Act, the Pennsylvania State Police Department is mandated to establish this registry for all protection orders issued or registered in the commonwealth. Once it becomes fully operational, it will be available at all times to inform law enforcement officers, dispatchers and courts of the existence and terms of protection orders. The registry represents a major improvement in the manner in which protections orders are registered and verified by not only eliminating the need to register the order in every county where the victim believes enforcement is necessary, but also enabling the police to immediately verify the order for purposes of enforcement. In order to ensure that the information in the registry remains current, subdivision (c) requires the prothonotary to transmit all protection orders issued or registered in the commonwealth, including temporary, final, modified and consent orders, as well as any orders withdrawing, extending or denying the plaintiff's request for a protection order.

#### **Explanatory Comment—2006**

**New subdivision (d) reflects the prohibition against charging fees to the plaintiff, even those related to foreign protection orders, as set forth in the 2005 amendments to the Protection From Abuse Act. 23 Pa.C.S.A. § 6106(b) and (g.1).**

#### **Rule 1901.5. Enforcement.**

(a) When an arrest is made for violation of an order, a complaint for indirect criminal contempt shall be completed and signed by either a police officer, **the sheriff** or the plaintiff. When the complaint is filed by a police officer **or sheriff**, neither **the** plaintiff's presence nor signature is required.

(b) If an arrest is not effected, a complaint for indirect criminal contempt may be completed and signed by the plaintiff pursuant to 23 Pa.C.S.A. § 6113.1.

**Explanatory Comment—2006**

**The 2005 amendments to the Protection From Abuse Act authorize the sheriff to arrest the defendant for violations of a protection from abuse order. In addition, the sheriff is authorized to exercise a search and seizure of any firearm, other weapon and ammunition subsequent to arrest. 23 Pa.C.S.A. § 6113(a) and (b).**

**Rule 1901.6. No responsive pleading required.**

No pleading need be filed in response to the petition or the certified order and all averments not admitted shall be deemed denied.

**Official Note:** For [ **procedure** ] **procedures** as to the time and manner of hearings and issuance of orders, see 23 Pa.C.S.A. § 6107. For provisions as to the scope of relief available, see 23 Pa.C.S.A. § 6108. For provisions as to contempt for violation of an order, see 23 Pa.C.S.A. § 6114.

**Rule 1901.7. Decision. Post-trial relief.**

(a) The decision of the court may consist of only general findings of abuse but shall dispose of all claims for relief. The court's **final** order shall be rendered substantially in the form set forth in Rule 1905(e).

(b) No motion for post-trial relief may be filed to the final order.

**Official Note:** The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.

**Explanatory [ Note ] Comment—1977**

New Rules 1901, et seq. promulgated March 9, 1977 and effective 15 days after publication in the *Pennsylvania Bulletin* implement the Protection [ **from** ] **From Abuse Act No. 218 of 1976** which became effective December 6, 1976.

The Act introduces a new civil remedy authorizing protective orders to bring about cessation of abuse of the plaintiff or minor children, which relief includes, inter alia, exclusion of the errant spouse from the household, the award of temporary custody and visitation rights with regard to minor children and support.

The Act also authorizes temporary ex parte orders when the exigency of the situation requires immediate relief before process can be served on a defendant.

Jurisdiction is also conferred on the magisterial district judges over the weekend if and when a judge of the court of common pleas is not available, but any temporary order of a magisterial district judge expires at the resumption of business of the common pleas court at the beginning of the week or within seventy-two (72) hours, whichever occurs first. The magisterial district judge is required immediately to certify his or her order to the common pleas court and the certification under the Act has the effect of commencing a proceeding in the common pleas court and invoking the other provisions of the Act.

Section 9 of the Act provides that all proceedings shall be in accordance with Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

**Explanatory Comment—2005**

Act 207-2004 amended numerous titles of the *Pennsylvania Consolidated Statutes* changing the title of "district justice" to "magisterial district judge." The amendments to Rule 1901.7's Explanatory Comment—1977 reflect the change in title, make the comment gender-neutral and delete outdated material.

**Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.**

(a) The Notice of Hearing and Order required by Rule 1901.3 shall be substantially in the following form:

(Caption)  
NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a **FINAL [ Order ] order** may be entered against you granting the relief requested in the [ **Petition** ] **petition**. In particular, you may be evicted from your residence, **be prohibited from possessing any firearm, other weapon, ammunition or any firearm license**, and lose other important rights, **including custody of your children**. Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).

A hearing on the matter is scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m., in Courtroom \_\_\_\_\_ at \_\_\_\_\_ Courthouse, \_\_\_\_\_, Pennsylvania.

You **MUST** obey the [ **Order** ] **order** that is attached until it is modified or terminated by the court after notice and hearing. If you disobey this [ **Order** ] **order**, the police **or sheriff** may arrest you. Violation of this [ **Order** ] **order** may subject you to a charge of indirect criminal contempt which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail under 23 Pa.C.S.A. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this [ **Order** ] **order** is enforceable anywhere in the United States, tribal lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this [ **Order** ] **order**, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§ 2261—2262.

**If this order directs you to relinquish any firearm, other weapon, ammunition or any firearm license to the sheriff, you may do so upon service of this order. As an alternative, you may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided you and the third party first comply with all requirements to obtain a safekeeping permit. You must relinquish any firearm, other weapon, ammunition or any firearm license listed herein no later than 24 hours after service of the order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.**

NOTICE: Even if this order does not direct you to relinquish firearms, you may be subject to federal firearms prohibitions and federal criminal penalties under 18 U.S.C. § 922(g)(8).

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

County Lawyer Referral Service
[insert Street Address]
[insert City, State, and ZIP]
[insert Phone Number]

(b) The [Petition] petition in an action filed pursuant to the Act shall be substantially in the following form:

(Caption)
PETITION FOR PROTECTION FROM ABUSE

1. Plaintiff's name is: \_\_\_\_\_

2. I am filing this Petition on behalf of: [ ] Myself and/or [ ] Another Person

If you checked "myself," please answer all questions referring to yourself as "Plaintiff." If you checked "another person," please answer all questions referring to that person as the "Plaintiff," and provide your address here, unless confidential:

If you checked "Another Person," indicate your relationship with Plaintiff:

- [ ] parent of minor Plaintiff(s)
[ ] applicant for appointment as guardian ad litem of minor Plaintiff(s)
[ ] adult household member with minor Plaintiff(s)
[ ] court appointed guardian of incompetent Plaintiff(s)

3. Name(s) of ALL person(s), including Plaintiff and minor children, who seek protection from abuse: \_\_\_\_\_

4. [ ] Plaintiff's address is confidential

or

[ ] Plaintiff's address is: \_\_\_\_\_

5. Defendant is believed to live at the following address: \_\_\_\_\_

Defendant's Social Security Number (if known) is: \_\_\_\_\_

Defendant's date of birth is: \_\_\_\_\_

Defendant's place of employment is: \_\_\_\_\_

[ ] Check here if you have reason to believe that Defendant is a licensed firearms dealer or is employed in a profession that requires Defendant to handle firearms or to carry a firearm as a condition of employment.

[ ] Check here if Defendant is 17 years old or younger.

6. Indicate the relationship between Plaintiff and Defendant.

- [ ] Spouse [ ] Current or former sexual/intimate partner [ ] Other relationship by blood or marriage:

- [ ] Ex-spouse [ ] Parent/Child
[ ] Persons who live or have lived like spouses [ ] Parents of the same children [ ] Brother/Sister

7. Have Plaintiff and Defendant been involved in any of the following court actions?

- [ ] Divorce [ ] Custody [ ] Support [ ] Protection [ from ] From Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the court number, if known: \_\_\_\_\_

8. Has [ the ] Defendant been involved in any criminal court action? \_\_\_\_\_

If you answered Yes, is [ the ] Defendant currently on probation? \_\_\_\_\_

9. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s) Age(s) who reside at (list address unless confidential)

\_\_\_\_\_

10. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court [ Order ] order regarding their custody? \_\_\_\_\_

If you answered Yes, describe the terms of the [ Order ] order (e.g., primary, shared, legal and/or physical custody):

\_\_\_\_\_  
\_\_\_\_\_

If you answered Yes, in what county and state was the order issued? \_\_\_\_\_

If you are now seeking an [ Order ] order of child custody as part of this petition, list the following information:

(a) Where has each child resided during the past five years?

Childs name	Person(s) child lived with	Address, unless confidential	When
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) List any other persons who are known to have or claim a right to custody of each child listed above.

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The following other minor child/ren presently live with Plaintiff:

Name(s)	Age(s)	Plaintiffs relationship to child/ren
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. The facts of the most recent incident of abuse are as follows:

Approximate Date: \_\_\_\_\_ Approximate Time: \_\_\_\_\_ Place: \_\_\_\_\_

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

13. If [ the ] Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. (a) [ List the weapon(s) that ] Has Defendant [ has ] used or threatened to use any firearms or other weapons against Plaintiff or the minor child/ren? If so, please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) To the best of your knowledge or belief, does Defendant own or possess any firearm, other weapon, ammunition or any firearm license?

(c) If the answer to (b) above is "yes," list any firearm, other weapon or ammunition owned by or in the possession of Defendant on Attachment A, which is incorporated by reference into this petition.



15. Identify the **sheriff**, police department or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order:

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16. There is an immediate and present danger further abuse from [ **the** ] Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

Plaintiff is asking the court to evict and exclude [ **the** ] Defendant from the following residence: \_\_\_\_\_

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owned by (list owners, if known): \_\_\_\_\_

rented by (list all names, if known): \_\_\_\_\_

Defendant owes a duty of support to Plaintiff and/or the minor child/ren.

Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are: \_\_\_\_\_

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FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, and AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED):

A. Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or minor child/ren in any place where Plaintiff may be found.

B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of the Plaintiff.

C. Require Defendant to provide Plaintiff and/or minor child/ren with other suitable housing.

D. Award Plaintiff temporary custody of the minor child/ren and place the following restrictions on contact between Defendant and child/ren: \_\_\_\_\_

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E. Prohibit Defendant from having any contact with Plaintiff and/or minor child/ren, either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

F. Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this [ **Petition** ] **petition**, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

G. Order Defendant to temporarily [ **turn over weapons** ] **relinquish any firearm, other weapon, ammunition and any firearm license** to the [ **Sheriff** ] **sheriff** of this [ **County** ] **county** and prohibit Defendant from transferring, acquiring or possessing any [ **such weapons** ] **firearm, other weapon, ammunition or any firearm license** for the duration of the [ **Order** ] **order**.

H. Order Defendant to pay temporary support for Plaintiff and/or the minor child/ren, including medical support and  payment of the rent or mortgage on the residence.

I. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

J. Order Defendant to pay the costs of this action, including filing and service fees.

K. Order Defendant to pay Plaintiff's reasonable attorney's fees.

L. Order the following additional relief, not listed above: \_\_\_\_\_

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M. Grant such other relief as **Plaintiff requests and/or** the court deems appropriate.

N. Order the police, **sheriff** or other law enforcement agency to serve [ **the** ] Defendant with a copy of this [ **Petition** ] **petition**, any [ **Order** ] **order** issued, and the [ **Order** ] **order** for [ **Hearing** ] **hearing**. [ **The petitioner** ] **Plaintiff** will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above [ **Petition** ] **petition** are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(Caption)

**PETITIONER'S ATTACHMENT A  
FIREARMS, OTHER WEAPONS AND AMMUNITION INVENTORY**

I, \_\_\_\_\_, **Plaintiff in this Protection From Abuse Action, hereby request the court order Defendant to relinquish the following firearms, other weapons, ammunition, and firearm licenses to the sheriff:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

**If more space is needed, more sheets may be attached to this document.**

**I believe the above items are located at:** \_\_\_\_\_ .  
\_\_\_\_\_ (List all relevant addresses where they may be found)

**Name** \_\_\_\_\_

**Date** \_\_\_\_\_

**Notice: This attachment will be withheld from public inspection in accordance with 23 Pa.C.S.A. § 6108 (a)(7)(v).**

(c) The Temporary Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)

**TEMPORARY PROTECTION FROM ABUSE ORDER**

Defendant's Name: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Social Security Number: \_\_\_\_\_

Names of All Protected Persons, including Plaintiff and minor child/ren: \_\_\_\_\_

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the attached Petition for Protection [ **from** ] **From** Abuse, the court hereby enters the following Temporary Order:

1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

2. Defendant is evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other permanent or temporary residence where Plaintiff or any other person protected under this [ **Order** ] **order** may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this [ **Order** ] **order**.

3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this [ **Order** ] **order**, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other **protected** person under this [ **Order** ] **order**, **either directly or indirectly**, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this [ **Order** ] **order**: \_\_\_\_\_

4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this [ **Order** ] order, Defendant shall not contact Plaintiff, or any other person protected under this [ **Order** ] order, by telephone or by any other means, including through third persons.

5. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren: \_\_\_\_\_  
\_\_\_\_\_

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.**

The local law enforcement agency **and the sheriff** in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of [ **the** ] Plaintiff in accordance with the terms of this [ **Order** ] order.

6. [ **Defendant shall immediately relinquish the following weapons to the Sheriff's Office or a designated local law enforcement agency for delivery to the Sheriff's office:**

\_\_\_\_\_  
\_\_\_\_\_ ]

Defendant is prohibited from possessing, transferring or acquiring any [ **other weapons** ] firearms for the duration of this order.

**Check all that apply:**

**Defendant shall relinquish to the sheriff all firearms and firearms licenses owned or possessed by Defendant.**

**Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in Petitioner's Attachment A, and any firearms license Defendant may possess.**

**Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or firearms license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.**

7. The following additional relief is granted:  
\_\_\_\_\_  
\_\_\_\_\_

8. A certified copy of this [ **Order** ] order shall be provided to the **sheriff or** police department where Plaintiff resides and any other agency specified hereafter: [insert name of agency]

9. **THIS ORDER SUPERSEDES [ ] ANY PRIOR [ PFA ] PROTECTION FROM ABUSE ORDER [ AND  ANY PRIOR ORDER RELATING TO CHILD CUSTODY ].**

10. **THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.**

**NOTICE TO THE DEFENDANT**

Defendant is hereby notified that violation of this [ **Order** ] order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. 23 Pa.C.S.A. § 6114. Consent of [ **the** ] Plaintiff to Defendant's return to the residence shall not invalidate this [ **Order** ] order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S.A. § 6113. **If Defendant is required to relinquish any firearms, other weapons or ammunition or any firearms license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit.** Defendant is further notified that violation of this [ **Order** ] order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§ 2261—2262.

NOTICE TO **SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS**

This [ **Order** ] **order** shall be enforced by the police **department or sheriff** who [ **have** ] **has** jurisdiction over [ **the plaintiff's** ] **Plaintiff's** residence OR any location where a violation of this order occurs OR where [ **the defendant** ] **Defendant** may be located. If [ **defendant** ] **Defendant** violates Paragraphs 1 through 6 of this [ **Order, defendant** ] **order, Defendant** shall be arrested on the charge of [ **Indirect Criminal Contempt** ] **indirect criminal contempt**. An arrest for violation of this [ **Order** ] **order** may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of [ **law enforcement** ] **a police officer or sheriff**.

Subsequent to an arrest, the law enforcement officer **or sheriff** shall seize all **firearms, other** weapons [ **used or threatened to be used during the violation of this Order OR during prior incidents of abuse** ] **and ammunition in Defendant's possession**. [ **Weapons** ] **Any firearm, other weapon, ammunition or any firearm license** must [ **forthwith** ] be delivered to the [ **Sheriff** ] **sheriff's** office of the county which issued this [ **Order** ] **order**, which office shall maintain possession of the **firearms, other** weapons **and ammunition** until further [ **Order** ] **order** of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer **or sheriff** made the arrest.

BY THE COURT:

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

(d) The form of the Affidavit of Service in a Protection From Abuse matter shall be substantially in the following form:

(Caption)  
AFFIDAVIT OF SERVICE

I, \_\_\_\_\_, the undersigned, hereby state that I served a copy of the Petition and Temporary Order in the above-captioned action upon [ **the** ] Defendant by handing the papers to \_\_\_\_\_ at the following address: \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, [ **19** ] **20** \_\_\_\_\_, at approximately \_\_\_\_ o'clock \_\_\_\_ .m.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

(Signature)  
(Title)  
(Address)  
(Date)

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)  
FINAL ORDER OF COURT

Defendant's Name: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Social Security Number: \_\_\_\_\_

Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:

Names	Dates of Birth
_____	_____
_____	_____
_____	_____

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a common child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares biological parenthood) of Defendant
- current or former cohabitant (person who lives with) Defendant

Defendant was served in accordance with Pa.R.C.P. 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED [ and ] AND DECREED as follows:

Note: Space is provided to allow for 1) the court's general findings of abuse; 2) inclusion of the terms under which the order was entered (e.g., that the order was entered with the consent of the parties, or that the defendant, though properly served, failed to appear for the hearing, or the reasons why the plaintiff's request for a final PFA order was denied); and/or 3) information that may be helpful to law enforcement or the sheriff (e.g., whether a firearm or other weapon was involved in the incident of abuse and/or whether the defendant is believed to be armed and dangerous).

Plaintiff's request for a final protection order is denied.

OR

Plaintiff's request for a final protection order is granted.

1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to [ the ] Plaintiff or any other protected person in any place where they might be found.

2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this [ Order ] order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this [ Order ] order.

On [insert date and time], Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer or sheriff when such retrieval is made and [insert any other conditions] \_\_\_\_\_

3. Except as provided in [ Paragraph ] paragraph 5 of this [ Order ] order, Defendant is prohibited from having ANY CONTACT with [ the ] Plaintiff, either directly or indirectly, or any other person protected under this [ Order ] order, at any location, including but not limited to any contact at [ the ] Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this [ Order ] order: \_\_\_\_\_

4. Except as provided in [ Paragraph ] paragraph 5 of this [ Order ] order, Defendant shall not contact [ the ] Plaintiff, or any other person protected under this [ Order ] order, by telephone or by any other means, including through third persons.

5. Custody of the minor children, [NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH] shall be as follows: [STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED; STATE TERMS OF PARTIAL CUSTODY OR VISITATION, IF ANY.]

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CUSTODY.

6. [ Defendant shall immediately turn over to the Sheriff's Office, or to a local law enforcement agency for delivery to the Sheriff's office, the following weapons used or threatened to be used by Defendant in an act of abuse against Plaintiff and/or the minor child/ren: \_\_\_\_\_ ]

**Defendant is prohibited from possessing, transferring or acquiring any firearms for the duration of this order.**

**Check all that apply:**

Defendant shall relinquish to the sheriff all firearms and firearm licenses owned or possessed by Defendant.

Defendant is directed to relinquish to the sheriff any firearm, other weapon or ammunition listed in Petitioner's Attachment A, and any firearms license Defendant may possess.

**Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or firearms license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105**

7. **[Defendant is prohibited from possessing, transferring or acquiring any other weapons for the duration of this Order.]** Any **[weapons]** firearm delivered to the sheriff **[under Paragraph 6 of]** or transferred to a licensed firearm dealer, or a qualified third party who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 Pa.C.S.A. § 6108.3 pursuant to this **[Order or under Paragraph 6 of the Temporary Order]** order or the temporary order shall not be returned to Defendant until further order of court.

8. The following additional relief is granted as authorized by § 6108 of the Act:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Defendant is directed to pay temporary support for: [INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID] as follows: [INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER]. This order for support shall remain in effect until a final order is entered by this **[Court]** court. However, this order shall lapse automatically if **[the]** Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

10.  (a) The costs of this action are **[waived as to the Plaintiff and]** imposed on Defendant.

(b) **Because this order followed a contested proceeding, Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 23 Pa.C.S.A. § 6106(d).**

11. Defendant shall pay \$ \_\_\_\_\_ to Plaintiff by \_\_\_\_\_ (insert date) as compensation for Plaintiff's out-of-pocket losses, which are as follows:

OR

Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to [INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETITION SHOULD BE PRESENTED] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the **[Prothonotary's]** prothonotary's office for the filing of this petition.

12. THIS ORDER SUPERSEDES  ANY PRIOR **[PFA]** PROTECTION FROM ABUSE ORDER **[AND  ANY PRIOR ORDER RELATING TO CHILD CUSTODY]**.

13. All provisions of this order shall expire in **[eighteen months]** three years, on [INSERT EXPIRATION DATE].

#### NOTICE TO THE DEFENDANT

**VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA.C.S.A. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. A VIOLATION OF THIS ORDER MAY RESULT IN THE REVOCATION OF THE SAFEKEEPING PERMIT, WHICH WILL REQUIRE THE IMMEDIATE RELINQUISHMENT OF YOUR FIREARMS, OTHER WEAPONS AND AMMUNITION TO THE SHERIFF.**

THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. § 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT, [ . ], 18 U.S.C. §§ 2261—2262. IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION. 18 U.S.C. § 922(g)(8).

#### NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

The police and sheriff who have jurisdiction over **[the plaintiff's]** Plaintiff's residence OR any location where a violation of this order occurs OR where **[the defendant]** Defendant may be located, shall enforce this order. **The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered.** An arrest for violation of **[Paragraphs]** paragraphs 1 through 7 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 23 Pa.C.S.A. § 6113.

Subsequent to an arrest, and without the necessity of a warrant, the police officer or sheriff shall seize all **firearms, other weapons and ammunition in Defendant's possession that were used or threatened to be used during the violation of the protection order or during prior incidents of abuse.** The [insert the appropriate name or title] shall maintain possession of the **firearms, other weapons or ammunition** until further order of this **[Court]** court.

When [ **the defendant** ] **Defendant** is placed under arrest for violation of the order, [ **the defendant** ] **Defendant** shall be taken to the appropriate authority or authorities before whom [ **defendant** ] **Defendant** is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, **sheriff** OR [ **the plaintiff** ] **Plaintiff**. Plaintiff's presence and signature are not required to file this complaint.

If sufficient grounds for violation of this order are alleged, [ **the defendant** ] **Defendant** shall be arraigned, bond set, if **appropriate** and both parties given notice of the date of hearing.

BY THE COURT:

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

If entered pursuant to the consent of plaintiff and defendant:

\_\_\_\_\_  
(Plaintiff's signature)

\_\_\_\_\_  
(Defendant's signature)

**Explanatory Comment—1977**

The use of standardized forms provides uniformity and is also critical to the enforcement of protection orders both inside and outside of the commonwealth. These forms are substantially based on those proposed by members of the Pennsylvania Coalition Against Domestic Violence and have been further refined to accommodate the litigants' need for simplicity, the court's need for flexibility and law enforcements' need for certain identifying information necessary to enforce the protection order.

The forms must be used so that all protection orders can be properly registered with the statewide PFA Registry and the federal Protection Order File (POF) established by the National Crime Information Center (NCIC) for the collection of information that is necessary for nationwide enforcement of protection orders. Entering a protection order into the Registry and NCIC file enables law enforcement to immediately verify the existence and terms of the order. It is important, therefore, that all protection orders be registered with these two files. To this end, the forms capture all of the information that is required for data entry and the form orders are further structured to present that information in the order and sequence that is most helpful to the various law enforcement agencies responsible for entering the information into the files. Once the information reaches the Registry and is accepted by the NCIC file, it becomes immediately accessible to law enforcement agencies, dispatchers and courts throughout the country.

The provisions in the form petition and orders reflect the most common forms of relief available under the Protection From Abuse Act. Plenty of space, however, is provided for the plaintiff to request additional relief, and for courts to fashion appropriate relief, based on the individual circumstances of the litigants. Since all of the provisions will not necessarily apply in every case, the forms adopt a checkbox method that requires the user to affirmatively check only those provisions which are applicable to his or her situation.

In cases where a provision is generally applicable but its terms do not correspond precisely to the relief being requested or granted, the user should not check the standard provision but instead should use the blank spaces provided in the forms to specify the relief. For example, while the final order contains a standard provision permitting the defendant to retrieve personal belongings only in the company of a police officer, there may be more suitable methods of retrieval available in some

cases. If so, then the plaintiff or court should use the blank spaces provided in the form petition or order (rather than the standard provision) to specify the alternative manner of retrieval.

**Explanatory Comment—2000**

Paragraph 2 of the final order has been amended to enable courts to include additional conditions for the retrieval of personalty by the defendant in a section of the final order which permits arrest without a warrant if the conditions are violated. Paragraph 9 of the final order has been amended to require the filing of a support complaint within two weeks, rather than fifteen days, of the entry of a final order under the Protection From Abuse Act to prevent the automatic lapse of any temporary support provisions included in the order. This change is consistent with the statutory provisions at 23 Pa.C.S.A. § 6108(a)(5).

**Explanatory Comment—2006**

**The Notice to Defend in subdivision (a) was amended to include three notice requirements of the 2005 Protection From Abuse Act amendments, Act 66 of 2005. 23 Pa.C.S.A. § 6107 (a). The amendments provide that sheriffs may arrest defendants for violations of protective orders. In addition, defendants have the option to turn firearms, other weapons and ammunition over to a qualified third party instead of the sheriff, and federal firearms prohibitions and penalties are more clearly stated.**

**The 2005 amendments to the Protection From Abuse Act require several changes to the form petition at subdivision (b). The plaintiff is required to inform the court if the defendant works in a job that requires the handling of firearms. This provision was included to allow courts to exercise appropriate discretion when a defendant is exempt from federal firearm prohibitions and penalties. Federal law prohibits possession of firearms and penalizes defendants who possess them if they are subject to an order prohibiting abuse, stalking or harassment. However, certain law enforcement officials are exempt from this prohibition and penalty. Under 18 U.S.C. § 925(a)(1), a person performing an official duty on behalf of the federal, state or local law enforcement agency may possess a firearm as long as the officer is required to possess the firearm in his or her official capacity. The Bureau of Alcohol, Tobacco and Firearms requires the official posses-**

sion of the firearm to be authorized by statute, regulation or official department policy. The new notice requirement is found in 23 Pa.C.S.A. § 6106 (a.2).

Paragraph 14 of the form petition was amended to address the manner in which the firearms and other weapons were used against the plaintiff or minor children and to remove the listing of firearms in the petition itself. The amended statute prohibits public access to any list or inventory of the defendant's firearms. Thus, a separate Attachment A is included at the end of the petition for purposes of listing the firearms at issue. This will allow the prothonotary to more easily redact the list from public access, while at the same time permitting the court, the parties and law enforcement agencies to enforce the order. 23 Pa.C.S. § 6108 (a)(7)(v).

The form petition also was amended to address the court's authority to order the defendant to relinquish any and all firearms, other weapons and ammunition, whether they were used or threatened to be used in an act of abuse or not. Any one of several circumstances authorizes the court to grant this relief, including, but not limited to, abuse involving a firearm or weapon or an immediate and present danger of abuse. The amended statute provides the court with multiple examples of what may constitute proof of immediate and present danger for the purposes of ordering the relinquishment of any or all of the defendant's firearms. 23 Pa.C.S.A. § 6107(b)(3).

In subdivisions (c) and (e), paragraph three in the form temporary and final orders is amended to clarify that even indirect contact with a protected person may be prohibited. This clarification reflects the Pennsylvania Supreme Court's holding in *Commonwealth v. Baker*, 564 Pa. 192, 766 A.2d 328 (2001), that the order must be "definite, clear, specific and leave no doubt or uncertainty in the mind of the person to whom it was addressed of the prohibited conduct."

The 2005 amendments to the Protection From Abuse Act provide that the court may order the defendant to relinquish ammunition and firearm licenses, in addition to firearms and other weapons. 23 Pa.C.S.A. § 6108(a)(7). These items were added to paragraph six of the temporary and final order forms, the notices to the defendant and the notices to the sheriff, police and law enforcement.

The amendments to paragraph six of the form orders also provide the court with two options if firearms, weapons or ammunition are prohibited. The court may order only certain firearms, weapons and ammunition to be relinquished as listed by Plaintiff on Attachment A, or the court may order that all firearms, weapons and ammunition be relinquished. The amended paragraphs and the notices to the defendant inform the parties that if the defendant is ordered to relinquish firearms, weapons or ammunition, they must be relinquished to the sheriff or, in the alternative, they may be relinquished to a third party who complies with the substantive and procedural requirements for a third party safekeeping permit. 23 Pa.C.S.A. § 6107(a). No matter which option Defendant chooses, if firearms and weapons are ordered to be relinquished, any firearm license possessed must be

relinquished to the sheriff. The aforementioned items may be relinquished at the time of service, but no later than 24 hours after service. 23 Pa.C.S.A. § 6108 (a)(7)(i). The notice to the defendant in the final order was expanded to advise the defendant that violation of the order may result in the revocation of the third-party safekeeping permit.

Paragraph seven of the final order form was amended to reflect 23 Pa.C.S.A. § 6108.1(a). The process for return of firearms is within the discretion of the court in each judicial district.

Paragraph ten of the final order form was amended to reflect the statute's prohibition against charging the plaintiff fees or costs related to filing, service, registration or appeal in any Protection From Abuse matter. A new subparagraph (b) in paragraph ten of the final order reflects the 2005 amendments to the Protection From Abuse Act which increased the surcharge a court may order a defendant to pay when an action is contested and directs the disbursement of the collected surcharges. 23 Pa.C.S.A. § 6106(d).

Paragraph fourteen of the final order form was amended to reflect the increased period of protection the court may grant. The maximum period of protection was increased from eighteen months to three years.

The amended notice to the sheriff, police and law enforcement in the final order clarifies that the defendant may be arrested anywhere a violation occurs, and that the court has jurisdiction to hear the issue of indirect criminal contempt either where the order was issued or where the violation occurred. With this amendment, jurisdiction for indirect criminal contempt is parallel to prosecution for stalking and harassment. 23 Pa.C.S.A. § 6114(a.1). The notice also makes it clear that a search and seizure of firearms may occur without a warrant when incident to arrest. 23 Pa.C.S.A. § 6113(b) and 6121.

Other amendments to the order forms reflect that the sheriff is authorized to arrest for violations of the order under the Protection From Abuse Act. 23 Pa.C.S.A. § 6113. The references to a protective order superseding provisions of a prior custody order were moved to paragraph five, which deals with custody, in both the temporary and final orders.

[Pa.B. Doc. No. 06-863. Filed for public inspection May 19, 2006, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CARBON COUNTY

Intermediate Punishment Plan; No. CP-13-AD-000003-2006 (Old No. 057 MI 93)

#### Administrative Order 10-2006

And Now, this 8th day of May, 2006, in order to modify policy and procedure for the Carbon County Intermediate Punishment Plan, it is hereby



*Ordered and Decreed* that, effective July 1, 2006, the Court hereby *Revises* its Intermediate Punishment Plan that is attached hereto.

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

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

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

### **Purpose**

To establish policy and procedure governing the administration of Carbon County's Intermediate Punishment Programs of Intensive Supervision Services, House Arrest/Home Electronic Monitoring and Residential Inpatient Treatment; and to establish a process whereby the intermediate punishment officer and/or presentence investigator can recommend innovative sentencing alternatives to the court that may permit a better balance between the dual needs of community protection and the welfare of the defendant.

### **Applicability**

To the Carbon County Court of Common Pleas, Carbon County's Criminal Justice Advisory Board, all adult probation staff and all offenders under the jurisdiction of the department.

### **Definitions**

As utilized in this document, the following definitions shall apply:

1. **Collateral Contact:** Communication with another person having regular contact with the offender, such as law enforcement personnel or treatment specialists.
2. **Criminal Justice Advisory Board:** A collective body of County officials that is responsible for the oversight of the County's Intermediate Punishment Plan and Programs.
3. **Home:** The actual living area of the temporary or permanent residence of an offender, which will only include "inside the confines" of the established home or apartment.
4. **Home Electronic Monitoring Program:** A sentence in which the offender is required to wear or carry an electronic device which transmits the offender's location to a receiver maintained by criminal justice personnel.
5. **House Arrest Program:** A sentence which orders offenders confined to their own residence except for preapproved excursions for medical treatment, employment, performance of community service work, drug/

alcohol treatment or counseling and religious functions. House arrest may be combined with electronic monitoring to detect violations.

6. **Ignition Interlock System:** A system approved by the Department of Transportation which prevents a vehicle from being started or operated unless the operator first provides a breath sample indicating that the operator has an alcohol level less than .025%.

7. **Intensive Supervision Services:** A sentence with increased supervision, surveillance and control; reduced caseloads for probation officers; increased number of contacts per month; and mandated activities for the offender, including work or vocational training, community service work or drug/alcohol treatment.

8. **Intermediate Punishment Investigation:** An investigation completed by the intermediate punishment officer, which is provided to the court, that recommends whether an offender is eligible for participation in an intermediate punishment program.

9. **Intermediate Punishment Plan:** A document, which describes a proposed intermediate punishment program.

10. **Intermediate Punishment Programs:** A punishment option that is considered on a continuum to fall between traditional probation and traditional incarceration.

11. **Presentence Investigation:** A concise document provided to the sentencing court that includes socioeconomic data, prior criminal record, demographic data and other background information on the defendant.

12. **Residential Rehabilitative Center:** A community-based facility to which offenders can be sentenced directly where a range of rehabilitative services is available, including drug and alcohol treatment and counseling.

### **Authority and Policy Statement**

**Authority:** This policy statement has been developed pursuant to and in accordance with statutory requirements, local rules established by the Carbon County Adult Probation/Parole Department and the formal adoption by the Carbon County Court of Common Pleas through administrative court order.

**Policy Statement:** The Carbon County Adult Probation/Parole Department and Carbon County Court of Common Pleas recognizes that "innovative sentencing" or "alternatives to incarceration" for low-risk, non-violent offenders is essential as a legitimate sentencing option available to the court. Offenders that demonstrate "special needs" or exhibit "low-risk, non-violent" tendencies shall be considered for diversion from exposure to confinement and placement in an intermediate punishment program. This approach will permit offenders to remain in the community to support themselves and their legal dependents. Certain restrictions shall be placed on the defendant that will ensure a better balance between the punishment and rehabilitation of the offender, which approach will not compromise the safety and the security of the community.

### **Criminal Justice Advisory Board**

In accordance with 42 Pa.C.S.A. § 9802, the Criminal Justice Advisory Board shall oversee the functions of the County's Intermediate Punishment Board. The Criminal Justice Advisory Board meets monthly and shall periodically assess available county-wide correctional services and future needs; shall work with the county office of probation and parole in developing the Intermediate

Punishment Plan; shall adopt a county intermediate punishment plan, including program policies for administration; shall monitor the effectiveness of county correctional services and shall identify needed modifications.

### Primary Goals and Objectives

The County's Intermediate Punishment Programs shall embrace the primary purposes for the development of Intermediate Punishment Programs established by the Pennsylvania Commission on Crime and Delinquency, which are as follows:

1. To protect society and promote efficiency and economy in the delivery of corrections services.
2. To promote accountability of offenders to the community.
3. To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the Court, and,
4. To provide opportunities for offenders who demonstrate special needs to receive services, which enhance their ability to become contributing members of the community.

### Secondary Goals and Objectives

Secondary objectives established and adopted by the Carbon County Criminal Justice Advisory Board, the Carbon County Court of Common Pleas and the Carbon County Adult Probation/Parole Department are as follows:

1. To divert low risk, non-violent and special need offenders from exposure to incarceration and to provide a degree of punishment to an offender, which is less severe than incarceration, yet more punitive than existing probation.
2. To establish viable sentencing alternatives for the Court.
3. To reduce the incidence of criminal behavior through increased surveillance and to promote a more structured environment conducive to fostering improved work habits, family life and treatment of social or behavioral problems.
4. To provide counseling, education and treatment for targeted offenders.

### Minimum Guidelines for Intermediate Punishment Programs

The Pennsylvania Commission on Crime and Delinquency has adopted the following minimum guidelines. These guidelines shall be incorporated into the County's Intermediate Punishment Programs as follows:

1. **Intensive Supervision Services:** The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Intensive Supervision Services Program (See 37 Pa. Code § 451.119). This program shall include the following elements:
  - a. A drug testing capability for appropriate offenders.
  - b. A monitoring component, which defines the frequency and method of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.
  - c. Limitation of caseloads of program supervising officers consistent with the supervisory component as described in this policy statement.

d. A minimum requirement that eight (8) to twelve (12) face-to-face and four (4) to six (6) collateral contacts be made by the supervising officer each month.

e. A requirement that face-to-face and telephone contacts with offenders be made at all hours, seven (7) days per week.

f. A requirement that there be additional qualifications for participating offenders, such as work or vocational training, community service, drug treatment, and, in appropriate cases, a curfew.

g. Policy and procedure for responding to major and minor violations of the program.

2. **House Arrest Program:** The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the House Arrest Program (See 37 Pa. Code § 451.117). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. A requirement that offenders be employed or actively seeking employment or enrolled in educational program/vocational training or participating in community service, unless an offender is physically or mentally incapable of performing the same, and have fixed residences.
- c. A monitoring component, which defines the frequency of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.

d. Limitation of the caseloads of program supervising officers consistent with the supervisory plan as described in this policy statement.

e. A requirement that a minimum of two (2) face-to-face and three (3) collateral contacts be made by the supervising officers each month.

f. A policy and procedure for responding to major and minor violations of program conditions.

g. If utilized in conjunction with the home electronic monitoring program, the minimum standards relating to home electronic monitoring shall be met.

h. A program for eligible DUI offenders shall be combined with an electronic monitoring program in accordance with the statutory requirements relating to sentencing restrictions.

3. **Home Electronic Monitoring:** The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Home Electronic Monitoring program (See 37 Pa. Code § 451.114). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. The timely detection of violations.
- c. The maintenance of a 24-hour-per-day response to detected violations.
- d. A monitoring component to ensure offender's compliance with the conditions of the program.
- e. A policy and procedure for responding to major and minor violations of program conditions.

4. **Residential Inpatient Drug and Alcohol Program:** The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Residential Inpatient Drug and Alcohol Program. The board shall document that the services are provided by a licensee of the Department of Health, Office of Drug and Alcohol Programs (ODAP) for residential

inpatient drug and alcohol treatment (See 37 Pa. Code § 451.121). This program shall include the following elements:

- a. A drug testing capability.
- b. Establishment of services based on an assessment of the offender's needs and available community resources.
- c. Establishment of aftercare and follow-up services involving sustained and frequent interaction with recovering individuals who have progressed from the intensive or primary phase of treatment.
- d. Efforts to recruit, screen and select service providers.
- e. Guidelines to monitor the purchase of services for offenders.
- f. A monitoring component to ensure the offender's compliance with the conditions of the residential inpatient drug and alcohol program.
- g. Policy and procedure for responding to major and minor violations of residential inpatient drug and alcohol program conditions.

#### Method of Supervision

Generally, an offender sentenced to an intermediate punishment sanction shall be supervised in the community. However, office contacts will be permitted, but should not be relied upon by the officer. Supervision of program participants shall occur as follows:

1. **Intensive Supervision Program:** Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

- a. **Community Supervision:** The officer shall maintain two (2) face-to-face contacts with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.
- b. **Collateral Contacts:** The officer shall maintain a minimum of one (1) collateral contact per week with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact per month must be with a law enforcement official.

c. **Urine Screens:** The officer shall refer all offenders to the Carbon-Monroe-Pike Drug/Alcohol Commission for urine testing; however, it is recommended that random urine samples be secured to enhance the drug testing component of this sanction.

2. **House Arrest/Home Electronic Monitoring:** Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

- a. **Community Supervision:** The officer shall maintain one (1) face-to-face contact with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.
- b. **Collateral Contacts:** The officer shall maintain a minimum of three (3) collateral contacts per month with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact must be with a law enforcement official.

c. **Urine Screens:** The officer shall refer all offenders to the Carbon-Monroe-Pike Drug and Alcohol Commission for urine testing; however, it is recommended that random urine samples be secured to enhance the drug testing component of this sanction.

3. **Residential Inpatient Drug and Alcohol Program:** Offenders placed in this program will be supervised in the community setting by the assigned officer as follows:

a. **Community Supervision:** The officer shall maintain contact with the inpatient facility to ensure that the offender is compliant with the requirements of the treatment program. The officer shall maintain one (1) monthly contact with the offender while in the treatment program.

b. **Collateral Contacts:** The officer shall maintain weekly contact with the treatment counselor.

c. **Urine Screens:** The offender shall undergo random urinalysis testing as per the requirements of the inpatient treatment facility.

d. **Referral Process:** Offenders selected for the residential inpatient treatment program shall be referred to the Carbon-Monroe-Pike Drug/Alcohol Commission in order to locate a suitable facility accredited by the Office of Drug and Alcohol Programs. An assessment shall be conducted on the offender to determine his/her level of care.

e. **Credit for Time Served:** Offenders who successfully complete inpatient treatment, may receive credit towards mandatory minimum provisions of the Drunk Driving Law or other total or partial confinement sentences.

f. **Probation, Parole or Intermediate Punishment Violators:** These violators will be considered for an early discharge from their recommitment sentence, to a residential inpatient treatment program, when the violations are for drug and/or alcohol technical violations.

g. **Treatment Documentation:** The assigned officer shall execute a release of information form to secure all treatment documentation on the offender's progress while in the program.

h. **After-Care/Follow-up Recommendations:** The offender will be required to follow all after-care recommendations made by the treatment facility.

#### Intermediate Punishment Requirements

An order for an intermediate punishment program for an offender may be continuous or intermittent. The participant will be required to remain within the confines of his/her residence, except when the offender is participating in any of the following:

1. Working at acceptable employment approved by the Court or the Adult Probation/Parole Department or traveling to and from approved employment.
2. Unemployed and actively seeking employment.
3. Undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved by the Court or the Adult Probation/Parole Department.
4. Attending a vocational or educational program approved by the Court or the Adult Probation/Parole Department.
5. Attending a regularly scheduled religious service at a place of worship.
6. Participating in a community work release or community service program.
7. Sentenced to the intensive supervision program without a curfew restriction.

8. Engaging in other activities specifically approved by the Court or the Adult Probation/Parole Department.

### **Sentence of Intermediate Punishment**

In imposing a sentence of intermediate punishment, the court shall specify at the time of sentencing the length of the term for which the defendant is to be in an intermediate punishment program or a combination of intermediate punishment programs. The term may not exceed the maximum term for which the defendant could be confined and the program to which the defendant is sentenced. The court may order a defendant to serve a portion of the sentence under 42 Pa.C.S.A. § 9755 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S.A. § 9756 (relating to total confinement) and to serve a portion in an intermediate punishment program or a combination of intermediate punishment programs pursuant to 42 Pa.C.S.A. § 9763 (sentence of intermediate punishment).

### **Eligible Offenders**

Pursuant to 42 Pa.C.S.A. § 9802 (relating to intermediate punishment) for purposes of sentencing, an eligible offender shall be defined as follows:

1. A person convicted of an offense who would have otherwise been sentenced to a county correctional facility to a period of partial confinement pursuant to 42 Pa.C.S.A. § 9724 (relating to partial confinement) or total confinement pursuant to 42 Pa.C.S.A. § 9725 (relating to total confinement).

2. An offender who does not demonstrate a present or past history of violent or assaultive behavior.

### **Eligible DUI Offender**

Any person convicted under 75 Pa.C.S.A. § 3802 (relating to driving under the influence of alcohol or controlled substance) and receiving a penalty imposed pursuant 75 Pa.C.S.A. § 3804 (relating to penalties) may only be sentenced to an intermediate punishment program in:

1. A residential inpatient treatment program or a residential rehabilitative center.

2. A house arrest program coupled with a home electronic monitoring program combined with drug and alcohol treatment.

**Eligible Driving Under Suspension—DUI Related Offender:** Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privileges is suspended or revoked), 3804 (relating to penalties) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) may only be sentenced to an intermediate punishment program in:

1. A house arrest program coupled with a home electronic monitoring program, combined with drug and alcohol treatment, if recommended.

**Other Eligible Offenses:** An offender convicted of Fleeing or Attempting to Elude Police Officer pursuant to 75 Pa.C.S.A. § 3733, Habitual Offenders pursuant to 75 Pa.C.S.A. § 6503.1, Driving Under Suspension-DUI Related pursuant to 75 Pa.C.S.A. § 1543(b)(1) and Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock pursuant to 75 Pa.C.S.A. § 3808 are eligible for home electronic monitoring under the following circumstance:

- a. When there is no accident involved in the incident.
- b. When there is no alcohol related offenses involved with the incident.

c. When the safety of the community was not placed at great risk during the incident.

d. See Miscellaneous Eligibility Criteria.

### **Ineligible Offenders**

Pennsylvania law states that any person with a current conviction or a prior conviction within the past ten years of certain targeted offenses shall be ineligible under a sentence of intermediate punishment (See 42 Pa.C.S.A. § 9802).

### **Ineligible DUI Offenders**

Unless otherwise court ordered, the following DUI offenders are declared ineligible for participation in Carbon County's home electronic monitoring program pursuant to 75 Pa.C.S. § 3804 (relating to penalties):

1. An offender with a BAC of .08% to .099%, second and third offense.

2. An offender with a BAC of .10% to .159% (High Rate of Alcohol), first offense.

3. An offender with a BAC of .16% or higher (Highest Rate of Alcohol), first and third offense.

4. All fourth time offenders, regardless of the BAC.

### **Ineligible Driving Under Suspension—DUI Related Offenders**

Unless otherwise court ordered, the following Driving Under Suspension—DUI Related offenders are declared ineligible for participation in Carbon County's home electronic monitoring program:

1. 75 Pa.C.S.A. § 1543 (b)(1.1)(ii) (relating to second violation).

2. 75 Pa.C.S.A. § 1543 (b)(1.1)(iii) (relating to third or subsequent violation).

### **Miscellaneous Eligibility Criteria**

In addition to statutory eligibility requirements and the requirements of this policy statement, any offender who meets any of the following additional criteria shall not be recommended for participation under an order of intermediate punishment:

1. An offender who exhibits a present or past history of violent or assaultive conduct.

2. An offender who is being held under a detainer, warrant or process issued by this Court or a Court of another jurisdiction.

3. An offender who has been revoked from a period of supervision on two (2) or more separate occasions.

4. An offender who has an extensive criminal or driving record.

5. An offender who resides in the Commonwealth, but outside the geographical boundaries of Carbon County, unless the resident jurisdiction has a comparable intermediate punishment program.

6. No serious bodily injury or death resulted from the incident and/or the victim suffered serious psychological harm as a result of the offender's actions.

7. An offender who has a history of prison escape.

8. An offender who has a history of chronic mental health or psychotic behavior, which would interfere with the operation of the program.

9. An offender who does not have a telephone in the residence.

10. An offender who does not desire to participate in these programs.

11. An offender who has been afforded home electronic monitoring within the past ten (10) years from date of instant offense.

12. An offender who did not possess a valid driver's license at the time of the arrest and is under suspension pursuant to 75 Pa.C.S.A. § 1543(b).

13. An offender who received an early discharge from the ARD Program and committed his/her DUI offense while in the ARD Program, but did not report the new arrest to his probation officer.

14. An offender who does not make restitution to the victim(s) for out-of-pocket losses that were not covered by an insurance company, prior to acceptance into an intermediate punishment program.

15. An offender who resides outside the Commonwealth of Pennsylvania.

16. An offender who due to "exigent circumstances" or "deemed inappropriate" for inclusion in the program by the investigative officer.

#### **Requirements for Driving Under Influence Offenders**

**Evaluation Using Court Reporting Network:** Pursuant to the requirements of 75 Pa.C.S.A. § 3816 (requirements for driving under influence offenders) any offender convicted of 75 Pa.C.S.A. § 3802 (relating to driving under the influence of alcohol or controlled substance) recommended for participation in an intermediate punishment program shall, prior to sentencing be evaluated using Court Reporting Network (CRN) instruments.

**Drug and Alcohol Assessments:** Pursuant to the requirements of 75 Pa.C.S.A. § 3814 (drug and alcohol assessments) any offender convicted of 75 Pa.C.S.A. § 3802 (relating to driving under the influence of alcohol or controlled substance) recommended for participation in an intermediate punishment program shall, prior to sentencing be subject to a full assessment for alcohol and drug addiction when,

1. The defendant, within ten years prior to the offense for which sentence is being imposed, has been sentenced for an offense under:

- a. 75 Pa.C.S.A. § 3802
- b. former section 75 Pa.C.S.A. § 3731
- c. an equivalent offense in another jurisdiction

2. Either:

- a. The evaluation under paragraph (1) of 75 Pa.C.S.A. § 3814 (drug and alcohol assessments) indicates there is a need for counseling or treatment; or
- b. The defendant's blood alcohol content at the time of the offense was at least .16%.

**Failure to Obtain Necessary Evaluations:** Any offender who fails to obtain the necessary evaluations, prior to sentencing and placement in an intermediate punishment program, shall be declared ineligible for participation, unless otherwise court ordered.

#### **Requirements for Driving While Operating Privilege is Suspended or Revoked—DUI Related**

**Drug and Alcohol Assessments:** Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privileges is suspended or revoked), 3804 (relating to penalties) or 3808

(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall undergo an assessment under 75 Pa.C.S. § 3814 (relating to drug and alcohol assessments) and is recommended for participation in an intermediate punishment program shall, prior to sentencing be subject to a full assessment for alcohol and drug addiction.

**Drug and Alcohol Treatment:** If the defendant is determined to be in need of drug and alcohol treatment, a sentence to intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c) (relating to mandatory sentencing). If the defendant is determined not to be in need of drug and alcohol treatment, then the defendant may only be sentenced to house arrest with electronic monitoring.

**Failure to Obtain Necessary Evaluations:** Any offender who fails to obtain the necessary evaluations, prior to sentencing and placement in an intermediate punishment program, shall be declared ineligible for participation, unless otherwise court ordered.

#### **Target Population**

The following population of DUI offenders shall be specifically targeted for inclusion in Carbon County's Home Electronic Monitoring Program.

**High Rate of Alcohol—Second Offense:** Pursuant to 75 Pa.C.S.A. § 3804 (relating to penalties) an offender with a BAC of .10% to .159%, second offense shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation as described in this policy statement. If declared eligible, the defendant shall be sentenced as follows:

1. The defendant shall be remanded to prison to serve the mandatory minimum sentence of thirty (30) days, however;

2. The offender shall serve only two (2) days of incarceration, which period of imprisonment shall be served on consecutive days.

3. After completion of the two (2) days of imprisonment, the defendant shall serve the remaining twenty-three (23) days on home electronic monitoring.

**Highest Rate of Alcohol—Second Offense:** Pursuant to 75 Pa.C.S.A. § 3804 (relating to penalties) an offender with a BAC of .16% or higher, second offense shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation as described in this policy statement. If declared eligible, the defendant shall be sentenced as follows:

1. The defendant shall be remanded to prison to serve the mandatory minimum sentence of ninety (90) days, however;

2. The offender shall serve only thirty (30) days of incarceration, which period of imprisonment shall be served on consecutive days.

3. After completion of the thirty (30) days of imprisonment, the defendant shall serve the remaining sixty (60) days on home electronic monitoring.

**High Rate of Alcohol—Third Offense:** Pursuant to 75 Pa.C.S.A. § 3804 (relating to penalties) an offender with a BAC of .10% to .159%, third offense shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation

as described in this policy statement and successfully completes the following additional requirement:

1. The offender successfully completes a residential inpatient treatment program provided by a current licensee of the Department of Health, Office of Drug and Alcohol Programs for outpatient services.

Upon a determination of eligibility for participation in the home electronic monitoring program, the defendant shall be sentenced as follows:

1. The defendant shall receive credit for all time spent in a residential inpatient treatment program towards the mandatory minimum sentence of ninety (90) days, unless otherwise court ordered.

2. The defendant shall serve the remaining portion of the mandatory minimum sentence of ninety (90) days on home electronic monitoring.

**Driving While Operating Privilege is Suspended or Revoked—Driving Under the Influence Related:** An offender with a first conviction pursuant to 75 Pa.C.S.A. § 1543(b)(1) and 75 Pa.C.S.A. § 1543(1.1)(i) shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation as described in this policy statement. If declared eligible, the defendant shall be sentenced as follows:

1. The defendant shall be remanded to prison to serve the mandatory minimum sentence of ninety (90) days, however;

2. The offender shall serve only thirty (30) days of incarceration, which period of imprisonment shall be served on consecutive days.

3. After completion of the thirty (30) days of imprisonment, the defendant shall serve the remaining sixty (60) days on home electronic monitoring.

#### **Residential Inpatient Drug and Alcohol Program**

Any offender who is declared eligible for participation in Carbon County's home electronic monitoring program pursuant to this policy statement (High Rate of Alcohol-Second Offense and Highest Rate of Alcohol—Second Offense) and successfully completes an inpatient treatment program shall have his/her required period of incarceration waived, unless otherwise court ordered. The defendant shall receive credit towards the mandatory minimum sentence for all time spent at an inpatient treatment program with the remaining balance of the mandatory minimum sentence served on home electronic monitoring.

#### **Work Release Privileges**

Pursuant to this policy statement, all offenders required to serve a portion of the mandatory minimum sentence incarcerated shall be eligible for participation in the work release program, provided they meet the eligibility requirements of the Carbon County Work Release Program. It is recommended that the intermediate punishment officer and work release director coordinate efforts to ensure that no interruption occurs in the offender's employment status and to ensure that a smooth transition occurs from incarceration to the home electronic monitoring program.

#### **Service and Completion of Period of Confinement**

Upon successfully serving the period of incarceration imposed by the court and without further order of court, the defendant shall be automatically released from prison

and immediately report to the Carbon County Adult Probation for installation of the home electronic monitoring equipment.

#### **Prison Infractions**

An offender who violates any rules and regulations of the prison while serving his/her prison sentence and is awaiting release to the home electronic monitoring program shall be declared ineligible for participation in an intermediate punishment program. Upon order of court, the defendant shall remain incarcerated to serve the remaining balance of his/her mandatory minimum sentence. However, if the offender violates another rule or regulation after being declared ineligible for participation in the home electronic monitoring program, then the offender will not be released upon reaching his/her minimum sentence and must petition the court for parole consideration.

#### **Screening Process**

An offender may be declared eligible upon the recommendation of the Adult Probation/Parole Department upon the successful completion of any of the following or combination thereof:

1. A presentence investigation.
2. An intermediate punishment investigation.
3. Any offender placed in these programs by an Order of Court.

#### **Intermediate Punishment Investigations and Presentence Investigations**

During the investigative phase and prior to sentencing, the presentence investigator shall identify prospective participants for possible consideration in an intermediate punishment program. During the preparation of guilty plea reports or a presentence report, the investigator shall refer all plea agreements and sentencing recommendations that suggest a sentence of intermediate punishment to the intermediate punishment officer for investigation. This investigation shall include the following:

1. Completion of an intermediate punishment eligibility application, which application is available at the Carbon County Adult Probation/Parole Office.
2. An interview of the defendant and other occupants of the residence, when applicable.
3. Explanation of program requirements to the offender and all occupants of the residence, when applicable.
4. Completion of all appropriate forms, which include:
  - a. Occupant's Approval Form, if applicable.
  - b. Explanation of the conditions of the home electronic monitoring program.
  - c. Equipment Responsibility Form.
  - d. New Client Installation Form, if applicable.
5. Inspection of offender's residence to determine if conducive for participation in the electronic monitoring program.
6. Written memorandum to the court with sentence recommendation.

#### **Conditions of Home Electronic Monitoring**

The court shall attach such reasonable conditions upon the defendant for participation in the electronic monitoring program pursuant to 42 Pa.C.S.A. § 9763(b).

### **Voluntary Participation**

Participation in these programs shall be strictly on a voluntary basis. Offenders who do not desire to participate in these programs will be declared ineligible.

### **Program Explanation**

All program requirements shall be explained prior to admission of the offender into an intermediate punishment program. Also, all occupants of the approved residence shall be advised of the restrictions and requirements of the program. If a resident objects to the program, then the offender may be declared ineligible.

### **Post Sentencing Orientation**

After placement into the home electronic monitoring program, the participant shall be advised of the date and time that the equipment will be installed in the residence and other program requirements.

### **Intake Process**

Upon an Order of Intermediate Punishment, the offender shall immediately report to the adult probation/parole department for an intake. During the intake process, the following paperwork shall be completed:

1. Execution of the conditions of the intermediate punishment program.
2. Completion of facesheet and photograph of offender.
3. Completion of risk/needs assessment form.
4. Completion of Supervision Plan.
5. Execution of Release of Information Form.

### **Enrollment and Initial Home Contact**

During the initial home contact with the offender, the assigned officer shall:

1. Review the terms and conditions of the program.
2. Explain program requirements to all residents.
3. Read, explain and obtain signatures on all forms.
4. Explain parameters of home electronic monitoring program.
5. Explain consequences of program violations.
6. Explain payment of daily monitoring fees.
7. Explain responsibility and maintenance of equipment.
8. Install equipment.
9. Confirm with the monitoring center that equipment is operational.
10. Obtain a layout of the residence.

### **Offender Enrollment Forms and Schedule Change Forms**

The intermediate punishment officer shall be responsible for the completion of all forms associated with the enrollment of the offender and other changes or modifications to the offender's schedule. All completed forms shall be faxed to the monitoring center.

### **Daily Activity Reports**

All daily activity forms will be faxed to the agency and the intermediate punishment officer shall review these reports for conformity and compliance with the approved offender schedule.

### **Ankle Bracelets and Monitoring Equipment**

Offenders placed on a home electronic monitoring unit will be required to wear ankle bracelets at all times. The bracelet emits a continuous signal to a receiver installed in the residence. Upon every field visit by the probation officer, a visual inspection of all monitoring equipment shall be conducted to ensure proper functioning.

### **Equipment Responsibility**

All electronic monitoring equipment installed in the offender's residence shall be the exclusive responsibility of the participant to maintain its proper functioning and operation. Any tampering, theft or destruction of the equipment by the offender may result in the filing of criminal charges, being held financially responsible for the cost of the equipment and being immediately terminated from the program. Also, every participant must read and sign the equipment responsibility form.

### **Equipment Inventory After Installation**

All equipment placed in the residence must be inventoried at the time of installation.

### **Offender Subsistence**

Every offender placed in an intermediate punishment program will be responsible for their own subsistence, which includes, housing, clothing, medical care or other treatment or household expenses. Every participant shall be afforded a designated time during the week for grocery shopping, medical appointments or other basic necessities. All departures from the approved schedule must receive prior approval by the intermediate punishment officer or Chief Adult Probation Officer.

### **Verification of Compliance With Court Imposed Sanctions**

The assigned officer shall secure and verify employment via pay stubs or interviews with the employer. Also, if the offender is undergoing treatment or counseling, the officer shall verify all sessions with the counselor. Verification is an important aspect of supervision, for it ensures compliance with the conditions of the program.

### **Program Violations**

The following system for program violations shall be utilized to determine the level of compliance with the conditions of Intermediate Punishment Programs.

### **Minor Violations**

The following violations shall be considered minor in nature:

1. Failure to report as scheduled.
2. Failure to notify staff of changes in work status.
3. Failure to comply with rules and regulations of the program or Court order.
4. Unauthorized individuals within the residence.
5. Departure from schedule, such as leaving early or returning late.

### **Minor Violation Process**

When "minor" violations are detected, the following corrective action may be initiated by the assigned officer:

1. Verbal reprimand.
2. Written violation report.
3. Administrative conference.

4. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.

### Major Violations

The following violations shall be considered major in nature:

1. Possession of firearms, deadly weapons or offensive weapons.
2. Possession or consumption of alcoholic beverages.
3. Possession or positive urine test for a controlled substances.
4. Possession of drug paraphernalia.
5. Relocation from the approved residence without the prior approval of the assigned Officer.
6. A new arrest for violation of Municipal, County, State and Federal laws, as well as, provisions of the Liquor Code and the Vehicle Code.
7. Escape, which shall be defined as a period of one (1) hour or longer in which the participant has left the approved residence and is unaccounted for.
8. Repeated minor violations.
9. Destruction, theft or tampering with electronic monitoring equipment.
10. Operating a motor vehicle on a public highway while license is suspended.
11. Failure to maintain the scheduled drug/alcohol treatment plan.
12. Termination of offender's telephone service.

### Major Violation Process

When "major" violations are detected, the assigned officer may initiate the following corrective action:

1. Written violation report.
2. Administrative conference.
3. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.
4. File a petition to revoke intermediate punishment sentence requesting a hearing and/or a warrant for arrest and detention of offender.

### Investigation of Detected Program Violations

All violations of any intermediate punishment program shall be investigated by the assigned officer or on-call officer immediately after detection. All relevant information and documentation concerning electronic monitoring violations shall be obtained from the central monitoring station with all persons involved being interviewed. Upon determination of the specific violation, the officer shall follow the violation process as described in this policy statement.

### Investigation of Program Violations (After Normal Business Hours)

Response to program violations after normal business hours shall occur as follows:

1. **On-Call Schedule:** The Chief Adult Probation/Parole Officer shall prepare and post an on-call schedule. All Adult Probation/Parole Officers will be scheduled and rotated on a weekly basis and shall be responsible for the following:

a. The on-call officer must wear the digitized pager at all times. Failure to respond to a page will result in appropriate disciplinary action.

b. The on-call officer will be responsible for the pager. If the pager is damaged or lost, the cost of the pager may be assessed to the officer.

c. Modifications to the on-call schedule are permitted. Prior arrangements shall be made with the Chief and the Carbon County Communications Center to ensure proper coverage.

2. **Home Electronic Monitoring Violations:** In the event that an electronic monitoring violation occurs, the following procedures shall be utilized:

a. The central monitoring station has been provided a procedure to notify the Carbon County Communications Center for program violations.

b. The Carbon County Communications Center shall be provided all officer pager numbers and personal telephone numbers.

c. An intermediate punishment program manual will be provided to all officers as a reference guide. All telephone numbers will be available within the manual.

d. When the on-call officer is notified of a program violation, the officer shall respond to the page immediately. If the violation is for home electronic monitoring, the officer shall contact the central monitoring station to determine the nature of the violation. If the monitoring center cannot correct the problem, then the officer shall contact the offender to resolve the problem. If the problem cannot be rectified over the telephone, then, the on-call officer must respond to the residence to investigate the violation. However, before conducting the field investigation, the on-call officer shall contact the back-up on-call officer for authorization and then contact the pretrial services on-call officer for possible assistance. The on-call officer shall not conduct a field investigation alone and without proper authorization from a supervisor.

e. The following home electronic monitoring violations must be investigated by the on-call officer after normal business hours. All other program violations will be investigated by the assigned probation officer the next available working day.

1. Band Tamper (absolute response)
2. Out-of-Range
3. Power Outage or Loss
4. Transmitter not found (dead battery)

f. When it is determined by the on-call officer that immediate termination is justified for the violation, the officer shall:

1. Immediately notify the back-up on-call supervisor.
2. Contact the bail officer for possible assistance.
3. Contact other adult probation staff for possible assistance.
4. Contact the Carbon County Communications Center for possible assistance from the Carbon County Sheriff's Department.

5. If the Sheriff's Department is unavailable, then contact the local police department for possible assistance.

6. Under no circumstances shall a probation officer attempt to arrest the offender without proper authoriza-



tion from the back-up on-call supervisor and proper presence of other adult probation staff or law enforcement personnel.

7. The offender shall be transported to prison by adult probation staff or the Sheriff's Department. A Warrant to Commit and Detain Form shall be executed and provided to prison officials for admission of the offender.

8. If the offender is immediately terminated from the program, then all home electronic monitoring equipment shall be removed from the residence and inventoried. The monitoring center shall be immediately notified of the termination.

#### **Petition to Revoke an Order of Intermediate Punishment**

When the intermediate punishment officer determines that the offender violated the conditions of the program in such a manner that requires termination from the program, then a petition to revoke intermediate punishment shall be filed with the Clerk of Courts Office outlining all program violations.

#### **Modification or Revocation of Intermediate Punishment Sentence**

The court may at any time terminate a sentence of intermediate punishment or increase or decrease the conditions of the sentence pursuant to 42 Pa.C.S. § 9763 (sentence of intermediate punishment) or 42 Pa.C.S. § 9773 (modification or revocation of intermediate punishment sentence).

#### **Termination From an Intermediate Punishment Program**

The following criteria shall be utilized to determine when an offender should be terminated from an intermediate punishment program:

1. The participant has successfully completed all conditions of the program.
2. The participant has committed "major" violations of the program and was returned to prison.
3. The participant has served the minimum sentence imposed by the Court and has been legally discharged.

#### **Termination Order**

Upon successful completion of the minimum sentence, an order of court shall be prepared discharging the offender from the home electronic monitoring program. Afterwards, the officer shall review and have the offender sign the standard conditions of release, with the offender being reassigned to another probation officer.

#### **Equipment Inventory After Termination**

Upon termination from the program, the officer shall inventory and visibly inspect all equipment to ensure that no damage occurred during the program.

#### **Cleaning of Equipment**

It shall be the responsibility of the intermediate punishment officer to properly clean and sanitize all electronic monitoring equipment after an offender has been discharged from the program. No equipment shall be installed on another offender until the bracelet and home unit has been properly cleaned.

#### **Monitoring Fees**

An offender placed in the home electronic monitoring program shall be responsible for all costs associated with

the monitoring aspect of the program. All fees collected will be deposited into an account to be utilized for the operation of the home electronic monitoring program or other departmental operations. Finally, all fees shall be made part of the order of sentence and the certificate of costs sheet.

#### **Local Law Enforcement Notification**

Local law enforcement agencies will be provided with all information concerning program participants.

#### **Case Records**

After placement into an intermediate punishment program, a case record folder shall be prepared by the secretary and a completed facesheet provided to the assigned officer. Also, a complete roster of intermediate punishment participants shall be maintained by the project coordinator.

#### **Transfer Cases**

The Intermediate Punishment Officer shall coordinate efforts with other jurisdictions when appropriate candidates are identified. When an offender resides in another jurisdiction, the intermediate punishment officer shall confer with the resident county to determine whether that jurisdiction has an intermediate punishment program. All arrangements shall be made by the intermediate punishment officer and forwarded to the Court for review. All costs associated with other county's programs will be absorbed by the offender. Failure to cooperate and comply with the rules and regulations of the other jurisdiction's program will result in the offender being declared ineligible for participation.

#### **Courtesy Cases**

The department will accept intermediate punishment cases from other jurisdictions. Requesting counties shall coordinate with the intermediate punishment officer to determine eligibility. The officer will conduct an investigation pursuant to this policy statement and advise the requesting county whether the offender qualifies. If the department accepts an offender for supervision, then an effective date shall be established. Prior to enrollment in the program, the offender will be required to pay the current daily monitoring fee established by the court, for the entire period of supervision, in full. No personal checks will be accepted, only cash or money orders. A receipt will be provided to the offender.

#### **Caseload Limits**

The Chief will periodically review the caseloads of the Intermediate Punishment Officer to ensure that the officer has a manageable caseload and proper resources. This review process will ensure that the minimum standards adopted by the State and the Court are not compromised.

#### **Project Coordination**

The Chief Adult Probation/Parole Officer or his designee shall be responsible for the preparation, completion and submission of all sub-grant reports, progress reports, budget modification forms and related documentation to the Pennsylvania Commission on Crime and Delinquency. The Project Coordinator and the intermediate punishment officer, in conjunction with the Carbon County Criminal Justice Advisory Board, shall evaluate program goals and effectiveness on a regular basis.

[Pa.B. Doc. No. 06-864. Filed for public inspection May 19, 2006, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

#### Amendment to the Water Quality Regulations, Water Code and Comprehensive Plan to Establish Pollutant Minimization Plan Requirements for Point and Nonpoint Source Discharges of Toxic Pollutants

At its May 18, 2005 business meeting, by Commission Resolution No. 2005-9, the Delaware River Basin Commission (Commission) amended its Water Quality Regulations, Water Code and Comprehensive Plan to establish pollutant minimization plan requirements for point and nonpoint source discharges of toxic pollutants following issuance of a total maximum daily load (TMDL) by either the United States Environmental Protection Agency (EPA) or a member state, or an assimilative capacity determination by the Delaware River Basin Commission. The final-form rulemaking fulfills a technical requirement of the Delaware River Basin Compact (32 P. S. § 815.101) that rules adopted by the Commission be filed in accordance with the laws of the signatory parties.

#### *Effective Date*

The final-form rulemaking is effective immediately.

#### *Further Information, Contact*

Additional information, including background on the need for a pollutant minimization plan regulation, and a section by section summary of the rule, can be found at 34 Pa.B. 5559 (October 9, 2004). Copies of the complete Water Quality Regulations as amended are available on the Commission's website, [www.DRBC.net](http://www.DRBC.net). Copies are also available upon request from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360. For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, (609) 883-9500 (x203).

#### *Supplemental Information*

#### *Content and Scope of the Rule*

These amendments to the Water Code and Comprehensive Plan, approved on May 18, 2005, authorize the Commission to require classes of point or non-point dischargers or individual dischargers to prepare pollutant minimization plans (PMPs) to reduce or prevent releases of a toxic pollutant to Basin waters following either (a) a determination of assimilative capacity by the Commission for the toxic pollutant in accordance with Section 4.30.7 of the Commission's Water Quality Regulations, or (b) the issuance of a TMDL by the EPA or a member state for the toxic pollutant in accordance with Section 304(d)(1)(C) of the Clean Water Act. Upon issuance of a final new or renewed National Pollutant Discharge Elimination System (NPDES) permit by EPA or a member state after initiation of a PMP requirement in accordance with this final rule, the permit supersedes any provisions of the PMP that relate to the NPDES-permitted discharge.

The scope of the amendments is limited to toxic chemicals listed in Section A.1 of the rule. One class of such chemicals is initially listed—polychlorinated biphenyls (PCBs), for which the EPA issued a TMDL applicable to Zones 2 through 5 of the Delaware Estuary on December 15, 2003. Additional pollutants may be added to the rule only by amendment after notice and comment rulemaking.

Classes of dischargers or individual dischargers subject to the rule may be added by amendment or by a directive of the Commission's Executive Director, upon approval by the Commission. Two classes of PCB dischargers—both consisting of NPDES-permitted dischargers—are initially included in the rule: those listed in Group 1 of Tables 3-2 through 3-5 of Appendix 3 of the document, *U.S. Environmental Protection Agency Regions II and III, Total Maximum Daily Loads for Polychlorinated Biphenyls (PCBs) for Zones 2-5 of the Tidal Delaware River* (December 15, 2003) (hereinafter, "Delaware Estuary PCB TMDL Report"); and those listed in Group 2 of the same tables in the event that the presence of PCB congeners is confirmed through monitoring in accordance with the requirements set forth in Appendix 3 of the same document.

Because NPDES permits ordinarily are reissued only once every 5 years, with respect to some point source dischargers, the rule allows the Commission to impose PMP requirements earlier than the permitting authority could routinely do, ensuring that steps to improve the Estuary's water quality begin sooner.

No nonpoint source dischargers are initially subject to the rule. However, recognizing that contaminated sites without permitted discharges are significant contributors to the problem of toxic contamination in Basin waters, the Commission now has the authority to consider requiring PMPs for such sites in the future if the sites are not being addressed entirely through other state or Federal regulatory programs.

For PCBs, and possibly for other persistent bioaccumulative toxic chemicals, it may take many years for dischargers to achieve sufficient load reductions to achieve the water quality standards. The PMP rule is intended to accelerate improvements in water quality by authorizing the Commission to require point and nonpoint source dischargers to initiate load reduction efforts, without imposing numeric limits that the dischargers could not meet. The rule contains no numeric targets for pollutant reduction. Rather, it is based on concepts of pollution prevention and sustainability and a recognition that dischargers familiar with their own operations may be best situated to identify opportunities for achieving prompt loading reductions in a cost-effective manner.

#### *Development of the Rule*

In its Delaware Estuary PCB TMDL Report, EPA recommended that non-numeric rather than numeric water quality-based effluent limits (WQBELs) should be used in NPDES permits to ensure, in accordance with Clean Water Act requirements, that the permits would be consistent with the TMDL. In view of the need for uniformity in PMP requirements Basin-wide and the need for guidance to assist the regulated community and permit writers, respectively, in developing and evaluating PMPs, the Commission recognized the benefit of promulgating a basin-wide rule establishing the minimum elements of a PMP. It also recognized that such a rule could be of value in addressing toxic pollutants other than

PCBs, which also require TMDLs and for which the imposition of numeric WQBELs also might be impracticable, and it recognized that PMPs might be used to address contaminated sites with nonpoint source discharges when such sites were not addressed entirely through other state and Federal regulatory programs.

The Commission staff developed a draft rule in May 2004 and informally solicited comments from state and Federal agencies, municipal and industrial dischargers, and the environmental community on three successive versions of the draft—in May, July and September, 2004. The Commission made substantial modifications in response to the comments it received before resolving in September 2004 to initiate formal notice and comment rulemaking on the proposed rule, including an additional comment period and a formal public hearing. The proposed rule was posted on the Commission's website on September 22, 2004. Notice of proposed rulemaking appeared at 34 Pa. B. 5559 (October 9, 2004) and at 69 FR 57010 (September 23, 2004). A public hearing was held on October 27, 2004, and written comments were accepted through November 19, 2004. A comment and response document was prepared, recommending that additional changes be made in response to the comments received.

#### *Changes from the Proposed Rule*

The final-form rule reflects changes to the proposed rule that were made in response to comments submitted during the comment period. These changes, which did not alter the scope or operation of the rule, are summarized here.

In response to a request that the Commission clarify when a discharger would be relieved of its obligation to implement a PMP, a provision was added to the rule authorizing the Commission to relieve a discharger of its obligation to continue implementing a PMP (until such time, if any, as the NPDES permitting authority issues a permit consistent with the rule) if the discharger can demonstrate that it has both (a) achieved the maximum practicable reduction of releases of the pollutant to the air, soil or water in accordance with the rule, and (b) is not having or has ceased to have an adverse effect on the water resources of the Basin.

A "Purpose" section was added to signal to regulators and the regulated community that the purpose of the rule is to allow owners and operators who know their facilities best to think through creatively and systematically what can be done to limit PCB discharges. DRBC intends to exercise some flexibility in applying the rule, because it hopes to see different solutions undertaken throughout the Basin in order to learn which approaches are most effective.

A number of commentators recommended that key terms used in the rule be more clearly defined. In response, a "Definitions" section was added, including definitions of the terms "adverse effect," "maximum practicable reduction," "service area" and "toxic pollutant."

Members of the environmental community sought to have the Commission require a public hearing on every PMP; however, this was determined to be inconsistent with the gap-filling function that the Commission is performing with this rule. The process for Commission review of PMPs is unchanged. The rule authorizes the Commission to perform substantive reviews of PMPs submitted to it and to request more from a discharger if it determines that a PMP is inadequate. Upon issuance of an initial, renewed or modified NPDES permit by the state in which the discharger is located or by EPA, the

permitting agency may incorporate requirements to develop, submit to the permitting authority and implement a PMP consistent with the DRBC regulation. A public hearing may be available if requested in connection with issuance of the permit.

A number of comments focused on the required elements of a PMP. Several of these suggested that too much information was required to be included. In response, changes were made to limit the amount of extraneous information collected. Flexibility was introduced as to the methods that might be used by nonpoint source dischargers to establish a pollutant loading baseline and by both point and nonpoint source dischargers to estimate loading reductions. A provision requiring PCB monitoring with Method 1668A was retained, but the frequency of monitoring was changed from annually to biennially. The provision for annual reporting was preserved.

#### *Amendments*

The final-form rulemaking amends Article 4 of the Commission's Water Quality Regulations by the addition of the text below. It also adds an Article 4 to the Water Code, consisting of Sections 4.10 through 4.30.8, each marked "[Reserved]", followed by the text below:

#### 4.30.9 Pollutant Minimization Plans for Toxic Pollutants

A. *Applicability.* Following either (i) a determination of assimilative capacity by the Commission for a toxic pollutant in accordance with Section 4.30.7 of these regulations or (ii) the issuance of a total maximum daily load (TMDL) by the U.S. Environmental Protection Agency or a Basin State for a toxic pollutant in accordance with Section 304(d)(1)(C) of the Clean Water Act, the Commission may add such pollutant to the list established at Section 4.30.9A.1, and in accordance with Section 4.30.9A.2, may require classes of point or nonpoint dischargers or individual dischargers to prepare pollutant minimization plans (PMPs) to reduce or prevent releases of the toxic pollutant to Basin waters.

1. In accordance with Section 5.2 of the *Delaware River Basin Compact*, the Commission has determined that the effectuation of the Comprehensive Plan requires control and abatement of the pollutants listed below, through the PMP requirements set forth herein.

(a) Total Polychlorinated Biphenyls (PCBs).

2. The following classes of dischargers or individual dischargers shall be subject to Section 4.30.9 of these Regulations and shall be so notified in writing by the Executive Director:

(a) any discharger to which the Commission has assigned an individual allocation for a pollutant listed at Section 4.30.9A.1., in accordance with an assimilative capacity determination issued under Section 4.30.7 of these Regulations

(b) any discharger that has received an individual wasteload allocation in a TMDL established by the U.S. Environmental Protection Agency or a Basin State for a pollutant listed at Section 4.30.9A.1.

Provided, however, that dischargers listed in Group 2 of Tables 3-2 through 3-5 of Appendix 3 of the document, *U.S. Environmental Protection Agency Regions II and III, Total Maximum Daily Loads for Polychlorinated Biphenyls (PCBs) for Zones 2-5 of the Tidal Delaware River* (December 15, 2003) ("Group 2 dischargers"), shall

only be subject to Section 4.30.9 in the event that the presence of PCB congeners is confirmed through monitoring in accordance with the requirements set forth in Appendix 3 of the same document.

(c) any discharger or class of dischargers of a pollutant listed at Section 4.30.9.A.1 that the Commission determines after public notice and a hearing, has an adverse effect on the water resources of the Basin

3. Until such time, if any, as the NPDES permitting authority issues a permit in accordance with Section I, the Commission may relieve a discharger of the requirements of Section 4.30.9 for a pollutant, effective upon written notice to the discharger, if the Commission determines, in consultation with the State in which the discharger is located, that the discharger has (a) achieved the maximum practicable reduction of releases of the pollutant to the air, soil or water in accordance with Section 4.30.9.E.9; and (b) is not having or has ceased to have an adverse effect on the water resources of the Basin. Notice of a determination in accordance with this section shall be published by the Commission in the applicable state register and on the Commission's website.

B. *Purpose.* For toxic pollutants listed in Section 4.30.9.A.1, implementation of a comprehensive set of measures, including trackdown studies, process modifications, materials substitutions, treatment technologies, best management practices and/or procedures tailored to the facility or site may be necessary to achieve required loading reductions. Owners and operators, who possess the greatest knowledge of their operations and site conditions, are in the best position to develop and implement such measures. The pollutant minimization plan requirements of Section 4.30.9 may be used to require owners and operators to perform a systematic analysis of their facilities and sites in order to locate pollutant sources and to design and implement measures to achieve the necessary reductions. The elements of a PMP set forth at Section 4.30.9.E of the rule are intended to ensure that similarly situated dischargers make comparable efforts, and that progress in implementing plans and reducing pollutant loadings is measured and reported. Within these constraints, creative approaches to pollutant trackdown and reduction are encouraged.

C. *Definitions.* For the purposes of Section 4.30.9 of these Regulations, key terms are defined as follows:

1. *Adverse Effect.* A point or non-point source of a toxic pollutant has an "adverse effect" on the water resources of the Basin if it is causing or contributing to a violation of applicable stream quality objectives or water quality standards in Basin waters for which, in accordance with Section 4.30.9.A., a TMDL or assimilative capacity determination has been established.

2. *Maximum Practicable Reduction.* The "maximum practicable reduction" of releases of a toxic pollutant is the maximum degree of reduction in releases of the pollutant to the air, soil and water (including elimination of such releases where achievable), taking into account economic and technological feasibility and any new environmental impacts that would result, that is achievable for a given site or facility through the application of equipment, technology, process or procedure modifications; reformation or redesign of products; substitution of raw materials; or changes in management practices, materials handling, inventory control, or other general operational phases of the site or facility, either alone or in combination. If the pollutant is present within a site or

facility but is contained, maximum practicable reduction includes the implementation of measures to prevent its future release. For municipal wastewater treatment plants, maximum practicable reduction shall include system trackdown and analysis and may include, among other things, reductions achieved through education and outreach and coordination with other local, state, and federal regulatory agencies.

3. *Service Area.* A "service area" is the area served by a municipal or industrial wastewater treatment plant. It includes the geographic area served by the plant's collection system, plus any sites or facilities outside the collection system that transport waste to the plant for treatment.

4. *Toxic pollutant.* A "toxic pollutant" is any pollutant defined as toxic in a federal or Basin state statute or a regulation issued by the Commission, the U.S. EPA or a Basin state.

D. *Procedures for Submission, Review, Implementation and Continuation of PMPs.* The following procedures shall apply to a discharger required to develop, submit and implement a PMP in accordance with Section 4.30.9, until such time, if any, as the NPDES permitting authority issues a permit in accordance with Section I:

1. *Time of Submission.* The discharger shall develop and submit the PMP to the Commission and the permitting agency (if any) within 90 days of receipt of notice from the Executive Director.

2. *Completeness Determination.* The Commission staff, in consultation with permitting agency staff (if applicable), shall review each PMP for completeness, and the Executive Director shall issue a completeness determination to the discharger, copied to the permitting agency, confirming that a PMP is complete or identifying deficiencies in the PMP. The completeness determination shall not be construed as a determination of the adequacy of the PMP to achieve the maximum practicable reduction of pollutant discharges to the air, soil or water in accordance with Section E.9.

3. *Cure of Deficiency.* Within 30 days of receipt of a completeness determination in accordance with Section 4.30.9.D.2., above, dischargers shall submit a PMP to the Commission and the State in which the discharger is located that reflects a good faith effort to cure any deficiency identified in the determination. If the revised PMP is satisfactory, the Executive Director shall issue a second determination of completeness stating that the deficiency has been cured. If the revised PMP is still incomplete, the Executive Director in her discretion may either grant the discharger additional time to cure the deficiency or commence an enforcement action and/or seek penalties against the discharger, unless for good cause shown the Executive Director grants a waiver in accordance with Section 4.30.9.E. The Executive Director may commence an enforcement action and/or seek penalties in accordance with Section 14.17 of the Compact and Section 4.30.9.D.9 below in the event of persistent or bad faith failure by the discharger to submit a complete PMP.

4. *Commencement of PMP Implementation.* The discharger shall commence implementation of its PMP as submitted, within 60 days of receipt of a determination of completeness under Section 4.30.9.D.2 or D.3.

5. *Initial Term of PMP.* Each PMP shall be designed for an initial term of five years.

6. *Additional Term of PMP.* The term of the PMP shall be reviewed by the Commission staff in consultation with the State in which the discharger is located prior to the expiration of the PMP, and an additional term shall be determined by the Executive Director.

7. *Plans Deemed Non-Compliant.* If the Commission determines at any time, upon the recommendation of the Executive Director, that a PMP being implemented or to be implemented in accordance with Section 4.30.9 is not likely to achieve the maximum practicable reduction of pollutant discharges to the air, soil and water, then the Commission may require the discharger to submit a revised PMP to more aggressively reduce pollutant loading. The discharger shall submit a revised PMP responsive to the Commission's request within 60 days of receipt of the request. The time periods provided in Sections 4.30.9.D.2 through D.4., with respect to curing a deficiency and commencing implementation, shall apply.

8. *Persistent or Bad Faith Failure to Comply.* The Executive Director is authorized to commence an enforcement action against a discharger in accordance with Article 7 of the Commission's *Rules of Practice and Procedure* for persistent or bad faith failure to submit a complete plan, to modify a plan deemed non-compliant, or to implement a plan.

E. *Plan Elements.* A PMP prepared in accordance with these regulations shall contain the following elements:

1. *Good Faith Commitment.* A signed and dated statement by the highest ranking official having day-to-day managerial and operational responsibilities for the facility, expressing the company's good faith commitment to reducing discharges of the target pollutant through the PMP process.

2. *Discharger Contact.* Name and contact information for an individual who will serve as the contact for information concerning the PMP.

3. *Description and Maps of Facility*

a. For Industrial Facilities:

—company and facility name and address;

—raw materials and industrial processes used, and products generated that either contain the pollutant or that may be related to the generation or release of the pollutant;

—for facilities accepting non-facility wastes, a description of all such wastes;

—a map of all point and nonpoint source releases from the facility or site and a description of such releases;

—all local, state and federal discharge permits and permit numbers for permits that relate to releases of the pollutant; and

—receiving stream for all discharges, including River Mile in instances where the receiving stream is the main stem Delaware River.

b. For Municipal Wastewater Treatment Plants (WWTPs):

—facility name and address;

—description and map of the facility's service area;

—description and map or schematic diagram of the collection system;

—description of any wastes accepted from outside the collection system (e.g., wastes trucked or transported by rail to the collection system for treatment);

—map of all point and nonpoint source releases from the facility or site and description of the nature of such releases;

—all local, state and federal permits and permit numbers for permits that relate to releases of the pollutant;

—receiving stream for all discharges, including River Mile in instances where the receiving stream is the main stem Delaware River; and

—a list of all known industrial users of the collection system and pretreatment permit numbers if any.

4. *Description and Map of Known Sources*

a. Description of all materials, equipment, processes, soil areas or sediment areas within a facility, site, or service area, from which the pollutant is released directly or indirectly into a wastewater treatment system, sewage collection system, stormwater collection system, stream or river, including a description of the pathways if known.

b. Site map or collection system map showing location of known sources and pathways.

5. *List of Potential Sources*

a. For industrial dischargers, identify any material, equipment, process, soil area, sediment area or facility on the site known to contain or generate the pollutant, but that is not deemed a source because it is not known to be releasing the pollutant or because no pathway to surface water or groundwater exists. Provide estimate of the mass of the pollutant present, if known.

b. For municipal WWTPs, identify any material, equipment, process, soil area, sediment area or facility that is part of the collection system or that is within the service area and that is known to contain the pollutant, but that is not deemed a source because no pathway to surface water or groundwater exists. Provide estimate of the mass of the pollutant present if known.

6. *Strategy for Identifying Unknown Sources of the Pollutant (Trackdown)*

a. For industrial dischargers, the strategy for identifying pollutant sources may include, but shall not be limited to, investigation of an industrial process used by the discharger that is similar to one known to have generated the pollutant elsewhere; investigation of historic activities on the site; or investigation of possible soil or sediment contamination or stormwater management system contamination as a result of historic or ongoing activities.

b. For municipal WWTPs, trackdown strategy may include, but shall not be limited to, identification, through screening, of any portions of the collection system containing higher concentrations or masses of the pollutant; identification of industrial users of the collection system that are likely to have used or generated the pollutant in the past; industrial processes known to be in use that could generate the pollutant; sites containing equipment that is likely contaminated with the pollutant, and sites that have been used to dispose of the pollutant.

c. Trackdown efforts may rely upon analytical methods other than those required under Section 4.30.9.E.13, below, for purposes of screening or identification of pollutant sources.

7. *Previous, Ongoing or Planned Minimization Activities Undertaken Voluntarily or Required by Other Regulatory Programs.* Previous, ongoing or planned pollutant minimization activities underway or to be undertaken voluntarily or in accordance with a federal or state requirement for the pollutant that is the subject of the PMP, including the level of pollutant reduction attained, level of pollutant reduction targeted, measures completed, measures underway, and the schedule for planned activities.

8. *For Municipal WWTPs Only, Recommendations for Action Under Other Regulatory Programs.* Based on information known at the time of PMP submission or identified during implementation of the PMP, recommendations for remediation activities to be undertaken under the auspices of other local, state or federal regulatory agencies or programs.

9. *Pollutant Minimization Measures.* A description of measures to be taken to achieve the maximum practicable reduction of discharges to the air, soil or water.

10. *Source Prioritization.* Prioritization of known and potential sources, either individually or in categories, from most to least significant, on the basis of available information. Factors to be considered in prioritizing known sources should include, but shall not be limited to, available information on pollutant mass (or volume of the discharge and concentration of the pollutant), and likelihood of release into Basin waters. Factors to be considered in prioritizing potential sources may include, but shall not be limited to, current or past industrial activity, presence and type of equipment containing the pollutant, waste management activities and overall condition of the site and facilities.

11. *Key Dates.* Date of submission of waste implementation plan; date by which initiation of plan activities is required; and schedule for implementation of each of the measures described in Section 4.30.9.E.9 above.

12. *Measurement of Progress*

a. *Loading Baseline and Reductions.* A PMP shall contain a loading baseline as set forth below, and shall provide for the measurement of mass loadings on a biennial basis using methods listed at Section 4.30.9.E.13. In addition to biennial monitoring using methods listed in Section 4.30.9.E.13, a PMP shall contain alternative methods for estimating loading reductions for all nonpoint sources and may contain such alternative methods for point sources.

Descriptions of the following shall be included in a PMP:

—for point sources, procedures and data obtained utilizing the appropriate method listed in Section 4.30.9.E.13 below, for establishing a loading baseline;

—for nonpoint sources, procedures and data to be used in establishing a loading baseline;

—procedures and data, in addition to biennial monitoring using methods listed in Section 4.30.9.E.13, to be used to estimate loading reductions. Such measures may include indirect effluent monitoring, direct and indirect monitoring of treatment plant influent, and/or engineering calculations.

b. *Additional Measures of Progress.* A PMP shall contain a description of the methods, other than measurement of loading reductions, to be used to measure and report progress toward achieving maximum practicable

reduction of the pollutant. Such measures shall reflect the approaches to be taken to achieve maximum practicable reduction of the pollutant.

13. *Sampling and Analytical Methods.* The following sampling and analytical methods shall be used to establish a loading baseline for point sources and to establish pollutant reductions for point and nonpoint sources, in accordance with section 4.30.9.E.12.a., above.

a. PCBs—EPA Method 1668, Revision A, including sampling and analytical requirements specified in the document entitled, *Delaware River Estuary Stage 2 PCB TMDL—Polychlorinated Biphenyls—EPA Method 1668A-Project Quality Control Requirements* (DRBC, 2004).

F. *Annual Report.* Each year, commencing one year from the date by which initiation of PMP activities is required to begin in accordance with Section 4.30.9.D.4 above, or such other date as may be specified in a NPDES permit issued in accordance with Section 4.30.9.I, and continuing through the fifth year of the plan, the discharger shall submit to the Commission and the State in which the discharger is located an annual report that:

1. describes any material modifications to the facility's operations, site boundary, service area, or waste streams in the course of the preceding year that might affect releases of the pollutant, along with appropriate revisions made to the PMP;

2. outlines measures under way and completed to achieve maximum practicable reduction of pollutant releases since the last report and since initiation of the PMP;

3. reports incremental and cumulative changes from the pollutant loading baseline established in accordance with Section 4.30.9.E.12.a., above; and

4. describes progress toward achieving maximum practicable reduction of the pollutant, using measures identified in accordance with Section 4.30.9.E.12.b., above.

G. *Waiver.* Until such time, if any, as the NPDES permitting authority issues a permit in accordance with Section I, the Executive Director, in consultation with the State in which the discharger is located, may modify any of the time requirements of Section 4.30.9.D for a PMP for good cause and may waive any of the plan element requirements of Section 4.30.9.E for a PMP, upon a showing that an element listed at Section 4.30.9.E is inapplicable to or inappropriate for the particular facility or site to which the PMP applies. Any discharger seeking such a waiver must submit such request to the Executive Director in writing.

H. *Guidance.* The Commission may develop guidance for the development of PMPs for specific pollutants consistent with the requirements set forth in Section 4.30.9.E.

I. *Relationship to NPDES Permit.* Upon issuance of an initial, renewed or modified NPDES permit by the State in which the discharger is located or the U.S. Environmental Protection Agency to a discharger that has been made subject to Section 4.30.9, which permit contains the requirements to develop, submit to the permitting authority and implement a PMP consistent with that Section, then as to that discharger:

1. the Commission shall cease to administer Section 4.30.9 with respect to the discharge of the pollutant to which the PMP requirements of the permit relate, upon the date such requirements become effective; and

2. the NPDES permitting authority shall apply the more stringent of Section 4.30.9 or other applicable state or federal requirements with respect to the discharge of the pollutant to which the PMP requirements of the permit relate.

J. *Reservation of Authority.* Nothing in this rule shall limit the authority of the Commission or the Executive Director under the *Compact* to control future pollution, abate existing pollution or require review of a project by the Commission under Section 3.8 of the *Compact*, including through the issuance of docket-specific PMP requirements or other methods.

PAMELA M. BUSH,  
*Secretary*

**Fiscal Note:** Fiscal Note 68-44 remains valid for the final adoption of the subject regulation.

### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART V. DELAWARE RIVER BASIN COMMISSION

#### CHAPTER 901. GENERAL PROVISIONS

#### § 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2006) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2006) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 06-865. Filed for public inspection May 19, 2006, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

#### Licensed Dietitian-Nutritionists

The State Board of Nursing (Board) adopts Subchapter G (relating to dietitian-nutritionists) to read as set forth in Annex A.

#### *Statutory Authority*

Sections 2.1(k) and 11(c) of the Professional Nursing Law (act) (63 P. S. §§ 212(k) and 221(c)) authorize the Board to establish regulations regarding licensed dietitian-nutritionists (LDNs).

#### *Background and Purpose*

The final-form rulemaking implements the act of June 29, 2002 (P. L. 651, No. 99) (Act 99), which requires the Board to regulate the practice of dietetics and nutrition in this Commonwealth and provides for the licensing of dietitian-nutritionists by the Board.

#### *Summary of Comments and Responses to Proposed Rule-making*

Notice of proposed rulemaking was published at 35 Pa.B. 1213 (February 12, 2005). Publication was followed by a 30-day public comment period. The Board did not receive comments from the general public. On March 16, 2005, the House Professional Licensure Committee

(HPLC) submitted comments and suggestions and on April 13, 2005, the Independent Regulatory Review Commission (IRRC) submitted comments and suggestions.

#### *§ 21.701 (relating to definitions)*

The HPLC submitted several comments to this section. The HPLC suggested revisions to the definition of “sexual impropriety” because subparagraph (iii) did not prohibit touching a patient’s buttocks, subparagraph (iv) did not prohibit accepting a date from a patient and subparagraph (vi) allowed a licensee to provide certain information if asked by the patient. These subparagraphs were rewritten.

The HPLC asked the Board to clarify the subparagraphs in the definition of “sexual violation.” Specifically, the HPLC asked the Board to define the term “during the professional relationship.” IRRC also asked that the Board make this change. The Board has added the definition of “professional relationship” to § 21.701. The HPLC also asked that the Board make subparagraphs (ii) and (iii) in the definition of “sexual violation” more encompassing and suggested that the Board borrow from the Pennsylvania Crimes Code. The Board has adopted the suggestion and made appropriate amendments. Third, the HPLC asked the Board to define “sexual favors” as used in subparagraph (v) in the definition of “sexual violation.” The Board has amended the language to broadly encompass sexual activity.

The HPLC and IRRC pointed out that the Board uses the term “patient” and “client” and questioned whether this distinction was appropriate. Upon further review, the Board determined that the word “patient” should be used and that the term should encompass patients (hospitalized individuals), clients (nonhospitalized individuals) and family members. Therefore, the Board amended the definition of “patient.”

IRRC noted with confusion that the definition of “sexual impropriety” included discussing or commenting on “potential sexual history.” The Board has eliminated the word “potential.” In addition, IRRC recommended that the Board broaden the definition of “sexual impropriety.” The Board has done so.

#### *§ 21.704 (relating to matters related to allegations of sexual impropriety or violation)*

The HPLC suggested additions to § 21.704 to clearly prohibit sexual violations and sexual improprieties and to provide that this conduct constitutes unprofessional conduct. The Board has adopted these suggestions and added subsections (a) and (b) and renumbered the remaining subsections (c)—(e).

The HPLC asked the Board to clarify subsection (b), noting that the second sentence allowed the Board to consider a past sexual relationship between a licensee and a patient, while the first sentence provides that specific instances of a patient’s sexual conduct are inadmissible in proceedings before the Board. The Board intended to allow consideration of a past sexual relationship between a licensee and a patient. For example, if an LDN is involved with an individual prior to the individual becoming the LDN’s patient, the Board believes this information is relevant in determining whether the LDN committed misconduct. The Board has added language to clarify that evidence of specific instances of a patient’s sexual contact with individuals other than the licensee may not be presented in a disciplinary hearing.

*§ 21.711 (relating to professional conduct)*

The HPLC questioned whether subsection (a)(4) should apply to both a patient and a client. Because physicians prescribe patients diets, the Board originally intended subsection (a)(4) to apply only to clients, as patients do not have discretion in refusing to follow a prescribed diet. In a broader sense, however, a patient has the right to refuse any medial regimen. Therefore, the Board amended subsection (a)(4) to refer to a patient, as defined in § 21.701 (relating to definitions). In practice, however, an LDN would not tell a patient that the LDN disagreed with a prescribed diet. Instead, an LDN would discuss any concerns about a prescribed diet with the patient's physician.

The HPLC recommended that subsection (b)(8) apply to both patients and clients. Because the Board has redefined patient to include patients, clients and family members, the section does now apply to both patients and clients.

The HPLC noted a drafting error in § 21.711(b)(9), which has been corrected.

*Final-form § 21.721 (relating to qualifications for licensure)*

The HPLC recommended that § 21.721 include language regarding the statutory requirement of 900 hours of supervised experience. IRRC recommended that the Board add a section which sets forth all of the initial licensure requirements and the application process. The Board believes that if its regulations are to duplicate statutory provisions, they should not repeat only certain qualifications for licensure set forth in the act. The Board added § 21.721 to include all of the statutory requirements for licensure and renumbered the following sections accordingly. The Board declines to add a section regarding application procedures, as the procedure is simply to file an application as with all other licenses in the Bureau of Professional and Occupational Affairs.

IRRC also suggested that the final-form rulemaking include a cross-reference to section 6(c) of the act (63 P. S. § 216(c)), regarding the prohibition on licensing individuals convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-143). The Board does not find that it is necessary to duplicate this section of the act in the regulations.

*§ 21.723 (proposed § 21.722) (relating to license renewal)*

The HPLC suggested that the Board rewrite § 21.722(b), final-form § 21.723(b), to avoid giving licensees and members of the public the impression that LDNs will retain their licenses in spite of criminal convictions or other wrongful behavior. IRRC also noted that the subsection appeared to guarantee license renewal regardless of criminal convictions. Because the renewal of a license is a ministerial act and the Board cannot refuse to renew a license without adhering to the constitutional mandates of notice and hearing before deprivation of property, the subsection was technically correct as proposed. Nevertheless, the Board has amended the subsection.

IRRC also questioned the Board's statutory authority to require a licensee to disclose pending criminal charges. The Board has determined that this information is necessary in administering and enforcing section 14(a)(5) of the act (63 P. S. § 224(a)(5)) and that the Board is authorized to require this information under section 2.1(k) of the act.

*§ 21.724 (proposed § 21.723) (relating to continuing education)*

IRRC noted that the Pennsylvania Dietetic Association (PDA) provided comments directly to IRRC asserting that "there are other reputable groups which provide continuing professional education (CPE) but are not listed in the regulation." The list provided by the PDA (medical centers, Amerinet, and the like) are either already approved (medical centers) or American Dietetic Association (ADA) approved, and therefore Board-approved, or would qualify for ADA approval if they applied for ADA approval. The Board cannot list every possible existing and potential provider of CPE and declines to amend its list of preapproved providers.

IRRC next suggested that the Board insert in the regulations a process by which an organization or individual can apply to become a Board-approved CPE provider. Persons or entities may petition the Board at any time to amend its regulations to include it as a provider under 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations). Given this process, the Board sees no need to include in its regulations a process or procedure by which it will hear these requests.

IRRC then suggested that subsection (b)(1) be amended to clearly state that an LDN may apply to the Board for CPE credit. The Board has made this amendment. IRRC then asked that the Board list the criteria the Board will use in deciding whether or not to grant CPE credits. The Board believes that the criteria for approval are sufficiently stated in final-form § 21.724 and declines to further specify the qualities of acceptable CPE.

Finally, IRRC asked by what authority the Board proposes waiver of CPE requirements in subsection (d). The Board relies upon the authority in section 2.1(k) of the act, which grants the Board authority to adopt regulations for the practice of dietetics-nutrition and for the administration of the act. Coincident with practice is the continuing education requirement of biennial renewal. In administering the act, the Board, through subsection (d), would recognize the hardship imposed on certain licensees who are unable to complete the required CPE. If the Board were not able to recognize a hardship waiver, a licensee would have to withdraw from employment or practice. If section 11(c) of the act were construed strictly as a statutory mandate, the Board would have neither the authority to grant a waiver nor the authority to extend the time for compliance. The Board does not believe the Legislature intended this harsh result.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 12, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 1213, to IRRC and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the HPLC for review and comment.



Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC 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 SCP/PLC, the HPLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 14, 2006, the final-form rulemaking was approved by the HPLC and was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 19, 2006, and approved the final-form rulemaking.

#### *Additional Information*

Further information can be obtained by contacting Ann Steffanic, Administrative Assistant, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649 or from the Department website: [www.dos.state.pa.us](http://www.dos.state.pa.us).

#### *Findings*

The Board finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 35 Pa.B. 1213.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by adding §§ 21.701—21.705, 21.711 and 21.721—21.725 to read as set forth in Annex A.

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

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

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

JOANNE SORENSEN, RN, MS,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 2251 (May 6, 2006).)*

**Fiscal Note:** Fiscal Note 16A-5120 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 49. PROFESSIONAL LICENSURE AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 21. STATE BOARD OF NURSING

#### Subchapter G. DIETITIAN-NUTRITIONISTS

#### GENERAL PROVISIONS

Sec.	
21.701.	Definitions.
21.702.	Scope.
21.703.	Applicability of general rules.
21.704.	Matters related to allegations of sexual impropriety or violation.
21.705.	Fees.

#### RESPONSIBILITIES OF THE LICENSED DIETITIAN-NUTRITIONIST

21.711.	Professional conduct.
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#### LICENSURE REQUIREMENTS

21.721.	Qualifications for licensure.
21.722.	Education and examination of applicants.
21.723.	License renewal.
21.724.	Continuing education.
21.275.	Inactive status.

#### GENERAL PROVISIONS

#### § 21.701. Definitions.

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

*ACN*—American College of Nutrition.

*ADA*—American Dietetic Association.

*Act*—The Professional Nursing Law (63 P. S. §§ 211—225), which provides for the licensing of Licensed Dietitian-Nutritionists.

*Approved*—Approved by the Board.

*Approved program*—Those educational programs accredited by the Commission on Accreditation for Dietetics Education or the American Council on Education for dietetics-nutrition education.

*Board*—The State Board of Nursing of the Commonwealth.

*CADE*—*Commission on Accreditation for Dietetics Education*—The organization recognized by the Council on Higher Education Accreditation and the United States Department of Education as the accrediting agency for education programs that prepare individuals for the practice of dietetics-nutrition.

*CBNS*—*Certification Board for Nutrition Specialists*—The certification body of the ACN.

*CDR*—*Commission on Dietetic Registration*—The credentialing agency for the ADA.

*CNS*—*Certified Nutrition Specialist*—The title given to individuals who meet the requirements of the CBNS.

*CPE*—Continuing professional education, required by the act for biennial license renewal.

*Deviate sexual intercourse*—The term as defined in 18 Pa.C.S. § 3101 (relating to definitions).

*Indecent contact*—The term as defined in 18 Pa.C.S. § 3101.

*LDN—Licensed dietitian-nutritionist*—A person holding a current license under this subchapter to practice dietetics-nutrition in this Commonwealth.

*Patient*—A person upon whom or with whom an LDN is practicing dietetics-nutrition, including a client. For purposes of § 21.704 (relating to matters related to allegations of sexual impropriety or violation), any conduct prohibited with a patient is also prohibited with an immediate family member or spouse of a patient.

*Professional relationship*—The relationship through which a licensed dietitian-nutritionist provides professional food and nutrition services to a patient. The relationship continues, for purposes of § 21.704, for 30 days after termination of professional services by either the licensed dietitian-nutritionist or the patient.

*RD—Registered Dietitian*—The title given to an individual who meets the requirements set forth by the CDR.

*Registration Examination for Registered Dietitians*—A written academic examination developed, prepared, administered and scored by the CDR.

*Sexual impropriety*—The term includes the following offenses:

- (i) Making sexually demeaning or sexually suggestive comments about or to a patient, including comments about a patient's body or undergarments.
- (ii) Exposing a patient's body or watching a patient dress or undress, unless the patient specifically requests assistance.
- (iii) Examining or touching the body of a patient except in the appropriate performance of the LDN's practice.
- (iv) Discussing or commenting on a patient's sexual history, preference or performance during consultation, except when the consultation is pertinent to the issue of sexual function or dysfunction or reproductive healthcare.
- (v) Soliciting or accepting a date from a patient.
- (vi) Discussing information about one's sexual problems, preferences or fantasies.

*Sexual intercourse*—The term as defined in 18 Pa.C.S. § 3101.

*Sexual violation*—The term includes the following offenses:

- (i) Engaging in sexual intercourse, indecent contact or deviate sexual intercourse with a patient during the professional relationship.
- (ii) Encouraging the patient to masturbate in the presence of the dietitian-nutritionist or masturbating while a patient is present.
- (iii) Providing or offering to provide drugs, herbs, nutritional supplements or treatment in exchange for indecent contact, sexual intercourse or deviate sexual intercourse.
- (iv) Using or causing the use of any herb, nutritional supplement or drug affecting consciousness for the purpose of engaging in conduct that would constitute a sexual impropriety or sexual violation.

**§ 21.702. Scope.**

In this subchapter the Board:

- (1) Provides for licensure of dietitian-nutritionists who meet the qualifications set forth in the act.
- (2) Administers the act by providing rules and regulations for the practice of dietetics-nutrition.

- (3) Provides rules and regulations for the conduct of licensees.

- (4) Regulates the practice of LDNs.

**§ 21.703. Applicability of general rules.**

The provisions of 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) apply to the activities of and proceedings before the Board.

**§ 21.704. Matters related to allegations of sexual impropriety or violation.**

- (a) A licensee may not engage in conduct constituting a sexual violation or sexual impropriety.
- (b) Engaging in conduct constituting a sexual violation or sexual impropriety is unprofessional conduct and will subject the licensee to disciplinary action under section 14 of the act (63 P. S. § 224).
- (c) The consent of the patient to any sexual impropriety or sexual violation is not a defense to any disciplinary charge for violation of the act or this subchapter.

(d) Evidence of specific instances with individuals other than the licensee, opinion evidence or reputation evidence of a patient's past sexual conduct is not admissible in proceedings brought under § 21.711 (relating to professional conduct). The Board may consider sexual relationships between the dietitian-nutritionist and the patient occurring prior to the professional relationship.

(e) A dietitian-nutritionist who attempts to raise as a defense an argument that conduct prohibited as a sexual violation or sexual impropriety was necessary or appropriate to the treatment of a patient shall be required to demonstrate competency in practice which relates directly to the treatment of sexual function or dysfunction. This competence may be demonstrated through educational training and supervised clinical experience.

**§ 21.705. Fees.**

(a) The following fees are charged by the Board:

Application for licensure.....	\$45
Renewal fee .....	\$45
Reactivation of inactive or lapsed license .....	\$50
License verification fee .....	\$15
License certification fee .....	\$25
Restoration after suspension or revocation.....	\$50

(b) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the Registration Examination for Registered Dietitians will also pay an additional examination fee. A candidate may contact the Commission on Dietetic Registration, 216 West Jackson Blvd., Chicago, IL 60606-6995, www.cdrnet.org for more information regarding the examination and examination fee.

(c) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the Certification Board for Nutrition Specialists examination for Certified Nutrition Specialists will also pay an additional examination fee. A candidate may contact the Certification Board for Nutrition Specialists, 300 S. Duncan Avenue, Suite 225, Clearwater, FL 33755, www.cert-nutrition.org for more information regarding the examination and examination fee.

**RESPONSIBILITIES OF THE LICENSED  
DIETITIAN-NUTRITIONIST**

**§ 21.711. Professional conduct.**

- (a) Licensed dietitian-nutritionists shall:
- (1) Conduct themselves with honesty, integrity and fairness.
  - (2) Practice dietetics based on scientific principles and current information.
  - (3) Present substantiated information and interpret controversial information without personal bias, recognizing that legitimate differences of opinion exist.
  - (4) Provide information which will enable patients to make their own informed decisions regarding nutrition and dietetic therapy, including:
    - (i) The purpose and nature of any evaluation, treatment, educational or training procedure.
    - (ii) The estimated cost of each stage of a procedure or of the entire treatment.
    - (iii) The reasonable expectations of the professional relationship.
    - (iv) The right to withdraw from treatment at any time.
  - (5) Safeguard the patient's dignity, the right to privacy and the confidentiality of patient information and make full disclosure about any limitations on the LDN's abilities to guarantee full confidentiality. This standard does not prohibit or affect reporting responsibilities under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law), the Older Adults Protective Services Act (35 P. S. §§ 10211—10224) and other statutes which may mandate reporting of this information.
  - (6) Provide professional services with objectivity and with respect for the unique needs and values of individuals.
  - (7) Be alert to situations that might cause a conflict of interest or have the appearance of a conflict. The LDN shall provide full disclosure when a real or potential conflict of interest arises.
  - (8) Permit the use of their names for the purpose of certifying that dietetic services have been rendered only if they provided or supervised the provision of those services.
  - (9) Accurately present professional qualifications and credentials.
    - (i) Dietitian-nutritionists may use the title "Licensed Dietitian-Nutritionist" or abbreviation LDN only when they hold a current license issued by the Board.
    - (ii) LDNs are subject to disciplinary action for aiding another person in violating any Board requirement or aiding another person in representing himself as an LDN when that person is not currently licensed.
    - (iii) Document and maintain accurate records in accordance with the acceptable and prevailing standard of recordkeeping. Discussion of a patient's sexual practices, preferences and performance shall be fully documented in the patient's chart, when applicable.
  - (b) The licensed dietitian-nutritionist may not:
    - (1) Knowingly aid, abet or assist another person to violate or circumvent a law or Board regulation.
    - (2) Discriminate, while providing dietitian-nutritionist services, on the basis of age, marital status, gender,

sexual preferences, race, ethnicity, religion, diagnosis, socioeconomic status or disability.

- (3) Knowingly permit another individual to use his license for any purpose.
- (4) Misappropriate equipment, materials, property, drugs or money from an employer or patient.
- (5) Solicit, borrow or misappropriate money, materials or property from a patient.
- (6) Leave an assignment prior to the proper reporting and notification to the appropriate department head or personnel.
- (7) Falsify or knowingly make incorrect entries into the patient's record or other related documents.
- (8) Engage in conduct defined as a sexual violation or sexual impropriety in the course of a professional relationship.
- (9) Advertise in a false or misleading manner. Statements which qualify as false or misleading include the following:
  - (i) Statements containing a misrepresentation of facts.
  - (ii) Statements likely to mislead or deceive because in context the statements make only a partial disclosure of the relevant facts.
  - (iii) Statements intended to, or likely to, create false or unjustified expectations of favorable results.
  - (iv) Statements relating to fees without reasonable disclosure of all relevant variables so that the statements would be misunderstood by or would be deceptive to a layperson.
  - (v) Statements conveying the impression that the LDN could influence improperly any public body, official, corporation or person on behalf of the patient.
  - (vi) Statements containing a representation or implication that is likely to cause a reasonable person to misunderstand or to be deceived, or fail to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.
  - (vii) Statements containing representations that the LDN is willing to perform any procedure that is illegal under the laws or regulations of the Commonwealth or the United States.
- (10) Practice when:
  - (i) The LDN has engaged in any substance abuse that could affect the LDN's practice.
  - (ii) The LDN has been adjudged by a court to be mentally incompetent.
  - (iii) The LDN has an emotional or mental disability that affects his practice in a manner that could harm the patient.
- (11) Accept a client or patient for treatment or continue treatment unnecessarily, if benefit cannot reasonably be expected to accrue.
- (12) Accept or receive, or both, remuneration for making or accepting referrals.

**LICENSURE REQUIREMENTS**

**§ 21.721. Qualifications for licensure.**

- (a) An individual may apply for licensure as a dietitian-nutritionist by submitting a written application on forms provided by the Board and remitting the application fee set forth in § 21.705 (relating to fees).

(b) To obtain licensure, an applicant must meet the qualifications set forth in section 6(b)(1)—(4) of the act (63 P. S. § 216(b)(1)—(4)), which include:

- (1) Evidencing good moral character.
- (2) Receipt of a baccalaureate or higher degree from a Board-approved program or equivalent program as set forth in section 5(b) and (c) of the act (63 P. S. § 215(b) and (c)).
- (3) Completion of a planned continuous preprofessional experience of at least 900 hours under appropriate supervision.
- (4) Successful completion of one of the examinations specified in § 21.722 (relating to education and examination of applicants).

**§ 21.722. Education and examination of applicants.**

The Board approves educational programs that meet the requirements of section 6(b)(2) of the act (63 P. S. § 216(b)(2)) that are approved by CADE or the ACN. The Board approves the Registration Examination for Registered Dietitians and Examination of the Certification Board for Nutrition Specialists as the examinations which an applicant may complete to satisfy section 6(b)(4) of the act.

**§ 21.723. License renewal.**

(a) A license issued under section 5(e) of the act (63 P. S. § 215(e)) or under this subchapter will be valid from the date of issuance through September 30, 2006, following the issuance of the license. Each subsequent license renewal will be valid for 2 years from October 1 through September 30.

(b) When applying for renewal of licensure, an LDN shall:

- (1) Complete the renewal application, including disclosing a license to practice dietetics-nutrition in any other state, territory, possession or country.
- (2) Pay the required fee as set forth in § 21.705 (relating to fees).
- (3) Submit proof to the Board that the LDN has satisfactorily completed a minimum of 30 hours of CPE approved by the Board in accordance with § 21.724 (relating to continuing education) during the 2 calendar years immediately preceding the application for renewal.
- (4) Disclose any discipline imposed by a state licensing board in the previous biennial period or any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program during the previous biennial period.

**§ 21.724. Continuing education.**

(a) *Prior to renewal.* One hour of CPE credit will be given for each 50-minute clock hour of CPE activity. Each LDN shall complete 30 CPE credits during the 2 calendar years immediately preceding the application for license renewal. If any activity overlaps two renewal periods, the date of completion of the activity determines the date in which the activity can be reported.

(b) *Board-approved continuing professional education.* The Board will accept for completion of the CPE requirement substantive learning experiences, subject to the limitations in paragraph (2) relating to the field of nutrition and dietetics which are not designed for the public and which are sponsored by the ADA, the ACN, by individual state dietetic associations, if the association is

a member of the ADA or ACN, by approved college or dietetic programs under § 21.722 (relating to education and examination of applicants) when a certificate of attendance is issued, and courses related to the practice of dietetics-nutrition offered by the Accreditation Council for Continuing Medical Education, the Accreditation Council on Pharmaceutical Education, the American Osteopathic Association and the American Medical Association.

(1) In addition to lecture-based CPE courses, LDNs may apply to the Board for approval of CPE credit and the Board may, upon review by the LDN Committee, grant credit for the following:

- (i) Case presentations, such as grand rounds or patient case studies.
- (ii) Academic coursework and research studies approved by an institutional review board.
- (iii) Interactive workshops.
- (iv) Lecturers and seminars.
- (v) Residency and Fellowship programs which are at the post baccalaureate level, and are sponsored by a United States regionally accredited college or university, or an institution accredited/approved by the Joint Committee on Accreditation of Healthcare Organizations or the National Committee for Quality Assurance.

(2) The Board will not accept for completion of the CPE requirement the following:

- (i) Academic coursework or programs on office management skills, or entrepreneurship, strategic business planning, computer skills, except courses directly related to the practice of dietetics-nutrition such as accessing nutrient analysis databases.
- (ii) Attendance at exhibits manned by detail personnel.
- (iii) Journal clubs.
- (iv) Professional leadership, such as holding an elective office in a dietetics or dietetics-related organization.
- (v) Professional reading for which there is no evaluative test submitted and no certificate of completion or CPE unit awarded.

(c) *Documentation.* The licensee shall retain documentation of completion of Board-approved continuing education (as set forth in subsection (b)) for at least 5 years and shall submit this documentation upon request of the Board.

(d) *Waiver.* An LDN who can demonstrate to the Board a verified hardship may request a waiver of CPE requirements for a single biennial period. It shall be the duty of each licensee seeking waiver to notify the Board in writing and request the waiver, at least 60 days prior to the end of the biennial renewal period, which will be granted, denied, or granted in part.

**§ 21.726. Inactive status.**

An LDN may request that his license be placed on inactive status. The licensee will not be required to remit the biennial renewal fee during the period when the license is on inactive status. In order to return to active status, the licensee shall submit proof of completion of a minimum of 30 hours of approved CPE in the biennial period preceding the request for reactivation and pay applicable fees. A person who requests an active status license who has been on inactive status for 5 consecutive years shall satisfy the requirements of section 6(b)(4) of the act (63 P. S. § 216(b)(4)), unless the person demon-

strates that he has an active license to practice in another state or has had an RD registration or a CNS certification for at least 2 out of the last 5 years.

[Pa.B. Doc. No. 06-866. Filed for public inspection May 19, 2006, 9:00 a.m.]

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**STATE BOARD OF NURSING**  
**[49 PA. CODE CH. 21]**  
**Temporary Practice Permits**

The State Board of Nursing (Board) adopts amendments to §§ 21.1, 21.7, 21.141 and 21.149 regarding temporary practice permits (TPPs) for professional nurses (RNs) and practical nurses (LPNs), to read as set forth in Annex A.

Notice of proposed rulemaking was published at 34 Pa.B. 4897 (September 4, 2004). Publication was followed by a 30-day public comment period during which the Board did not receive any comments from the public. On October 5, 2004, the House Professional Licensure Committee (HPLC) submitted 14 comments/recommendations. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) made no comments. On November 3, 2004, the Independent Regulatory Review Commission (IRRC) submitted numerous comments to the proposed rulemaking.

The Board submitted the final rulemaking package to the SCP/PLC, the HPLC and IRRC on November 28, 2005. On December 12, 2005, the Board withdrew the final rulemaking package to address a concern raised by IRRC.

*Summary of Comments and Responses to Proposed Rulemaking*

*HPLC Comments*

The HPLC recommended that the Board add definitions for the following terms: “graduate registered nurse,” “graduate practical nurse,” “Form 1” and “Form 2.” The Board has amended this final-form rulemaking to add definitions for the terms “graduate registered nurse” and “graduate practical nurse” in §§ 21.1 and 21.141 (relating to definitions). The Board has ceased using the terms “Form 1” and “Form 2” in favor of descriptive terms.

The HPLC commented that it believes that § 21.7(a) (relating to temporary practice permits) applies to graduates of Board-approved programs for registered nurses (RN). The HPLC asked whether it would be clearer for the Board to state in subsection (a) that the provisions apply to an individual who has graduated from a Board-approved educational program. Although the Board only approves programs in this Commonwealth, under section 4(4) of the Professional Nursing Law (act) (63 P.S. § 214(4)) a graduate RN may be the graduate of an approved program of professional nursing in this Commonwealth or another state. Therefore, the Board has amended the language in § 21.7(a)(1) to conform to the statutory language.

The HPLC asked “whether it would be clearer to state the rule that TPPs are only good for 1 year, expire if the applicant fails the licensing exam and can only be extended for illness or extreme hardship and to state that in one paragraph.” The Board has amended § 21.7(a) to adopt this recommendation.

The HPLC noted that “[i]t is the committee’s understanding that the board will waive the deadlines of 60 days and 90 days if the nurse cannot meet those deadlines due to illness or other hardship” and asked the Board to rewrite § 21.7(a)(4) for clarity. The Board intended § 21.7(a)(4) to be an absolute rule. If a nurse is so severely ill or disabled within the last 2 to 3 months prior to the expiration of the TPP that the nurse cannot submit a licensure application, the nurse will likely also be unable to practice nursing utilizing the TPP.

The HPLC recommended that § 21.7(b) should be rewritten to clarify that this subsection applies to currently-licensed nurses as defined in § 21.7(b)(1). The Board has adopted the suggestion.

The HPLC noted that § 21.7(b) was not clear with respect to the statutory rules regarding TPPs and suggested that the Board amend the section to restate the statutory provision. The Board has adopted the suggestion.

The HPLC asked the Board to review §§ 21.149 and 21.154 (relating to temporary practice permits; and unlicensed candidate) to ensure the sections did not conflict. Section 21.154 is merely a restatement of the statutory provision in section 3.1 of the Practical Nurse Law (63 P.S. § 653.1), which limits a TPP to 1 year, unless extended by the Board upon presentation of validating documentation. TPP holders are required to practice under supervision. The Board finds no conflict between the sections. Section 21.149 details the TPP application process and the requirements and documentation required if a TPP holder requests an extension of the TPP.

The HPLC’s comment regarding TPPs for LPNs is similar to its second comment regarding RNs. The Board has also amended § 21.149(a) and (b) to more clearly explain to whom this section applies.

The HPLC noted that §§ 21.7(a) and 21.149(a) were not parallel in language regarding extension due to illness or hardship. The Board has added this language to § 21.149(a).

The HPLC raised the same inquiry as its fourth comment in relation to § 21.149 regarding LPNs. The Board intended that any individual who failed to meet the requirements in § 21.149(a)(2) and (3) could not obtain an extension. As with RNs, the Board believes that if a nurse is so severely ill or disabled within the last 2 to 3 months prior to the expiration of the TPP that the nurse cannot submit a licensure application, the nurse will likely also be unable to practice nursing utilizing the TPP.

Finally, the HPLC pointed out several typographical and technical drafting errors, which the Board has corrected.

*IRRC Comments*

IRRC concurred with the comments of the HPLC. IRRC raised three concerns regarding adding definitions and practice by an unlicensed candidate. IRRC asked the Board to define “graduate registered nurse” and “graduate practical nurse.” As noted in the response to the HPLC comments, the Board has added these definitions.

IRRC asked that the Board review § 21.27 (relating to unlicensed candidate) and § 21.154 to determine whether these two existing provisions will be necessary when the final-form rulemaking is promulgated. These two sections were promulgated to permit a graduate nurse to practice for up to 1 year after completion of the nursing education program and before examination. Section 21.27 was pro-

mulgated at 13 Pa.B. 2829 (September 17, 1983). Section 21.154 was promulgated at 13 Pa.B. 2061 (July 1, 1983)). These sections were promulgated before the General Assembly provided for TPPs by enacting section 4.1 of the act (63 P. S. § 214.1) by the act of December 20, 1985 (P. L. 409, No. 109) and section 3.1 of the Practical Nurse Law (63 P. S. § 653.1) by the act of December 20, 1985 (P. L. 423, No. 110). To avoid any confusion that may arise regarding whether a graduate nurse must have a TPP to practice before obtaining a license, the Board will strike §§ 21.27 and 21.154. Paragraph (2) of each of those sections, which define the type of supervision under which a graduate nurse might practice, will be added to the final-form rulemaking by adding to §§ 21.7(a) and 21.149(a).

IRRC stated that the Board's regulation needs to address the fact that existing regulations require that unlicensed graduate nurses practice under the supervision of another nurse. The requirement that an unlicensed graduate nurse practice only under the supervision of another nurse is in section 4(4) of the act and section 3(5) of the Practical Nurse Law (63 P. S. § 653(5)), and is restated in the Board's regulation in § 21.154. The Board does not believe it is necessary to restate the statutory provision in another regulation. A graduate nurse may not practice without a TPP and may only practice utilizing a TPP under supervision.

IRRC asked the Board to replace "and" with "to the" in both subsections (a) to denote the period between completion of the educational program and notification of examination results. The Board has made this change.

IRRC asked the Board to explain why a graduate nurse would be allowed to practice for 9 months before needing to apply for the licensure examination. The Board is constrained by its authorizing legislation to permit individuals to practice prior to passing the licensure examination. The General Assembly, in 1985, added provisions to the act allowing an individual to practice with TPP for up to 1 year from the date of graduation to the date the individual receives results of the licensure examination and for up to 1 year from the date the individual applies for licensure by reciprocity. The Board has shortened the time to 9 months to allow time for processing of the licensure application to ensure a seamless transition in practice between the temporary permit and licensure.

IRRC raised two concerns with subsections (a)(3) and (b)(4) pertaining to both §§ 21.7 and 21.149. First, IRRC suggested that the Board should include a time limit for extensions or a statement that the Board will notify the applicant in writing of the time limit for each case. Second, IRRC asked what documentation would be required to evidence extreme hardship. The Board determines requests for extensions of TPPs on a case-by-case basis and has, for years, responded to requests for extension by letter addressed to the requestors. The Board either denies the request for extension or grants the extension for a specified period of time from the date of the request. The Board believes it is not necessary to state in the regulation that the Board will respond to requests for extension and that extensions, if granted, will be based on the individual circumstances of requestors, thus varying in length for each individual requestor. The Board cannot speculate on all of the types of documentation that might be submitted to demonstrate extreme hardship, and thus chose not to create a partial list. Documentation of extreme hardship might include military orders and discharge papers.

Regarding currently-licensed nurses, IRRC again questioned why individuals are allowed to practice for approximately 9 months before they are required to supply the necessary documentation for licensure. The Board is attempting to effectuate the statute in an efficient manner. The problem faced by the Board, and addressed by this final-form rulemaking, is that it had become commonplace for currently licensed nurses to request extensions of TPPs within 1 week of the date the TPPs were set to expire, without having submitted any supporting documentation for licensure. Prior to drafting this final-form rulemaking, the Board was reviewing 20 to 30 requests for extensions at each of its monthly meetings. The time limits in the final-form rulemaking correspond to the Board's processing time.

IRRC made several comments under a heading of miscellaneous clarifications. IRRC suggested that the final-form rulemaking be placed in the "Licensure" section of the Board's regulations rather than under "General Provisions." A TPP is not a form of a license; therefore, the Board believes the regulations are properly placed.

IRRC also noted inconsistencies in the Board's use of the term "physician" and "treating physician." The Board has chosen to use the term "treating physician." IRRC pointed out an incorrect reference to the fee section, which has also been corrected. IRRC noted that §§ 21.7(b)(7) and 21.149 incorrectly referenced paragraphs (2)—(5) instead of paragraphs (2)—(6), which has been corrected.

IRRC noted that §§ 21.7(b)(5) and 21.149(a)(3), unlike §§ 21.7(a)(3) and 21.149(b)(5), do not include the criteria for illness or extreme hardship and questioned whether this was an error. The Board intends that extensions only be granted because of illness or extreme hardship and has added this language where missing.

Similarly, IRRC noted a discrepancy with the use of "will" and "may" in §§ 21.7(b) and 21.149(b). The Board has conformed the sections and used the discretionary word "may."

#### *Statutory Authority*

The final-form rulemaking is authorized under section 2.1(k) of the act (63 P. S. § 212.1(k)) and 4.1 of the act and section 3.1 of the Practical Nurse Law and 17.6 of the Practical Nurse Law (63 P. S. § 667.6).

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth, its political subdivisions or the public. The final-form rulemaking will not impose additional paperwork requirements upon the Board, political subdivisions or the public.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 6, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 4897, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 4, 2006, the final-form rule-making was approved by the HPLC and was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 19, 2006, and approved the final-form rulemaking.

*Additional Information*

Additional information can be obtained by writing to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law and no comments were received.

(3) The amendments made to the final-form rule-making do not enlarge the original purpose of the proposed rulemaking as published at 34 Pa.B. 4897.

(4) This final-form rulemaking is necessary and appropriate for the administration of the act and the Practical Nurse Law.

*Order*

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by amending §§ 21.1, 21.7, 21.141 and 21.149 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

JOANNE SORENSEN, RN, MS,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 2251 (May 6, 2006).)*

**Fiscal Note:** Fiscal Note 16A-5121 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL LICENSURE AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter A. REGISTERED NURSES**

**GENERAL PROVISIONS**

**§ 21.1. Definitions.**

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

\* \* \* \* \*

*Graduate registered nurse*—An individual who has graduated from an approved program of professional nursing in this Commonwealth or a comparable program in another state.

\* \* \* \* \*

**§ 21.7. Temporary practice permits.**

(a) A graduate registered nurse may only practice professional nursing under supervision and if the graduate registered nurse holds a current temporary practice permit. "Supervision" means that a licensed registered nurse is physically present in the area or unit where the graduate registered nurse is practicing. The Board may grant a temporary practice permit to a graduate registered nurse as follows:

(1) An individual who wishes to practice as a graduate registered nurse during the period from the date of completion of the educational program to the notification of the results of the licensing examination shall submit an application for a temporary practice permit for a graduate registered nurse on a form provided by the Board and remit the fee specified in § 21.5 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance, unless extended under paragraphs (3) and (4), and immediately expires if the applicant fails the licensing examination.

(2) At least 90 days prior to the expiration date of the temporary practice permit, the graduate registered nurse shall:

(i) Submit an application for licensure by examination as a registered nurse.

(ii) Remit the fee specified in § 21.5.

(iii) Submit the licensure examination registration form and fee required to the professional testing organization.

(3) At least 60 days prior to the expiration date of the temporary practice permit, the graduate registered nurse who wishes to extend the expiration date of the temporary practice permit because of illness or extreme hardship shall:

(i) Submit an application for temporary practice permit extension on a form provided by the Board.

(ii) Remit the fee specified in § 21.5.

(iii) Provide a detailed, written explanation of the reason the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(4) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2) and (3).

(b) The Board may grant a temporary practice permit to an individual who holds a current registered nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed registered nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit period in cases of illness or extreme hardship, as set forth in paragraph (5).

(1) A currently-licensed registered nurse who wishes to practice professional nursing during the period from the date of submission of the Applicant Data Sheet of the

application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

(ii) Submit an application for temporary practice permit for a currently-licensed registered nurse on a form provided by the Board.

(iii) Remit the fee specified in § 21.5.

(2) An individual applying for a temporary practice permit for a currently-licensed registered nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. A list of Board-approved English proficiency examinations is available upon request to the Board. This information must be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of the submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education must be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of the submission of the request to provide to the Board upon request.

(iii) Submit the Commission on Graduates of Foreign Nursing Schools (CGFNS) application if the applicant is required to meet CGFNS requirements in §§ 21.23(c) and 21.28(c) (relating to qualifications of applicant for examination; and licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the Board upon request.

(iv) If the applicant is required to take the licensure examination, submit the licensure examination registration form and fee required to the professional testing organization and retain documentation of the submission of the application to take the examination to provide to the Board upon request.

(4) An individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall ensure that all documentation in support of the application for licensure is received by the Board no later than 90 days prior to the expiration date of the temporary practice permit. An individual whose supporting documentation has not been received by the Board at least 90 days prior to the expiration date of the temporary practice permit shall submit, within 10 days of receiving notice of the deficiency from the Board, a detailed written explanation of why the supporting documentation has not been supplied to the Board in a timely manner.

(5) An individual who has been granted a temporary practice permit for a currently-licensed registered nurse and who has complied with paragraphs (2)—(4) may request an extension of the individual's temporary practice permit because of illness or extreme hardship by:

(i) Submitting a temporary practice permit extension application provided by the Board.

(ii) Remitting the fee specified in § 21.5.

(iii) Submitting a written, detailed explanation of the reasons the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(iv) Providing proof of the timely request for verification of licensure referenced in paragraph (3)(i).

(6) The request for temporary practice permit extension must be submitted to the Board no less than 60 days prior to the expiration date of the temporary practice permit.

(7) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2)—(6).

**Subchapter B. PRACTICAL NURSES  
GENERAL PROVISIONS**

**§ 21.141. Definitions.**

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

\* \* \* \* \*

*Graduate practical nurse*—An individual who has graduated from an approved program of practical nursing in this Commonwealth or a comparable program in another state.

\* \* \* \* \*

**§ 21.149. Temporary practice permits.**

(a) A graduate practical nurse may only practice practical nursing under supervision and if the graduate practical nurse holds a current temporary practice permit. "Supervision" means that a licensed registered nurse is physically present in the area or unit where the graduate practical nurse is practicing. The Board may grant a temporary practice permit to a graduate practical nurse as follows:

(1) An individual who wishes to practice as a graduate practical nurse during the period from the date of completion of the Board-approved educational program to the notification of the results of the licensing examination shall submit an application for temporary practice permit for a graduate practical nurse on a form provided by the Board and remit the fee specified in § 21.147 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance unless extended under paragraphs (3) and (4), and immediately expires if the applicant fails the licensing examination.

(2) At least 90 days prior to the expiration date of the temporary practice permit, the graduate practical nurse shall:

(i) Submit an application for licensure by examination as a practical nurse.

(ii) Remit the fee specified in § 21.147.

(iii) Submit the licensure examination registration form and fee required to the professional testing organization.

(3) At least 60 days prior to the expiration date of the temporary practice permit, the graduate practical nurse who wishes to extend the expiration date of the temporary practice permit because of illness or extreme hardship shall:

(i) Submit an application for temporary practice permit extension on a form provided by the Board.

(ii) Remit the fee specified in § 21.147.



(iii) Provide a detailed, written explanation of the reasons the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(4) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2) and (3).

(b) The Board may grant a temporary practice permit to an individual who holds a current practical nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed practical nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit in cases of illness or extreme hardship, as set forth in paragraph (5).

(1) A currently-licensed practical nurse who wishes to practice practical nursing during the period from the date of submission of the Applicant Data Sheet of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

(i) Submit an application for temporary practice permit for a currently-licensed practical nurse on a form provided by the Board.

(ii) Remit the fee specified in § 21.147.

(2) An individual applying for a temporary practice permit for a currently-licensed practical nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. A list of Board-approved English proficiency examinations is available upon request to the Board. This information shall be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education must be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of submission of the request to submit to the Board upon request.

(iii) Submit the Commission on Graduates of Foreign Nursing Schools (CGFNS) application if the applicant is required to meet CGFNS requirements set forth in § 21.155(d) (relating to licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the Board upon request.

(iv) If the applicant is required to take the licensure examination, submit the licensure examination registration form and fee required to the professional testing organization and retain documentation of the submission of the application to take the examination to provide to the Board upon request.

(4) An individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall ensure that all documentation in support of the application for licensure is received by the Board at least 90 days prior to the expiration date of the temporary practice permit. An individual whose supporting documentation has not been received by the Board at least 90 days prior to the expiration date of the temporary practice permit shall submit, within 10 days of receiving notice of the deficiency from the Board, a detailed written explanation of why the supporting documentation has not been supplied to the Board in a timely manner.

(5) An individual who has been granted a temporary practice permit for a currently-licensed practical nurse and who has complied with paragraphs (2)—(4) may request an extension of the temporary practice permit because of illness or extreme hardship by:

(i) Submitting a temporary practice permit extension application on a form provided by the Board.

(ii) Remitting the fee specified in § 21.147.

(iii) Submitting a written, detailed explanation of the reasons the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(v) Providing proof of the timely request for verification of licensure referenced in paragraph (3)(i).

(6) The request for temporary practice permit extension must be submitted to the Board at least 60 days prior to the expiration date of the temporary practice permit.

(7) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2)—(6).

[Pa.B. Doc. No. 06-867. Filed for public inspection May 19, 2006, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [61 PA. CODE CH. 875]

#### Terminal-Based Lottery Games

The Secretary of Revenue (Secretary), under the authority in section 303 of the State Lottery Law (72 P. S. § 3761-303), adds Chapter 875 (relating to Terminal-Based Lottery Games) to read as set forth in Annex A.

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and the regulation thereunder, 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the final-omitted rulemaking process is based upon the time constraints associated with the establishment, operation and administration of lottery games. The efficient and successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in

the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in Lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the final-omitted rulemaking process as evidenced by the approval of these types of regulations in the past.

*Purpose of the Final-Omitted Rulemaking*

Chapter 875 establishes and details the procedures that will be followed in operating and administering terminal-based lottery games.

*Explanation of Regulatory Requirements*

Chapter 875 establishes procedures for the creation of terminal-based lottery games, sales of tickets, validation of winners and payment of prizes for terminal-based lottery games conducted by the Pennsylvania State Lottery.

The purpose of a terminal-based lottery game is to determine winners from ticket holders matching a designated combination of numbers, letters, symbols or a specified combination thereof, with the winning numbers, letters or symbols randomly drawn as determined and publicly announced by the Secretary. Prior to the beginning of sales of a terminal-based lottery game, the Department will publish a notice in the *Pennsylvania Bulletin* with information as outlined in Chapter 875.

*Fiscal Impact*

The Department has determined that this final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth and that the game described by the regulations could increase revenues available to older Pennsylvanians.

*Paperwork*

Chapter 875 will not generate substantial paperwork for the public or the Commonwealth.

*Effectiveness/Sunset Date*

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

*Contact Person*

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

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on April 5, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. A copy of this material is available to the public upon request. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.1) of the Regulatory Review Act, on May 3, 2006, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 4, 2006, and approved the final-omitted rulemaking.

*Findings*

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rule-making procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because of the time constraints associated with the establishment, operation and administration of lottery games.

*Order*

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

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 875.1—875.17 to read as set forth in Annex A.

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

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

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

GREGORY C. FAJT,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 2479 (May 20, 2006).)*

**Fiscal Note:** 15-435. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 61. REVENUE**

**PART V. STATE LOTTERIES**

**CHAPTER 875. TERMINAL-BASED LOTTERY GAMES**

Sec.	
875.1.	Creation.
875.2.	Purpose.
875.3.	Definitions.
875.4.	Notice of terminal-based lottery game rules.
875.5.	Purchase price.
875.6.	Terminal-based lottery game ticket sales.
875.7.	Determination of prize-winning, terminal-based lottery game tickets.
875.8.	Terminal-based lottery game purchase and terminal-based lottery game ticket characteristics.
875.9.	Terminal-based lottery game ticket responsibility.
875.10.	Terminal-based lottery game ticket validation and requirements.
875.11.	Procedures for claiming and payment of prizes.
875.12.	Funding for prizes.
875.13.	Unclaimed prize money.
875.14.	Withholding.
875.15.	Purchase and prize restrictions.
875.16.	Governing law.
875.17.	Retailer promotion programs.

**§ 875.1. Creation.**

Under the act and this part, there is created a category of lottery games, called terminal-based lottery games, which will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

**§ 875.2. Purpose.**

(a) The purpose of a terminal-based lottery game is to determine winners from terminal-based lottery game ticket holders matching a designated combination of

numbers, letters, symbols, or a specified combination thereof, with the winning numbers, letters or symbols randomly drawn as determined and publicly announced by the Secretary.

(b) The object of the game is for a player to have selected the designated numbers, letters or symbols, as defined in the game notice for the particular game as published in the *Pennsylvania Bulletin*, which match all or a specified combination of the winning numbers, letters or symbols drawn in the game drawing in which the terminal-based lottery game ticket is participating.

(c) Correctly matching all or a designated combination of the winning numbers, letters or symbols drawn, and meeting the other validation criteria as defined in § 875.7 (relating to determination of prize-winning, terminal-based lottery game tickets), entitles the terminal-based lottery game ticket holder to a prize identified in the game notice for the particular game as published in the *Pennsylvania Bulletin*.

(d) This chapter establishes procedures for the creation of terminal-based lottery games, sales of terminal-based lottery game tickets, validation of winners and payment of prizes for terminal-based lottery games conducted by the Pennsylvania State Lottery.

### § 875.3. Definitions.

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

*Apparent winning terminal-based lottery game ticket*—A terminal-based lottery game ticket which has not yet been validated by the Lottery, bearing winning numbers, letters or symbols.

*Bet slip*—A preprinted game-specific form prepared by the Lottery upon which the player may mark or designate the numbers, letters or symbols which when processed through the Lottery terminal produces a terminal-based lottery game ticket with the numbers, letters or symbols constituting the player's selection.

*Drawing*—The process of selecting the winning numbers, letters or symbols that determine the winners for each designated prize for a particular terminal-based lottery game.

*Lottery Central Computer System*—The computer gaming system on which all Lottery bets are registered through a computer terminal located at a licensed Lottery retailer.

*Lottery terminal*—A device installed at a retail location by the Lottery for the purpose of selling and validating on-line and instant tickets, performing inventory functions, generating informational accounting reports and performing other functions at the discretion of the Lottery.

*On-line retailer or retailer*—A person who is properly licensed by the Lottery and has a valid agreement to sell terminal-based lottery game tickets issued through a Lottery terminal, also referred to as a Lottery retailer or licensed retailer.

*Pay status*—The Lottery central computer system designation into which a game is placed after the Lottery officials verify the accuracy of the game's drawing and which enables the validation and payment of winning terminal-based lottery game tickets.

*Play*—A chance to participate in a particular terminal-based lottery game drawing.

*Prize*—The item or money that can be won as specified by the notice for each terminal-based lottery game as published under § 875.4 (relating to notice of terminal-based lottery game rules).

*Quick pick*—The random selection through a Lottery terminal of the different numbers, letters or symbols that appear as a play in a particular terminal-based lottery game.

*Secretary*—The Secretary of Revenue of the Commonwealth.

*Terminal-based lottery game*—Any Lottery game, also referred to as an on-line game, for which a terminal-based lottery game ticket is generated through a computer connected to the Lottery central computer system.

*Terminal-based lottery game ticket*—A bearer instrument produced through a Lottery terminal that is the player's record of a wager for an on-line lottery game and sold by a licensed retailer in an authorized manner containing at a minimum the appropriate play data as published in the *Pennsylvania Bulletin* for that particular terminal-based lottery game, the drawing dates, amount bet, and validation data. A terminal-based lottery game ticket may contain one or more plays as prescribed in the notice of terminal-based lottery game rules.

*Top prize*—The highest prize available to be won as published in the *Pennsylvania Bulletin* for that particular terminal-based lottery game.

*Winning numbers*—The numbers, letters or symbols selected in a particular Lottery game drawing, which have been subsequently validated by the Lottery, and which shall be used to determine the winning plays as published in the *Pennsylvania Bulletin* for that particular terminal-based lottery game.

### § 875.4. Notice of terminal-based lottery game rules.

Prior to the commencement of sales of a terminal-based lottery game, the Department will publish a notice in the *Pennsylvania Bulletin* containing, at a minimum, the following information about the particular terminal-based lottery game:

- (1) The name of the terminal-based lottery game.
- (2) The purchase price of a terminal-based lottery game.
- (3) A description of the game.
- (4) Bet slip and terminal-based lottery game ticket characteristics.
- (5) The time, place and manner of conducting drawings.
- (6) Prizes available to be won and determination of prize winners.
- (7) Probability of winning and prize restrictions, if any.
- (8) Restrictions on procedures for claiming prizes, if any.
- (9) The existence of a finalist, grand prize, second-chance or other offering, if applicable, and the procedure for conducting the same, if applicable.
- (10) Other information necessary for the conduct of that terminal-based lottery game.

### § 875.5. Purchase price.

The Secretary will prescribe the purchase price of a terminal-based lottery game play or terminal-based lottery game ticket.

**§ 875.6. Terminal-based lottery game ticket sales.**

Terminal-based lottery game tickets may only be sold through Lottery retailers.

**§ 875.7. Determination of prize-winning, terminal-based lottery game tickets.**

(a) Terminal-based lottery game prize-winning plays will be determined under this part and specific terminal-based lottery game notifications published in the *Pennsylvania Bulletin* under § 875.4 (relating to notice of terminal-based lottery game rules).

(b) A prize shall be paid only if the terminal-based lottery game ticket meets the criteria established in § 875.10 (relating to terminal-based lottery game ticket validation and requirements).

**§ 875.8. Terminal-based lottery game purchase and terminal-based lottery game ticket characteristics.**

(a) To purchase a terminal-based lottery game ticket, the players shall request an on-line retailer to issue a terminal-based lottery game ticket. The terminal-based lottery game ticket, at a minimum, will contain appropriate play data as published in the *Pennsylvania Bulletin* for that particular terminal-based lottery game, the drawing dates, amount bet, and validation data. The terminal-based lottery game ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The terminal-based lottery game ticket shall only be valid for the drawing dates printed on the terminal-based lottery game ticket.

(b) A terminal-based lottery game ticket may not be canceled or voided once printed by the Lottery terminal, even if the terminal-based lottery game ticket is printed in error.

(c) It is the sole responsibility of the terminal-based lottery game ticket holder to verify the accuracy and condition of data printed on the terminal-based lottery game ticket. The purchase of plays is at the player's own risk.

**§ 875.9. Terminal-based lottery game ticket responsibility.**

(a) A terminal-based lottery game ticket is a bearer document deemed to be owned by the person holding the terminal-based lottery game ticket, except that if a name is contained on the back of the terminal-based lottery game ticket, the person so named will, for all purposes, be considered the owner of the terminal-based lottery game ticket.

(b) The holder of a terminal-based lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the terminal-based lottery game ticket.

(c) The Commonwealth will not be responsible for a lost or stolen terminal-based lottery game ticket.

(d) The Commonwealth will not be responsible for a terminal-based lottery game ticket redeemed by a player in error.

(e) A prize shall be claimed within 1 year of the date of the terminal-based lottery drawing for which the terminal-based lottery game ticket was entered.

**§ 875.10. Terminal-based lottery game ticket validation and requirements.**

(a) *Valid terminal-based lottery game tickets.* To be a valid terminal-based lottery game ticket, the presented terminal-based lottery game ticket must meet the following conditions:

(1) The terminal-based lottery game ticket validation numbers shall be present in their entirety and correspond, using the Lottery's validation file, to the selected numbers, letters or symbols printed on the terminal-based lottery game ticket for the dates printed on the terminal-based lottery game ticket.

(2) The terminal-based lottery game ticket must be intact.

(3) The terminal-based lottery game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The terminal-based lottery game ticket may not be counterfeit or an exact duplicate of a winning ticket.

(5) The terminal-based lottery game ticket shall have been issued by the Lottery through a licensed retailer.

(6) The terminal-based lottery game ticket may not have been stolen.

(7) The terminal-based lottery game ticket shall be validated in accordance with § 875.11 (relating to procedures for claiming and payment of prizes).

(8) The terminal-based lottery game ticket data shall have been recorded on the Lottery's central computer system prior to the drawing and the terminal-based lottery game ticket data shall match this computer record in every respect.

(9) The player or computer-selected numbers, letters or symbols, the validation data and the drawing date of an apparent winning terminal-based lottery game ticket shall appear on the official file of winning terminal-based lottery game tickets. A terminal-based lottery game ticket with that exact data may not have been previously paid.

(10) The terminal-based lottery game ticket may not be misregistered, defectively printed, or printed or produced in error to an extent that it cannot be processed by the Lottery.

(11) The terminal-based lottery game ticket shall pass other confidential security checks of the Lottery.

(12) By submitting a terminal-based lottery game ticket for validation, the player agrees to abide by this chapter as determined by the Secretary.

(13) There may not be another breach of this part in relation to the terminal-based lottery game ticket which, in the opinion of the Secretary, justifies disqualification.

(b) *Invalid or defective terminal-based lottery game tickets/disputes.* A terminal-based lottery game ticket not passing the validation checks in subsection (a) will be considered invalid and will not be paid.

(1) In cases of doubt, the determination of the Secretary is final. The Secretary may replace an invalid terminal-based lottery game ticket with a terminal-based lottery game ticket of equivalent sale price from a current Lottery game.

(2) If a defective terminal-based lottery game ticket is purchased or if the Secretary determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous terminal-based lottery game ticket with a terminal-based lottery game ticket of equivalent sale price from a current Lottery game.

(3) If a terminal-based lottery game ticket is not paid by the Lottery and a dispute occurs as to whether the terminal-based lottery game ticket is a winning terminal-based lottery game ticket, the Lottery may replace the terminal-based lottery game ticket as provided in para-

graph (2). This is the sole and exclusive remedy of the holder of the terminal-based lottery game ticket.

**§ 875.11. Procedures for claiming and payment of prizes.**

(a) A prize shall be claimed only through a licensed on-line retailer as soon as that drawing is placed in pay status by the Lottery.

(b) An on-line retailer is authorized and required to make payment of a prize of \$2,500 or less, if the terminal-based lottery game ticket is presented within a designated time period as announced by the Secretary, on an individual winning terminal-based lottery game ticket, if the retailer has sufficient funds available for payment.

(c) The holder of an apparent winning terminal-based lottery game ticket representing a prize of \$2,500 or less will be paid by participating on-line retailers as provided in subsection (b), if the terminal-based lottery game ticket validation requirements in § 875.10 (relating to terminal-based lottery game ticket validation and requirements) have been met, a proper validation pay ticket has been issued by the retailer's computer terminal and other retailer procedures have been met.

(d) The holder of an apparent winning terminal-based lottery game ticket representing a prize in excess of \$2,500, with the exception of a top prize, shall present the terminal-based lottery game ticket to an on-line retailer or authorized claim center under Chapter 811 (relating to prizes).

(e) The holder of an apparent winning terminal-based lottery game ticket representing a top prize shall present, in person, the ticket to Lottery Headquarters or a Lottery area office.

(f) The payment of a prize to a person who dies before receiving a particular prize or to a person under 18 years of age will be paid under §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

(g) The Commonwealth will be discharged of liability after payment of prizes as provided in § 811.26 (relating to discharge of State liability upon payment).

**§ 875.12. Funding for prizes.**

(a) Moneys will be drawn from the Lottery Fund, to the extent necessary, to fund the payment of prizes under this subsection.

(b) If the terminal-based lottery game is terminated for any cause, prize moneys remaining undistributed will

remain in the State Lottery Fund and used for purposes otherwise provided for by law.

**§ 875.13. Unclaimed prize money.**

Prize money on a winning terminal-based lottery game ticket may be retained by the Secretary for payment to the person entitled thereto. If no claim is made within 1 year of the date of the terminal-based lottery drawing for which the terminal-based lottery game ticket was entered, the right of a terminal-based lottery game ticket holder to claim the prize represented by that terminal-based lottery game ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

**§ 875.14. Withholding.**

Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

**§ 875.15. Purchase and prize restrictions.**

A terminal-based lottery game ticket may not be purchased by, and a prize will not be paid to, an officer or employee of the Lottery, Lottery professional services contractors or subcontractors who are involved in the operation of the terminal-based lottery games system or its associated drawings, or to a spouse, child, brother, sister or parent residing in the same household of the officer, employee, contractor, or subcontractor.

**§ 875.16. Governing law.**

(a) In purchasing a ticket, the purchaser agrees to comply with and abide by applicable laws, this part, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the terminal-based lottery game.

(b) Decisions made by the Secretary including the declaration of prizes and the payment thereof in interpretation of this part are final and binding on players and persons making a claim in respect thereof.

**§ 875.17. Retailer promotion programs.**

Retailer incentive and marketing promotion programs, including the use of unfunded free terminal-based lottery game tickets, may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery Fund.

[Pa.B. Doc. No. 06-868. Filed for public inspection May 19, 2006, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16 AND 18]

### Registration and Practice of Acupuncturists; Advance Notice of Final Rulemaking

The State Board of Medicine (Board) is publishing an advance notice of final rulemaking (ANFR) regarding the registration of acupuncturists and practitioners of oriental medicine. Proposed rulemaking was published at 35 Pa.B. 1210 (February 12, 2005).

#### *Statutory Authority*

The act of May 16, 2002 (P. L. 326, No. 49) (Act 49) amended the Acupuncture Registration Act (act) (63 P. S. §§ 1801—1806). Section 3 of the act (63 P. S. § 1803) authorizes the Board to promulgate regulations as necessary to regulate the practice of acupuncture.

#### *Background and Summary*

The Board entertained public comment for 30 days during which time the Board received comments from the Association for Professional Acupuncture in Pennsylvania (APA). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC). Neither the House Professional Licensure Committee nor the Senate Consumer Protection and Professional Licensure Committee commented.

IRRC recommended that the Board clarify the proposed rulemaking by specifically including reference to the component of the examination that addresses supplemental techniques. The Board agreed with IRRC's recommendation and began developing language that would have specified that acupuncturists successfully complete the component of the National Commission for the Certification of Acupuncturists and Oriental Medicine (NCCAOM) examination that addresses supplemental techniques and Chinese herbal therapy.

During the course of developing the final rulemaking, the Board learned that there is a dichotomy in the acupuncture profession between acupuncturists whose education, training and practice is restricted to basic acupuncture modalities, needling, bodywork and nutritional counseling on the one hand, and acupuncturists who possess additional education, training and practice in the use of Chinese herbology. Acupuncturists in the latter group are referred to as "practitioners of oriental medicine."

To protect the public from individuals who do not possess education and training in the use of Chinese herbology, and to accommodate acupuncturists who do not seek to expand their practice to include Chinese herbology, the Board determined to dichotomize the registration to reflect the dichotomy in the profession. Specifically, the Board proposes to issue a registration as an acupuncturist to an individual who has obtained education and training on what are considered in the profession as the entry-level components of acupuncture such as needling, physical modalities and nutritional counseling, but that do not include Chinese herbal therapy. In addition, the Board would issue a new separate and inclusive registration to those acupuncturists who, in addition to the entry-level education, training and examination, have also obtained additional education and training in Chinese herbal therapies. An individual who meets the requirements for the practice of both acupuncture and Chinese herbology would be registered by the Board as a practitioner of oriental medicine. One could not be registered as a practitioner of oriental medicine without meeting the requirements for registration as an acupuncturist.

To assure that the public has a full opportunity to comment on the adjustment to the rulemaking, the Board has determined to publish this ANFR seeking additional comments from the public.

#### *Contact Person, Availability of Draft Final Regulations and Submission of Comments*

The Board will accept written comments as well as comments transmitted by means of e-mail on the draft final rulemaking for the registration of acupuncturists and practitioners of oriental medicine. Comments will not be accepted by facsimile, telephone or voice mail. Comments sent by means of e-mail must include the following in the subject heading of the transmission: "Comments on Acupuncture ANFR." E-mail transmissions as well as written comments must include the commentator's name and address. Written comments must be received by the Board on or before June 20, 2006. To request a copy of the draft final rulemaking or to provide a comment, contact Gerald S. Smith, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, [gerasmith@state.pa.us](mailto:gerasmith@state.pa.us).

CHARLES D. HUMMER, Jr., M.D.,  
*Chairperson*

[Pa.B. Doc. No. 06-869. Filed for public inspection May 19, 2006, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

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

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-1-06	Orrstown Financial Services, Inc., Shippensburg, to acquire 100% of the voting shares of The First National Bank of Newport, Newport	Shippensburg	Effective
	The First National Bank of Newport will be operated as a wholly-owned subsidiary of Orrstown Financial Services, Inc.		

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-9-06	Compass Federal Savings Bank Wilmerding Allegheny County	Wilmerding	Approved
	<i>To:</i> Compass Savings Bank Wilmerding Allegheny County		
	Application represents a conversion from a Federally-chartered mutual savings bank to a State-chartered mutual savings bank.		

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-27-06	The Muncy Bank and Trust Company Muncy Lycoming County	319 South Main Street Muncy Lycoming County (Drive-Up Facility)	Opened
4-24-06	Allegiance Bank of North America Bala Cynwyd Montgomery County	190 East DeKalb Pike King of Prussia Montgomery County	Opened
4-24-06	Fulton Bank Lancaster Lancaster County	2350 North Reading Road Denver East Cocalico Township Lancaster County	Opened
5-5-06	Northwest Savings Bank Warren Warren County	950 South Pine Island Road Suite 180 Plantation Broward County, FL	Approved
5-5-06	Northwest Savings Bank Warren Warren County	8221 Peters Road Plantation Broward County, FL (Drive-Up Facility)	Approved
5-8-06	Integrity Bank Camp Hill Cumberland County	100 Senate Avenue Camp Hill East Pennsboro Township Cumberland County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-4-06	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	Effective
5-5-06	Fulton Bank Lancaster Lancaster County	<i>To:</i> South Market Street and Cumberland Parkway Mechanicsburg Upper Allen Township Cumberland County  <i>From:</i> 360 Cumberland Parkway Mechanicsburg Upper Allen Township Cumberland County	Approved
5-5-06	Coatesville Savings Bank Coatesville Chester County	<i>To:</i> 1099 Georgetown Road Bart Lancaster County  <i>From:</i> 1082 Georgetown Road Bart Lancaster County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-22-06	Fulton Bank Lancaster Lancaster County	1976 Bowmansville Road Adamstown Lancaster County	Effective
5-1-06	Orrstown Bank Shippensburg Cumberland County	13 Center Square Greencastle Franklin County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**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	**

\*\*Conversion to community charter became effective by Operation of Law under section 501(g) of the Credit Union Code. The conversion was completed by filing Articles of Amendment with the Department of State effective May 5, 2006 (see following).

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-5-06	White Rose Credit Union York York County	Amendment to Article 8 of the Articles of Incorporation provides for a change by extending 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."	Effective



## BRANCH APPLICATIONS

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-8-06	HealthCare First Credit Union Johnstown Cambria County	1152 Franklin Street Johnstown Cambria County	Filed

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

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-870. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2006

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of June 2006 is 7 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.11 to which was added 2.50 percentage points for a total of 7.61 that by law is rounded off to the nearest quarter at 7 3/4%.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-871. Filed for public inspection May 19, 2006, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Yellow Breeches Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Yellow Breeches Creek Watershed Conservation Plan (Plan) and is placing the Yellow Breeches Creek Watershed and all tributaries covered in the Plan in Adams, Cumberland and York Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Yellow Breeches Watershed Association (Association) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of the Yellow Breeches Creek (Adams, Cumberland and York Counties) from the headwaters to its confluence with the Susquehanna River—219 square miles.
2. All tributary streams within the Yellow Breeches Creek Watershed.

This action becomes effective May 20, 2006. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Yellow Breeches Watershed Association, c/o Lower Allen Township Authority, 120 Limekiln Road, New Cumberland, PA 17070-2428, [www.ybwa.org](http://www.ybwa.org) and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are available by contacting the Association.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 06-872. Filed for public inspection May 19, 2006, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Revised Fee Structure for Certification Applications

Effective July 1, 2006, the Department of Education (Department), under the act of April 2, 1925 (P. L. 122, No. 87) (71 P. S. § 1011), will implement a revised fee structure for all certification applications in this Commonwealth raising the present rate of \$15 for any and all applications as follows:

- \$40 nonrefundable fee for all in-State certification applications
- \$80 nonrefundable fee for all out-of-State certification applications

The in-State fee must be submitted along with each application for any type of certification received from a graduate of a Department-approved teacher education program or an application from a currently certified educator in this Commonwealth seeking an additional certification, duplicate certificate, inactive status or removal therefrom.

The out-of-State fee must be submitted along with each application in the following two circumstances: (1) an application received from a graduate of a teacher education program at a college/university outside of this Commonwealth; or (2) an application received from an educator certified by another state.

In addition to revising the certification fee structure, the Department will reorganize its Bureau of Teacher

Certification and Preparation (Bureau), Division of Candidate Evaluation Services to include a Call Center that will both enhance its responsiveness to inquiries regarding certification in this Commonwealth and also reduce the processing time for certification applications.

Direct questions about the fee structure increase or Bureau reorganization to Charles P. Sabulski, Chief of the Division of Candidate Evaluation Services at (717) 772-4508 or csabulski@state.pa.us.

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

[Pa.B. Doc. No. 06-873. Filed for public inspection May 19, 2006, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060763	Middle Smithfield Township Municipal Authority 25 Municipal Drive East Stroudsburg, PA 18301	Monroe County Middle Smithfield Township	Bushkill Creek HQ-CWF 1E	Y
PA0064114 (Minor Sewage)	Jim Thorpe Area School District 1100 Center Street Jim Thorpe, PA 18229	Carbon County Kidder Township	Dilldown Creek (2A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0051764 (Sew)	Galen Hall Corporation 815 Lancaster Avenue Reading, PA 19607	Berks County South Heidelberg Township	Conestoga River 7-J	Y
PA0024228 (IW)	BC Natural Chicken, LLC 2609 Route 22 P. O. Box 70 Fredericksburg, PA 17026-0070	Lebanon County Bethel Township	Deep Run 7-D	Y
PA0082015 (Sew)	Meadows Sewer Company, Inc. 5015 East Trindle Road Mechanicsburg, PA 17050-3622	Cumberland County Middlesex Township	Conodoguinet Creek 7-B	Y
PA0042781 (IW)	Mount Joy Wire Company 1000 East Main Street Mount Joy, PA 17552-9332	Lancaster County Mount Joy Borough	Little Chickies Creek 7-G	Y
PA0044113 (Sew)	South Middleton Township Municipal Authority P. O. Box 8 Boiling Springs, PA 17007-0008	Cumberland County Monroe Township	Yellow Breeches Creek 7-E	Y
PA0024350 (Sew)	Borough of Dauphin 200 South Church Street Dauphin, PA 17018	Dauphin County Dauphin Borough	Susquehanna River 7-C	Y
PA0086860 (Sew)	Springfield Township 9211 Susquehanna Trail South Seven Valleys, PA 17360	York County Springfield Township	UNT to Codorus Creek 7-H	Y
PA0081752 (Sew)	Philhaven Hospital 283 South Butler Road Lebanon, PA 17402	Lebanon County West Cornwall Township	Bachman Run 7-D	Y
PA0085073 (Sew)	Wood Broadtop Wells Joint Municipal Authority P. O. Box 7 Wood, PA 16694	Bedford County Broad Top Township Fulton County Wells Township Huntingdon County Wood Township	UNT to Great Trough Creek 11-D	Y
PA0088684 (Sew)	Terry W. Henry Pleasant Hills Resort Inc. Box 86 Hesston, PA 16647-0086	Huntingdon County Penn Township	Hauns Run 11-D	Y

**NOTICES**

**2417**

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0081183 (Sew)	Margaret Carbaugh Happy Hollow Restaurant 10910 Raystown Road Saxton, PA 16678	Bedford County Liberty Township	UNT to Sugar Camp Run 11-D	Y
PAR10C227R1	Franco DiBiase DiBiase Construction Company 230 Wernersville Road Sinking Spring, PA 19608	Berks County Ruscombmanor Township	Furnace Creek TSF Willow Creek TSF	Y
PAR10I255R	Yingst Homes 4712 Smith St. Harrisburg, PA 17112	Dauphin County West Hanover Township	Beaver Creek WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0010430 IW	Hanover Foods Corporation P. O. Box 193 Centre Hall, PA 16828	Potter Township Centre County	Sinking Creek 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0238619	Chestnut Grove Master Homeowners Association 198 Saxonburg Road Butler, PA 16001	Franklin Township Butler County	Mulligan Run 20-C	Y
PA0091341	Moniteau School District 1810 West Sunbury Road West Sunbury, PA 16061	Cherry Township Butler County	Glade Run Dam Lake (South Branch Slippery Rock Creek) 20-C	Y
PA0001481	Marcegaglia USA, Inc. Damascus Tube Company 1001 East Waterfront Drive Munhall, PA 15120	Pymatuning Township Mercer County	Shenango River 20-A	Y
PA0104108	North Beaver Township Municipal Authority Hickory View Terrace 861 Mount Jackson Road New Castle, PA 16102	North Beaver Township Lawrence County	Hickory Run 20-B	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.*

**PA0060071**, Industrial, **Sanofi Pasteur**, Discovery Drive, Swiftwater, PA 18370-0187. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Activity: Renewal of NPDES Application for increased discharge up to 0.550 mgd.

The receiving stream, Swiftwater Creek is in the State Water Plan watershed 1E and is classified for HQ-CWF. The nearest downstream public water supply intake for East Stroudsburg is located on the Delaware River below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .35 mgd.

Effective for existing conditions:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	187	447	64	153	
NH <sub>3</sub> -N (5-1 to 10-31)	8.8	17.5	3.0	6.0	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
(11-1 to 4-30)	26.3	52.5	9.0	18.0	
Phosphorus	4.4		1.5		3.0
Total Suspended Solids	87.6	1,75.3	30	60	75
Total Dissolved Solids	2,657	3,879	1,200		
COD	474	2,505	162	858	
pH	6.0 to 9.0 at all times				
Nitrites/Nitrates	Monitor and Report				
Dissolved Oxygen	minimum to 6.0 at all times				
Fecal					
(5-1 to 9-30)	200/100 ml as geometric average				
(10-1 to 4-30)	2,000/100 ml as geometric average				
Cyanide	20.43	72.97	7.00	25.00	
Acetone	0.44	1.08	0.15	0.37	
Acetonitrile	22.18	55.46	7.60	19.00	
n-Amyl acetate	1.08	2.92	0.37	1.00	
Amyl alcohol	8.87	21.60	3.0	7.40	
Benzene	0.04	0.11	0.015	0.037	
n-Butyl acetate	1.08	2.83	0.37	0.97	
Chlorobenzene	0.13	0.32	0.045	0.110	
Chloroform	0.02	0.04	0.007	0.015	
o-Dichlorobenzene	0.13	0.32	0.045	0.11	
1,2 Dichloroethane	0.05	0.08	0.018	0.027	0.036
Diethyl amine	220.97	542.93	75.7	186	
Dimethyl Sulfoxide	81.15	198.49	27.8	68	
Ethanol	8.87	21.60	3.0	7.40	
Ethyl acetate	1.08	2.92	0.37	1.00	
n-Heptene	0.04	0.11	0.015	0.37	
n-Hexane	0.04	0.06	0.015	0.022	
Isobutraldehyde	1.08	2.60	0.37	0.89	
Isopropanol	3.50	8.47	1.2	2.90	
Isopropyl acetate	1.08	2.83	0.37	0.97	
Isopropyl ether	5.55	18.10	1.9	6.20	
Methanol	8.87	21.60	3.0	7.40	
Methyl Cellosolve	87.6	216	30	74	
melhylene Chloride	0.64	1.02	0.220	.35	
Methyl formate	1.08	2.92	0.37	1.00	
MIBK	0.44	1.08	0.15	0.37	
Mercury	0.0013	0.0019	0.00043	0.000663	
Phenol	0.044	0.11	0.015	0.037	
Tetrahydrofuran	5.55	18.10	1.9	6.200	
Toluene	0.044	0.13	0.015	0.045	
Triethyl Amine	220.97	542.93	75.7	186.000	
Xylenes	0.02	0.06	0.007	0.022	

The proposed effluent limits for Outfall 001 based on a design flow of .45 mgd.

Effective for existing conditions.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
BOD <sub>5</sub>	195	468	52	124.8	
NH <sub>3</sub> -N					
(5-1 to 10-31)	10.13	20.27	2.7	5.4	
(11-1 to 4-30)	30	60	8.0	16	
Phosphorus	5.63		1.5		3.0
Total Suspended Solids	96	192	25	51	
Total Dissolved Solids	2,792	4,076	1,200		
COD	472.9	923	126	246	
pH	6.0 to 9.0 at all times				
Nitrites/Nitrates	Monitor and Report				
Dissolved Oxygen	minimum to 6.0 at all times				
Fecal					
(5-1 to 9-30)	200/100 ml as geometric average				
(10-1 to 4-30)	359/100 ml as geometric average				
Cyanide	20.42	72.68	5.44	19.36	

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Acetone	0.43	1.08	0.115	.29	
Acetonitrile	22.03	53.98	5.87	14.38	
n-Amyl acetate	1.08	2.81	0.29	0.75	
Amyl alcohol	8.86	21.61	2.36	5.76	
Benzene	0.05	0.11	0.012	0.030	
n-Butyl acetate	1.08	2.81	0.288	0.749	
Chlorobenzene	0.13	0.33	0.035	0.088	
Chloroform	0.02	0.034	0.006	0.009	
o-Dichlorobenzene	0.13	0.33	0.035	0.088	
1,2 Dichlotethane	0.05	0.08	0.014	0.022	
Diethyl amine	220.3	539.7	58.7	143.8	
Dimethyl Sulfoxide	81.0	197.6	21.5	52.6	
Ethanol	8.86	21.61	2.36	5.76	
Ethyl acetate	1.08	2.81	0.288	0.749	
n-Heptene	0.05	0.11	0.012	0.030	
n-Hexane	0.05	0.07	0.012	0.018	
Isobutraldehyde	1.08	2.59	0.288	0.691	
Isopropanol	3.46	8.99	0.92	2.39	
Isopropyl acetate	1.08	2.81	0.288	0.749	
Isopropyl ether	5.61	18.13	1.496	4.832	
Methanol	8.86	21.61	2.36	5.75	
Methyl Cellosolve	88.87	218.62	23.68	58.25	
melhylene Chloride	0.68	1.01	0.180	0.270	
Methyl formate	1.08	2.81	0.288	0.749	
Mercury	0.0013	0.0020	0.00034	0.00053	
MIBK	0.45	1.13	0.12	0.300	
Phenol	0.05	0.11	0.012	0.030	
Tetrahydrofuran	5.63	18.18	1.5	4.84	
Toluene	0.05	0.14	0.012	0.036	
Triethyl Amine	220.3	539.7	58.7	143.8	
Xylenes	0.02	0.07	0.006	0.018	

The proposed effluent limits for Outfall 001 based on a design flow of .55 mgd.

Effective from the date the treatment plant upgrade is complete.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	203.7	489	44.0	106.6	
NH <sub>3</sub> -N					
(5-1 to 10-31)	11.2	22.5	2.4	4.9	
(11-1 to 4-30)	33.7	67.4	7.3	14.7	
Phosphorus	6.05		1.32		2.64
Total Suspended Solids	104	208	22.0	45	
Total Dissolved Solids	2,927	4,273	1,200		
COD	472	926	103	202	
pH		6.0 to 9.0 at all times			
Nitrites/Nitrates			Monitor and Report		
Dissolved Oxygen		Minimum to 6.0 at all times			
Fecal					
(5-1 to 9-30)		200/100 ml as geometric average			
(10-1 to 4-30)		338/100 ml as geometric average			
Cyanide	20.44	72.75	4.455	15.860	
Acetone	0.43	1.08	0.094	0.235	
Acetonitrile	22.03	53.98	4.803	11.767	
n-Amyl acetate	1.08	2.80	0.235	0.611	
Amyl alcohol	8.86	21.61	1.931	4.712	
Benzene	0.04	0.10	0.009	0.023	
n-Butyl acetate	1.08	2.80	0.235	0.611	
Chlorobenzene	0.13	0.32	0.028	0.070	
Chloroform	0.02	0.04	0.005	0.008	
o-Dichlorobenzene	0.13	0.32	0.028	0.070	
1,2 Dichlotethane	0.06	0.08	0.0120	0.018	
Diethyl amine	220.33	539.80	48.03	117.68	
Dimethyl Sulfoxide	81.00	197.64	17.65	43.08	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Ethanol	8.86	21.61	1.931	4.712	
Ethyl acetate	1.08	2.80	0.235	0.611	
n-Heptene	0.04	0.10	0.009	0.023	
n-Hexane	0.04	0.06	0.009	0.014	
Isobutraldehyde	1.08	2.59	0.235	0.564	
Isopropanol	3.45	8.98	0.753	1.958	
Isopropyl acetate	1.08	2.80	0.235	0.611	
Isopropyl ether	5.61	18.13	1.224	3.954	
Methanol	8.86	21.61	1.931	4.712	
Methyl Cellosolve	87.70	215.74	19.119	47.033	
melhylene Chloride	0.64	1.01	0.140	0.220	
Methyl formate	1.08	2.80	0.235	0.611	
Mercury	0.0013	0.0021	0.000280	0.00045	
MIBK	0.43	1.08	0.094	0.235	
Phenol	0.04	0.10	0.009	0.023	
Tetrahydrofuran	5.61	18.13	1.22	3.95	
Toluene	0.04	0.12	0.009	0.027	
Triethyl Amine	220.3	539.8	48.0	117.6	
Xylenes	0.02	0.07	0.005	0.015	

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

**Application No. PA 0248126**, Sewage, **Gary and Susan Aungst**, 45 Evergreen Road, McVeytown, PA 17051. This facility is located in Juniata Township, **Huntingdon County**.

Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, a UNT to Raystown Branch Juniata River is in Watershed 11-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 79 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	

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

The EPA waiver is in effect.

**Application No. PA 0083704**, Industrial Waste, SIC Code 4941, **Shippensburg Borough Authority**, 111 North Fayette Street, Shippensburg, PA 17257-0129. This facility is located in Lurgan Township, **Franklin County**.

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

The receiving stream, Trout Run is in Watershed 7-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Carlisle Borough located on the Conodoguinet Creek, approximately 48.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.088 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	0.7		2.3
Total Suspended Solids	30	60	75
Total Aluminum	4.0	8.0	10
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5

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

The EPA waiver is in effect.

**Application No. PA 0247952**, Concentrated Animal Feeding Operation (CAFO), **Stoner's Hijos Hill, Inc.** 7678 Oellig Road, Mercersburg, PA 17236.

Stoner's Hijos Hill, Inc. has submitted an application for an Individual NPDES permit for its farm located in Peters Township, **Franklin County**. The CAFO is situated near a UNT of West Branch Conococheague Creek (Watershed 13-C), which is classified for TSF and MF. The CAFO has a target animal population of approximately 1,197 animal equivalent units (AEUs) consisting of 550 milking cows, 80 dry cows, 40 Springer cows, 380 heifers aged 6—22 months, 150 calves and 14 bulls. Manure is stored in three existing manure storage facilities. The operation consists of a main dairy, a heifer and calf facility and two satellite heifer farms.

A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA 0248037**, Sewage, **Bethel Township Municipal Authority**, P. O. Box 24, Bethel, PA 19507. This facility is located in Bethel Township, **Berks County**.

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

The receiving stream, Little Swatara Creek is in Watershed 7-D and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.205 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	16	24	32
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30
NO <sub>2</sub> -N + NO <sub>3</sub> -N		Monitor and Report	
Total Kjeldahl Nitrogen		Monitor and Report	
Total Phosphorus		Monitor and Report	
Total Residual Chlorine	0.5		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)		13,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

**Application No. PA 0247910**, Sewage, **Bethel Township Municipal Authority**, P. O. Box 24, Bethel, PA 19507. This facility is located in Bethel Township, **Berks County**.



Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, Little Swatara Creek is in Watershed 7-D and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0724 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NO <sub>2</sub> -N + NO <sub>3</sub> -N		Monitor and Report	
Total Kjeldahl Nitrogen		Monitor and Report	
Total Phosphorus		Monitor and Report	
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		64,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

**Application No. PA 0028142, Amendment No. 1, Sewage, Pennsylvania National Guard, Fort Indiantown Gap, Building No. 0-11, Annville, PA 17003-4002.** This facility is located in East Hanover Township, **Lebanon County**.

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

The receiving stream, Swatara Creek is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 13 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	12	24
(11-1 to 4-30)	Monitor and Report	Monitor and Report
Total Phosphorus	2.0	4.0
Dissolved Oxygen		minimum of 5.0 at all times
pH		from 6.0 to 9.0 inclusive
Fecal Coliform		200/100 ml as a geometric average
(5-1 to 9-30)		11,000/100 ml as a geometric average
(10-1 to 4-30)		

In addition to the effluent limits, the permit contains the following major special conditions: a total annual load limit of 24,353 pounds of total Nitrogen and 3,044 pounds of total Phosphorus will become effective on April 1, 2007.

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

The EPA waiver is not in effect.

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

**PA0092525, Sewage, Scottdale Manor Rehabilitation Center, LLC, 900 Porter Avenue, Scottdale PA 15683.** This application is for renewal of an NPDES permit to discharge treated sewage from Scottdale Manor Rehabilitation Center STP in East Huntingdon Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.00159 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	7.0			14.0
(11-1 to 4-30)	21.0			42.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.4
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204234**, Sewage, **M. J. Redden**, 350 Water Dam Road, McDonald PA 15057. This application is for renewal of an NPDES permit to discharge treated sewage from M. J. Redden in Robinson Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.000455 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
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.

**PA0026697**, Sewage, **Butler Area Sewer Authority**, 100 Littman Road, Butler, PA 16001-3256. This facility is located in the City of Butler, **Butler County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale Plant intake is located on the Beaver River and is approximately 50 miles below the point of discharge.

The receiving streams, Connoquenessing Creek—Outfall 001 and Butchers Run Outfalls 005, 011—014 and 018, are in watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 10.0 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>					
(5-1 to 10-31)	1,001	1,501	12	18	24
(11-1 to 04-30)	2,002	3,002	24	36	48
Total Suspended Solids	2,502	3,753	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	167		2		4
(11-1 to 4-30)	500		6		12

Parameters	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average		
Total Residual Chlorine			0.33		1.1
Dissolved Oxygen			minimum of 5 mg/l at all times		
Phosphorus as "P"	167		2		4
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

Outfall 005 (Sewage Treatment Plant-Alternative Outfall)

The proposed discharge limits are based upon a design flow of N/A mgd.

This is for emergency use only.

Outfall No. 011	Lat: 40° 50' 29"	Long: 79° 55' 06"
Outfall No. 012	Lat: 40° 50' 29"	Long: 79° 55' 06"
Outfall No. 013	Lat: 40° 50' 27"	Long: 79° 55' 00"
Outfall No. 014	Lat: 40° 50' 28"	Long: 79° 54' 50"
Outfall No. 018	Lat: 40° 50' 28"	Long: 79° 55' 50"

These discharges shall consist of uncontaminated stormwater runoff from the sewage treatment plant site only.

*Permit Special Conditions*

1. Supersede previous WQM permit.
2. Continuation of a Federal Pretreatment Program.
3. TRC Minimization.
4. Chronic WET Testing.
5. WET testing for the permit renewal.
6. Stormwater.
7. SSO Condition.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 4506406**, Sewerage, **PA American Water Company**, West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: This project involves the replacement of approximately 8,800 ft. of existing 10" PVC sewer line with new 15" PVC sewer line along Rosemont Drive.

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

**WQM Permit No. 3606403**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the upgrade and expansion at the Eden Road Pumping Station.

**WQM Permit No. 6771423 Amendment 06-1**, Sewerage, **Chanceford Manor Village Sewer Company, Inc.**, 200 Bailey Drive, Suite 204, Stewartstown, PA 17363. This proposed facility is located in Chanceford Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation for a wastewater treatment plant using aerobic lagoons.

**WQM Permit No. 0606401**, Sewerage, **Washington Township Municipal Authority**, P. O. Box 156, Barto, PA 19504. This proposed facility is located in Washington Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of the Washington Mews Pump Station.

**WQM Permit No. 5003401 Amendment 06-1**, Sewerage, **Penn Township Municipal Authority**, 102 Municipal Building Road, Duncannon, PA 17020. This proposed facility is located in Penn Township, **Perry County**.

Description of Proposed Action/Activity: Seeking approval for an organic capacity rerating of the Cove Wastewater Treatment Facility.

**WQM Permit No. 0700404 Amendment 06-1**, Sewerage, Logan Township, 800 39th Street, Altoona, PA 16602-1799. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Seeking approval to increase the hydraulic capacity of the wastewater treatment facility located along Lower Riggles Gap Road.

**WQM Permit No. 3690413 Amendment 06-1**, Sewerage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545-0534. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval to make modifications to the wastewater treatment plant biosolids digestion process from aerobic to facultative.

**WQM Permit No. 2206402**, Sewerage, **Conewago Municipal Authority**, 3279 Old Hershey Road, Elizabethtown, PA 17022. This proposed facility is located in Conewago Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking approval to construct, Ridge Road West Pump Station, Ridge Road East Pump Station and the Old Hershey Road Pump Station and 8" sanitary sewer extensions. The estimated proposed flow is 184,800 gpd.

**WQM Permit No. 3806404**, Sewerage, **Jackson Township Authority**, 60 North Ramona Road, Myerstown, PA 17067. This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking approval for construction/operation of their wastewater treatment plant.

**WQM Permit No. WQG02060601**, Sewerage, **Municipal Authority of the Borough of Sinking Spring**, 3940 Penn Avenue, Sinking Spring, PA 19608. This proposed facility is located in Sinking Spring Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of the Mountain Home Road Pump Station and Sewer Extension.

**WQM Permit No. 6706406**, Sewerage, **Jefferson Codorus Joint Sewer Authority**, P. O. Box 223, Codorus, PA 17311. This proposed facility is located in Codorus Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for construction/operation of their wastewater treatment plant.

**WQM Permit No. WQG02360603**, Sewerage, **Paradise Township Sewer Authority**, 2 Township Drive, P. O. Box 40, Paradise, PA 17562. This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for construction/operation of the Vintage Phase II Sewer Extension project.

**WQM Permit No. 3806405**, Sewerage, **West Cornwall Township Municipal Authority**, P. O. Box 1262, Quentin, PA 17083-1262. This proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of the Butler Road Pump Station.

**WQM Permit No. WQG01210601**, Sewerage, **Matt Madden**, 20 South Hanover Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system for a single family home along Shatto Drive on Lot No. 22 in Kendor Summit Subdivision.

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

**WQM Permit No. WQG016126**, Sewerage, **Mark Wrigley**, 285 Canterwood Lane, Wexford, PA 15090. This proposed facility is located in Sewickley Heights Borough, **Allegheny County**.

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

**WQM Permit No. 0206402**, Sewerage, **Pittsburgh Water and Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for a sewer remediation project to reduce combined sewer flows.

**WQM Permit No. 3274405-A2**, Sewerage, **Clymer Borough Municipal Authority**, 470 Adams Street, Clymer, PA 15728. This proposed facility is located in Clymer Borough, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of two additional sludge drying beds to augment the existing sewage treatment plant.

**WQM Permit No. 6506202**, Industrial Waste 4925, **Great Lakes Energy Partners, LLC**, Route 85 and Northern Avenue, P. O. Box 235, Yatesboro, PA 16263. This proposed facility is located in St. Clair Township, **Westmoreland County**.

Description of Proposed Action/Activity: Treatment and discharge of groundwater captured in association with coal bed methane extraction.

**WQM Permit No. 1106201**, Industrial Waste 4925, **Great Lakes Energy Partners, LLC**, Route 85 and Northern Avenue, P. O. Box 235, Yatesboro, PA 16263. This proposed facility is located in Allegheny Township, **Cambria County**.

Description of Proposed Action/Activity: Treatment and discharge of groundwater captured in association with coal bed methane extraction.

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

**WQM Permit No. WQG018462**, Sewerage, **Theodore Finn**, 13600 Colver Road, West Springfield, PA 16443. This proposed facility is located in Springfield Township, **Erie County**.

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

**WQM Permit No. WQG018447**, Sewerage, **Dan and Pauline Severino**, 130 Ash Stop Road, Evans City, PA 16033. This proposed facility is located in Forward Township, **Butler County**.

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

**WQM Permit No. WQG018452**, Sewerage, **Christopher J. Kovski**, 5540 Zessinger Road, McKean, PA 16426. This proposed facility is located in Washington Township, **Erie County**.

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

**WQM Permit No. WQG018463**, Sewerage, **Gary E. Hawk**, 17632 Norrisville Road, Conneautville, PA 16406. This proposed facility is located in Hayfield Township, **Crawford County**.

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

**WQM Permit No. WQG018449**, Sewerage, **Hamid Torab**, 7300 Crane Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506035	Stephen Cushman Corner Ketch Landing Dev. P. O. Box 72294 Thorndale, PA 19372	Chester	East Brandywine Township	East Branch Brandywine Creek (HQ-TSF-MF)
PAI012306004	Episcopal Academy 367 North Latches Lane Merion, PA 19066	Delaware	Newtown Township	Crum Creek (HQ-CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206005	Community Self Storage 486 Route 6 and 209 Milford, PA 18337	Pike	Milford Township	Sawkill Creek EV

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

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041704001	River Hill Power, LLC 94 Spruce Street Indiana, PA 15701	Clearfield	Karthaus Township	Mosquito Creek HQ-CWF Shingle Hollow Creek HQ-CWF

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041806003	R. C. Bowman, Inc. 1436 Nittany Valley Dr. Mill Hall, PA 17751	Clinton	Lamar Township	Fishing Creek HQ

Union County Conservation District: 88 Bull Run Crossing, Suite 5, Lewisburg, PA 17837 (570) 523-8782.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI046006001	Eastern Industries William Valentine P. O. Box 177 Winfield, PA 17889	Union	White Deer Township	White Deer Creek HQ-CWF

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

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 3906502, Public Water Supply**

Applicant	<b>Nestle Waters North America, Inc.</b> 405 Nestle Way Breinigsville, PA 18031 Upper Macungie Township <b>Lehigh County</b>
Responsible Official	Edward Murphy
Type of Facility	Bottled Water
Consulting Engineer	Edward E. Davis, P. E.
Application Received Date	February 28, 2006
Description of Action	The addition of a bottling line (No. 10) at the permitted bottling plant.

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

**Permit No. 6702510, Public Water Supply.**

Applicant	<b>Borough of Hanover</b>
Municipality	Conewago Township
County	<b>York</b>
Responsible Official	Bruce Rebert, Borough Manager 44 Frederick Street Hanover, PA 17331

Type of Facility Public Water Supply  
 Consulting Engineer Ronald L. Orndorff, P. E.  
 44 Frederick Street  
 Hanover, PA 17331

Application Returned: 5/2/2006

Description of Action Construction Permit Application for Well No. 2. The well will be pumped at a rate not to exceed 125 gallons per minute. Treatment will be provided at the existing, previously permitted Hanover Borough surface water filtration facility.

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

**Permit No. 5906501—Construction** Public Water Supply.

Applicant **Osceola Township Municipal Authority**

Township or Borough Osceola Township

County **Tioga**

Responsible Official Jon Seely, Chairperson  
 Osceola Township Municipal Authority  
 P. O. Box 249  
 Osceola, PA 16942

Type of Facility Public Water Supply—Construction

Consulting Engineer Gregory M. Cummings, P. E.  
 Larson Design Group, Inc.  
 P. O. Box 487  
 1000 Commerce Park Drive  
 Williamsport, PA 17703

Application Received Date May 4, 2006

Description of Action Well modifications, replacement of water lines, water storage tank and water treatment facility.

**Permit No. 1406503—Construction** Public Water Supply.

Applicant **Spring Mills Water Association**

Township or Borough Gregg Township

County **Centre**

Responsible Official Thomas Stitzer  
 Spring Mills Water Association  
 P. O. Box 165  
 Spring Mills, PA 16875

Type of Facility Public Water Supply—Construction

Consulting Engineer Robert S. Decker  
 Nittany Engineering and Associates  
 136 West Main Street  
 P. O. Box 700  
 Millheim, PA 16854

Application Received Date May 1, 2006

Description of Action Construction of a filtration plant and new water storage tank.

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

**Permit No. 5636541**, Public Water Supply.

Applicant **Al's Water Service**  
 2699 Jefferson Avenue  
 Washington, PA 15301

Township or Borough Canton Township

Responsible Official Al Pinkerton  
 Al's Water Service  
 2699 Jefferson Avenue  
 Washington, PA 15301

Type of Facility Bulk water hauling facility

Consulting Engineer Sawyer Engineering  
 205 Robinhood Lane  
 McMurray, PA 15317

Application Received Date February 8, 2006

Description of Action 16 carrier vehicles utilizing a finished water source.

#### MINOR AMENDMENT

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

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

#### Application, Minor Amendment.

Applicant **PA American Water Company**  
 Lehman Township  
**Pike County**

Responsible Official Paul A. Zielinski, Director  
 Environmental Compliance & Mgmt.  
 PA American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 (717) 533-5000

Type of Facility Community Water System

Consulting Engineer N/A

Application Received Date April 26, 2006

Description of Action Application for transfer of PWS operation permit No. 2520096 and facilities approved under PWS operation permit Nos. 5289501 and 2520022 from Saville Rustin Water Company to PA American Water Co. Also being transferred, PWS construction permit Nos. 5291507, 5295505, 5295502 and 5203503 as issued December 22, 1992, January 19, 1996, October, 13, 1999, and August 12, 2003, respectfully.

## WATER ALLOCATIONS

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

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

**WA 36-403C, Water Allocations, Manheim Borough Authority, Lebanon County.** The right to withdraw up to a maximum of 720,000 gpd from Metzler's Quarry. Consulting Engineer: Yves E. Pollart, RETTEW Associates, Inc. Application Returned: 5/2/2006.

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

implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Messiah College, Hoffman UST Release, Upper Allen Township, Cumberland County.** HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA, 17109, on behalf of Messiah College, One College Avenue, Grantham, PA 17027, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 heating oil. The property is residential and will continue to be used as residential. The applicant seeks to remediate to the Statewide Health Standard under the Low Risk option.

**Cotton Mill Store, Inc. Property, Shillington Borough, Berks County.** Liberty Environmental, 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Cotton Mill Store, Inc., 601 East Lancaster Avenue, Shillington, PA 19607, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The property is used as a commercial facility and will continue to be used commercially. The applicant seeks to remediate to the Statewide Health Standard.

**Loucks Mill Road Warehouse, Spring Garden Township, York County.** RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Loucks Mill Logistics LLC, 7 Corporate Drive, Keene, NH, 53555, submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents. The applicant seeks to remediate to the Background Standard.

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

**Dominion Transmission Greenlick Compressor Station, Stewardson Township, Potter County.** URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Dominion Transmission, 445 West Main St., Clarksburg, WV 26301 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX constituents and PCBs. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Potter Leader-Enterprise* on December 22, 2004.

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

**Keystone Rolls Facility, Wheatland Borough, Mercer County.** Steven Gerritsen, Consultant, SE Technologies, Inc., 98 Vanadium Road, Bridgeville PA 15017 on behalf of Keith Young, Owner Representative, Xaloy, Inc., 1399 Countyline Road, New Castle, PA 16107 has submitted a Notice of Intent to Remediate. The contamination at the site includes chlorinated hydrocarbons that are migrating onto the property by means of groundwater from an offsite, upgradient source. The offsite contaminant



source is inferred to be from past industrial processes/waste management practices. The intended future use of the property is industrial. Proof of publication was published in the *The Herald/Allied News* on April 13, 2006.

**Keystone Rolls Facility**, Wheatland Borough, **Mercer County**. Steven Gerritsen, Consultant, SE Technologies, Inc., 98 Vanadium Road, Bridgeville PA 15017 on behalf of Keith Young, Owner Representative, Xaloy, Inc., 1399 Countyline Road, New Castle, PA 16107 has submitted a Final Report to demonstrate attainment of the Background Standard for groundwater at a site located at 40 Council Avenue. The contamination at the site includes chlorinated hydrocarbons that are migrating onto the property by means of groundwater from an offsite, upgradient source.

**Caparo Steel Company**, City of Farrell, City of Sharon, **Mercer County**. Paul Wojciak, Consultant, Environmental Management Associates, LLC, 10925 Perry Highway, Suite 23, Wexford, PA 15090 on behalf of Richard A. Herman, owner/remediator, Caparo Steel Company c/o Duferco Farrell Corporation, 15 Roemer Boulevard, Farrell, PA 16121 has submitted a Notice of Intent to Remediate. The AOC-6 former Finishing Division A is a portion of an inactive steel finishing facility owned by Caparo Steel Company located at 15 Roemer Boulevard, Farrell, PA. The site is currently leased to and being partially used by Duferco Farrell Cop for industrial purposes. The site was formerly owned and used by Sharon Steel Corp and its predecessors for steelmaking, hot and cold rolling of carbon and stainless steel strip, annealing, pickling, shipping, related storage, maintenance and support shops and facilities. The site may have contaminated by inorganics/metals, lead, PCBs, VOCs, SVOCs and other petroleum products/oils. Future site use will be industrial/nonresidential for Duferco plan storage and support purposes. Published in *The Herald* on April 28, 2006.

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

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

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

*Renewal Applications Received*

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Ct.; Northampton, PA 18067; **License No. PA-HC 0219**. Received 4/19/06.

**Healthcare Waste Solutions of PA, LLC**, 380 Locust St., McKeesport, PA 15132; **License No. PA-HC 0217**. Received 3/3/06.

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

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

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

**Permit ID No.300657. Allegheny Ludlum Corporation, Environmental Affairs Department**, 100 River Road, Brackenridge, PA 15014-1597. Route 356 Residual Waste Landfill, Route 356, Freeport, PA 16229-1512. A major permit modification for a proposed wastewater treatment system at a residual waste landfill in Allegheny Township, **Westmoreland County** was received in the Regional Office on May 2, 2006.

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

**Permit Application No. 300971, S. S. Fisher Steel Corporation**, Pesquea Township, **Lancaster County**. The application is for a revision to the Closure Plan. The permit was determined to be administratively complete on May 8, 2006.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## **AIR QUALITY**

### **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.*

**66-318-004: The Procter and Gamble Paper Products Company** (P. O. Box 32, Route 87, Mehoopany, PA 18629) for modification of adhesive application equipment on five existing converting lines in Washington Township, **Wyoming County**.

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

**06-05069K: East Penn Manufacturing Co., Inc.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536-0147) for construction of a new lead/acid storage battery assembly plant controlled by fabric collectors, HEPA filters and mist eliminators, and the construction of six lead oxide mills controlled by cyclones, fabric collectors and HEPA filters in Richmond Township, **Berks County**. Some sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for lead-acid battery manufacturing plants.

**67-03103A: Gerhardt USA** (400 East Locust Street, Dallastown, PA 17313) for construction of a chrome plating line in Dallastown Borough, **York County**. The chrome plating tanks are subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

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

**27-033A: National Forest Products, LTD** (South Forest Street, Marienville, PA 16239) for construction of a surface coating operation in Jenks Township, **Forest 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.*

**15-0004F: Alcoa Flexible Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) for installation of an unwind stand, full enclosure and the booster fan on a rotogravure press No. 5 in Downingtown Borough, **Chester County**. This installation will reduce total VOC emissions of 45.4 tpy. This facility is a Major for VOC. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**40-399-056: Smiths Aerospace Components** (701 Crestwood Drive, Mountaintop, PA 18707-0068) for plan approval to exhaust an existing dust collector to the outdoors in Wright Township, **Luzerne County**. The dust collector is used to control particulate dust generated during stainless steel ring splitting operations, and currently vents inside the building. The purpose to exhaust outside is to minimize nuisance odor buildup inside the building. Expected particulate emission rate will be less than 0.02 grain/dscf from the dust collector. The company will operate the facility and maintain the systems in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**39-309-064: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) for installation of a mixing fan on the No. 2 cement kiln at the Whitehall Plant in Whitehall Township, **Lehigh County**. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

The installation and operation of a mixing fan on the No. 2 cement kiln will improve the combustion characteristics of the kiln by eliminating stratified air near the tire injection point. The cement kiln can be fired by either a combination of coke and bituminous coal; or a combination of coke and bituminous coal with tire-derived fuel (TDF) and/or plastic-derived fuel (PDF). The emissions will not exceed the following emission limits (unchanged from the issued Plan Approval No. 39-309-063 for PDF and the current Title V permit) listed below:

Pollutant	Pounds/hour
Arsenic	0.00151
Cadmium	0.00525
Hexavalent Chromium	0.00135
Lead	0.07
Mercury	0.00744
Nickel	0.0189
Zinc	0.38689
Total VOCs	5.4
SO <sub>2</sub>	362.0
	(3-hr Block Average)
NOx (with TDF/PDF)	260.5
	(30-day Rolling Average)
NOx (NO TDF/PDF)	297.7
	(30-day Rolling Average)
Particulates	14.8
HCl	2.23
HCN	0.059
Chlorine	0.077

The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will be required to continue to operate and maintain a Continuous Emission Monitoring System, which is certified by the Department for opacity, SO and NOx. In addition the company is required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs, particulates, CO, HCl, HCN and chlorine due to the kiln being fired by TDF and/or PDF.

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

**07-03034D: Fry Metals, Inc. d/b/a Cookson Electronics** (4100 6th Avenue, Altoona, PA 16602) for installation of a hydrogen fluoride control system in City of Altoona, **Blair County**. The control system includes installation of a dry chemical scrubber system, raising the elevation of two existing exhaust stacks and installation of a new exhaust stack. No increase in emissions are expected. The plan approval and subsequent Synthetic Minor operating permit amendment will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements to ensure facility complies with the applicable air quality regulations.

**21-05026B: Carlisle SynTec, Inc.** (1295 Ritner Highway, Carlisle, PA 17013) for installation of an adhesive application line at the company's sheet roofing plant in Carlisle Borough, **Cumberland County**. The proposed line will increase the facility's potential VOC emissions by 6.5 tons per year and xylene emissions by 4.9 tons per year. These emissions previously occurred during manual application of the adhesive. The plan approval will include monitoring, work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**22-05051A: The Hershey Company** (19 East Chocolate Avenue, Hershey, PA 17033) for installation of a new particulate control device at their chocolate candy-manufacturing facility in Derry Township, **Dauphin County**. This construction will result in less than a ton of PM10 emission per year. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**67-05016E: R. H. Sheppard Co., Inc.** (101 Philadelphia Street, Hanover, PA 17331) for construction of a blast cabinet controlled by an existing fabric collector at their iron foundry in Hanover Borough, **York County**. The source has the potential to emit 20 tons PM10 per year. 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.*

**59-304-008G: ACP Manufacturing Co., LLC** (P. O. Box 68, Blossburg, PA 16912) for modification of a cast iron parts surface coating dip tank in the company's iron foundry facility in Lawrence Township, **Tioga County**.

The respective dip tank is used to coat cast iron parts to provide corrosion resistance. The respective modification is an increase in the allowable VOC emission limitation for the dip tank from the current limit of .9 ton of VOC in any 12-consecutive month period to 3.72 tons of VOCs in any 12-consecutive month period. The increase in the allowable VOC emissions for the facility as a whole however will be only 1.82 tons in any 12-consecutive month period, rather than 2.82 tons, due to the fact that ACP Manufacturing Co., LLC was previously allowed to emit up to 1.0 ton of VOCs from cleanup activities associated with the operation of the dip tank but will no longer need to perform these activities with VOC-containing materials.

The facility will remain a minor (non-Title V) facility following the proposed modification.

The Department of Environmental Protection's (Department) review of the information submitted by ACP Manufacturing Co., LLC indicates that the dip tank will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following modification, including the VOC emission requirements of 25 Pa. Code § 129.52 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department of Environmental Protection proposes to issue plan approval for the modification of the dip tank.

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

1. The VOC emissions from the dip tank shall not exceed 3.72 tons in any 12-consecutive month period.
2. The only materials which shall be placed in the dip tank, other than water and the parts to be coated, are coating which contains no more than .12 pound of VOCs per gallon of coating (as received from the vendor) and flow control additive which contains no more than 8.3 pounds of VOCs per gallon of additive (as received from the vendor). Additionally, neither the coating nor the flow control additive shall contain any volatile HAPs.
3. Over any 12-consecutive month period, no more than 1 gallon of flow control additive shall be added to the dip tank for every 31.6 gallons of coating added. Additionally, no more than 19,118 gallons of coating and 605.62 gallons of flow control additive shall be added to the dip tank in any 12-consecutive month period.
4. The only material to be used for cleanup activities associated with the dip tank shall be water. VOC-containing materials and/or volatile HAP-containing materials shall not be used for this purpose.
5. The dip tank shall comply with the applicable VOC content limit specified in Table 1, Category 10, 25 Pa. Code § 129.52(f) on a 30 day rolling average basis as required by 25 Pa. Code § 129.52(b)(1)(ii).
6. Comprehensive accurate records shall be maintained of the identity and amount of each material (coating, flow control additive, and the like) added to the dip tank on each separate day. Records shall be retained for at least 5 years and shall be made available to the Department upon request.

**49-00020C: Truck Accessories Group, Inc. d/b/a Leer East** (3560 Housels Run Road, Milton, PA 17847) for transfer of 41.7 tons of VOC emission reduction credits from PNC Bank, National Association, to Truck Accessories Group, Inc. for use in the company's Milton Borough, **Northumberland County**, facility.

Truck Accessories Group's Milton Borough, Northumberland County, facility is a major (Title V) facility for VOCs. As such, it is subject to the New Source Review requirements of 25 Pa. Code §§ 127.201—127.217, including the emission offset requirements contained therein. Truck Accessories Group, Inc. intends to use the 41.7 tons of VOC emission reduction credits to satisfy these requirements.

The 41.7 tons of VOC emission reduction credits being transferred were generated in McKeesport, Allegheny County, by Metallized Paper Corporation of America and the current recipient/holder of the respective credits is PNC Bank, National Association, assignee (by private lien foreclosure).

Under 25 Pa. Code § 127.208(2), the Department of Environmental Protection (Department) intends to issue plan approval approving the transfer of the respective 41.7 tons of VOC emission reduction credits from PNC Bank, National Association, to Truck Accessories Group, Inc. and the subsequent use of the respective credits by Truck Accessories Group, Inc. The proposed plan approval does not grant approval to construct, modify or reactivate any air contamination source or install an air cleaning device on any air contamination source.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued:

1. This plan approval authorizes the transfer of 41.7 tons of VOC emission reduction credits from PNC Bank, National Association, to Truck Accessories Group, Inc. as well as the subsequent use of the respective emission reduction credits by Truck Accessories Group, Inc. to satisfy the emission offset requirements contained in 25 Pa. Code §§ 127.201—127.217.

2. The emission reduction credits shall not be used to comply with any air contaminant emission limitation specified in, or established under the Clean Air Act, the Air Pollution Control Act or the Rules and Regulations of the Department.

3. This plan approval does not authorize the construction, modification or reactivation of any air contamination source or the installation of an air cleaning device on any air contamination source.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed. Persons interested in inspecting the application must schedule an appointment in advance.

Persons wishing to protest the issuance of plan approval or provide the Department with additional information which he/she believes should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information in writing to the Department at the address listed.

Protests or comments must be received by the Department within 30 days of the last date of publication of this notice to be considered. Each protest or comment should include the name, address and telephone number of the person submitting the protest or comment and a concise

statement explaining the relevancy of the protest or comment being presented to the Department.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the Milton Borough area or by letter or telephone if the Department feels that such notification is sufficient.

Written comments, protests or requests for a public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

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

**42-197E: M and M Royalty** (5377 Lauby Road NW, Suite 202, North Canton, OH 44720) for construction of a new inlet compressor (500 HP Caterpillar Model 398NA) in Lafayette Township, **McKean County** for the Irishtown natural gas processing facility.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a new inlet compressor (500 HP Caterpillar Model 398NA) in Lafayette Township, McKean County. The plan approval will include emission restrictions for the new engine. The facility-wide nox emission increases will be approximately 4.8 tpy. CO emissions from the facility will increase by approximately 4.8 tpy. VOC emissions will increase by approximately 4.8 tpy. The permittee shall be required to monitor the temperature across the catalyst, the hours of operation, daily fuel consumption, and the throughput for the plant. 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 06014: Sun Chemical** (3301 Hunting Park Ave., Philadelphia, PA 19132) for installation of one Kady mill, 16 mixers, one postmixer and eight table top mixers in the City of Philadelphia, **Philadelphia County**.

**AMS 05166: Temple University—Health Science Campus** (3401 North Broad Street, Philadelphia, PA 19140) for installation of emergency generators and fire pumps. There will be a potential emission increase of 7.96 tons for NOx for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**PUBLIC HEARINGS**

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

**PA 48-328-008: Bethlehem Renewable Energy, LLC** (1300 North 17th Street, Suite 1600, Arlington, VA 22209) for construction and operation of a single Solar Taurus 60 combustion turbine generator unit, to produce electricity from burning landfill gas as a fuel in Lower Saucon Township, **Northampton County**.

In accordance with 25 Pa. Code § 127.44 and 40 CFR 52.21, the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for Bethlehem Renewable Energy LLC (the Permittee), 1300 North 17th Street, Suite 1600, Arlington, VA 22209, for the proposed landfill gas fired turbine project to be located in Lower Saucon Township, Northampton County as described in the Permittee's October 11, 2005, Plan Approval Application and subsequent supplemental submissions.

The application for plan approval is for construction and operation of a single Solar Taurus 60 combustion turbine generator unit, to produce electricity from burning landfill gas as a fuel. The primary objective of this facility is to recover useful energy from the landfill gas, which is currently being combusted in an enclosed ground flare. Once the turbine is brought online, the turbine will replace the existing flare as the primary source for combusting the landfill gas.

The proposed project is subject to the various State and Federal New Source Performance Standard requirements.

A review of the information submitted by Bethlehem Renewable Energy LLC indicates that the proposed project will meet all applicable state and Federal NSPS air quality requirements. Based upon these findings, Department of Environmental Protection plans to approve the application and issue a permit for the facility.

The following table summarizes the potential emissions from maximum operation of the turbine according to the application submitted and the Department's own analysis:

<i>Pollutant</i>	<i>Tons Per Year</i>
NOx	50.41
VOCs	10.43
SO <sub>2</sub>	4.54
CO	73.07
PM=PM10=PM2.5	6.16
HCL	1.34

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards.

To assure compliance with the applicable standards, Department will place the conditions in the plan approval.

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 address shown. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval No. 48-328-008, and a concise statement regarding the

relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held at 7 p.m. on June 22, 2006, at Lower Saucon Township Council Meeting Room located at 3700 Old Philadelphia Pike, Bethlehem, PA 18015. Persons interested in commenting are invited to appear at the public hearing.

Copies of the application, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Thomas A. DiLazaro, Hearing Examiner, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 10 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through June 30, 2006.

The Department will address comments from the public before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Thomas A. DiLazaro, Regional Air Quality Program Manager, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information, contact Thomas A. DiLazaro at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

## OPERATING PERMITS

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

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

**15-00045: Sealed Air Corp.** (22 Meredith Court, Modena, PA 19358) for renewal of the Title V Operating Permit in Modena Borough, **Chester County**. The initial permit was issued on June 1, 2001. The facility is primarily used for recycling corrugated scrap paper to rolls of crepe paper. A 46 million Btu/hr boiler provides the steam that is necessary for the process. As a result of potential emissions of NO<sub>x</sub>, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**46-00081: Markel Corp.** (435 School Lane, Plymouth Meeting, PA 19462) for renewal of the Title V Operating Permit in Plymouth Township, **Montgomery County**. The initial permit was issued on 10-25-2001. The facility is a primary producer of fluoropolymer tubing and coated wire, plastic tubing, coated fiberglass sleeving and specialty tubing products that emits VOC. The major emissions are VOCs and the facility is subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

**23-00039: DELCORA, Delaware County Regional Water Quality Control Authority** (100 East Fifth Street, Chester, PA 19016) for the renewal of a Title V facility in Chester Township, **Chester County**. The facility's sources include two Sewage Sludge Incinerator, Wastewater Treatment Process, four 250,000 gallon sludge holding tanks and misc. VOC sources. The permittee does have the potential to emit more than 24.9 ton/year for VOC and NO<sub>x</sub> and is therefore characterized as a Title V, Major Facility. This facility is not subjected to CAM, under 40 CFR Subpart 64. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00010: ISG Plate, LLC** (139 Modena Road, Coatesville, PA 19341) for a renewal of the Title V Operating Permit in Coatesville, **Chester County**. The initial permit was issued on 9-14-2001. The facility is a primary producer of carbon and steel alloy. As a result of potential emissions of VOCs the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**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.*

**15-00052: Allan A. Myers, LP d/b/a Independence Construction Materials Asphalt Plant** (Route 82 South, Coatesville, PA 19320) for operation of their batch asphalt plant in East Fallowfield Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The Coatesville Asphalt Plant is a 4-ton batch plant consisting of a hot oil heater, cyclone, baghouse and stack. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00112: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) for a non-Title V, State-only, Synthetic Minor Operating Permit in Skippack Township, **Montgomery County**. Palmer International, Inc. owns and operates a facility that manufactures resins and friction particles for use in brake pads for trucks and airplanes from cashew nutshell liquid. Most processes at this facility exhaust to a thermal oxidizer, which controls emissions of VOCs. The facility has the potential to emit close to 25 tons of VOC, 19.59 tons PM per year, 22.14 tons NO<sub>x</sub> per year, 44.5 tons CO per year, 39.48 tons SO<sub>x</sub> per year and 8.83 tons HAPs per year. The conditions from plan approvals PA-46-0112, PA-46-0112A and PA-46-0112B have also been incorporated into this State-only operating permit. Monitoring, recordkeeping and reporting requirements have been added to the permit to address the applicable limitations.

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

**38-05025: Beck Aluminum Alloy, Ltd.** (24 Keystone Drive, Lebanon, PA 17042) for operation of their secondary aluminum production facility in South Lebanon Township, **Lebanon County**. This facility has a potential to emit 42 tons per year of NO<sub>x</sub>, 60 tons per year of SO<sub>x</sub> and 6 tons per year of a PM. Actual emissions are expected to be 15 tons per year of NO<sub>x</sub>, 21 tons per year of SO<sub>x</sub> and 2 tons per year of a PM. The 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.

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

**16-00094: IA Construction Co.—Paint Township** (R. R. 1, Route 66, Shippenville, PA 16254) for issuance of a Natural Minor Operating Permit to operate the Asphalt Paving Mixtures and Blocks Plant in Paint Township, **Clarion County**.

**25-00967: Spectrum Control Inc.—Fairview Township** (8061 Avonia Road, Fairview, PA 16415) for issuance of a Natural Minor Operating Permit to operate the Electronic Connectors Plant in Fairview Township, **Erie 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.*

**30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company** (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Morris, South Franklin, East Finley and West Finley Townships, **Washington County** to add acreage for the north longwall expansion. Templeton Fork, Tenmile Creek, Buffalo Creek Sawhill Run, Crafts Creek and their UNTs may be affected by this mining. Underground acres proposed

7,050, SCP acres proposed 7,050. No additional discharges. Application received July 1, 2005.

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

**Permit No. 11960101 and NPDES No. PA0213276. Cloe Mining Company, Inc.**, P. O. Box I, Grampian, PA 16838, permit renewal for reclamation only of a bituminous surface auger mine in Reade Township, **Cambria County**, affecting 107.9 acres. Receiving streams: UNTs to/and Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 3, 2006.

**11960105 and NPDES No. PA0234141. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Reade and Beccaria Townships, **Cambria and Clearfield Counties**, affecting 474.0 acres. Receiving streams: Turner Run and Clear Creek, Clearfield Creek classified for the following uses: CWF and WWF. There are no

potable water supply intakes within 10 miles downstream. Application received April 27, 2006.

**32900108 and NPDES No. PA0599034. Thomas J. Smith, Inc.**, 2340 Smith Road, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in South Mahoning Township, **Indiana County**, affecting 74.4 acres. Receiving streams: Ross Run, UNT to Little Mahoning Creek classified for the following uses: HQ; HQ. There are no potable water supply intakes within 10 miles downstream. Application received May 3, 2006.

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

**16920107 and NPDES Permit No. PA0211435. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701). Revision to an existing bituminous surface strip,

tipple refuse disposal and beneficial use of coal ash operation in Perry and Licking Townships, **Clarion County** affecting 274 acres. Receiving streams: two UNTs to Cherry Run to Licking Creek, and two UNTs to Clarion River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is West Freedom Borough. Revision to include a postmining land use change from forestland and pasture land or land occasionally cut for hay to unmanaged natural habitat on tracts of land owned by C & K Coal Company. Application received: May 1, 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 <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

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

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

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

**10960302. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0227200, Marion Township, **Butler County**. Receiving streams: UNT to North Branch Slippery Rock Creek and three UNT to Black Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: May 1, 2006.

**10960304 and NPDES Permit No. PA0227218. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225). Revision to an existing limestone operation in Washington Township, **Butler County** affecting 186.0 acres. Receiving streams: UNTs to South Branch Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add blasting to the permit. Application received: May 2, 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

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



**E15-755. James Rowan**, P. O. Box 124, Chester Springs, PA 19425, East Pikeland Township, ACOE Philadelphia District.

To perform the following activities across the Pickering Creek (HQ-TSF) associated with a proposed driveway access:

1. To construct and maintain a single span steel I-beam bridge impacting 0.01 acre of wetlands (PEM). The proposed bridge will have a clear span of 57.0 feet and an underclearance of approximately 12.0 feet.

2. To construct and maintain approximately 42 linear feet of a 36-inch CMP culvert.

3. To construct and maintain an on-stream detention basin by excavating within the bed and banks of a 50-foot section of the stream channel.

4. To place and maintain temporary sand bag cofferdam to facilitate construction activities.

The site is located approximately 2,000 feet west of the intersection of Pickering Road and Church Road (Malvern, PA USGS Quadrangle N: 19.4 inches; W: 11.9 inches).

**E15-756. Phillips Road Associates**, 202 Phillips Road, Exton, PA 19341, Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To modify the 100-year floodway and floodplain of the West Branch of the Brandywine Creek (TSF) associated with the expansion and upgrade the existing Coatesville Wastewater Treatment Facility. The facility is located along the West Branch of the Brandywine Creek in South Coatesville Borough, Chester County. (Coatesville, PA Quadrangle N: 17.8 inches; W: 10.2 inches)

**E46-991. Worcester Township**, 1721 Valley Forge Road, Worcester Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new pedestrian bridge across Zacharias Creek (TSF). The proposed bridge is 60-foot long by 6-foot wide is part of an overall trail system through open space located within the 100-year floodplain.

The site is located about 1,000 feet southeast of intersection of Skippack Pike and Green Hill Road (Lansdale-PA USGS Quadrangle N: 14.5 inches; W: 15.7 inches) in Worcester Township, Montgomery County.

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

**E38-149: South Londonderry Township**, 20 W. Market Street, P. O. Box 3, Campbelltown, PA 17010-0003 in South Londonderry and South Annville Townships, **Lebanon County**, ACOE Baltimore.

To replace the existing 22.0-foot long, 8.0-foot by 4.0-foot box culvert with a 38.0-foot long, 12.0-foot by 5.0-foot box culvert depressed 6 inches into the streambed of Killinger Creek (TSF), located at a site in South Annville and South Londonderry Township, Lebanon County (Palmyra, PA Quadrangle Latitude: 40° 17' 23", Longitude: 76° 33' 41.5", N: 8.60 inches, W: 7.15 inches).

**E44-129: Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16839 in Union Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain a second reinforced concrete box culvert having a span of 23.33 feet and a rise of 7.77 feet in Little Kishacoquillas Creek located on SR 0655, Section A01, Segment 0150, Offset 0297 (Belleville, PA Quadrangle N: 14.1 inches; W: 19.1 inches; Latitude: 40° 36' 17"; Longitude: 77° 43' 38") in Union Township, Mifflin County. The reinforced concrete box culvert will be placed adjacent to the existing reinforced box culvert, permitted by DEP File No. E44-090, for the purpose of improving transportation safety and roadway standards.

**E28-331: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699 in Warren Township, **Franklin County**, ACOE Baltimore District

To: (1) remove an existing, single span steel truss bridge having a total span of 70 feet, a width of 13 feet and minimum underclearance of 8 feet; and (2) construct and maintain a two span prestressed concrete box beam bridge having a total clear span of 89.5 feet, a width of 31.3 feet, and a minimum underclearance of 8.5 feet carrying SR 3026, Section 001, Segment 0030 over Little Cove Creek (CWF) at a point approximately 0.35 mile south of the intersection of SR 456 and SR 3026 (Cherry Run, PA Quadrangle N: 19.77 inches; W: 5.15 inches, Latitude 39° 44' 02"; Longitude 78° 02' 12") in Warren Township, Franklin County.

**E67-799: Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402 in Springettsbury Township, **York County**, ACOE Baltimore District

To construct and maintain 2,184 linear feet of 8-inch sanitary sewer line in and along a UNT to Mill Creek (WWF) and associated wetlands (York, Pa Quadrangle N: 22.3 inches; W: 7.0 inches, Latitude: 39° 59' 52"; Longitude: 76° 40' 30") in Springettsbury Township, York County. The project consists of five stream crossings and two wetland crossings having a temporary impact of 0.12 acre of palustrine forested and palustrine emergent wetlands and a permanent impact of 0.001 acre of palustrine forested and palustrine emergent wetlands. The amount of wetland impact is considered a de minimus impact of 0.001 acre and wetland mitigation is not required.

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

**E08-439. Walter Ellinger**, R. R. 5, Box 5187A, Towanda, PA 18848. Water Obstruction and Encroachment Joint Permit Application, Lanning Creek Stabilization Project near SR 1033 and Crowley Hill Road, in Sheshequin Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 14.15 inches; W: 5.91 inches).

To construct and maintain at Site No. 1 a single rock weir, at Site No. 2 construct and maintain eight rock weirs, ten rock barbs and 400 linear feet of rip-rap protection, for grade control or stabilization of Laning Creek: a WWF. The channel relocation and stream restoration project shall be limited to a maximum length of 2,000 feet in Laning Creek. The rock barb structures shall be constructed of a minimum of R-6 rock. The restoration project will impact 200 linear feet of Laning Creek that is located along the eastern and western right-of-way of T-720 Crowley Hill Road. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Laning Creek. All temporary facilities used for project construction shall be

removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

**E18-406. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Cove Point DTI Pipelines, in Beech Creek Township, Noyes Township and Leidy Township, **Clinton County**, ACOE Baltimore District (from Snow Shoe NE, PA Quadrangle N: 7.88 inches; W: 10.13 inches to Renovo West, PA Quadrangle N: 21.36 inches; W: 14.03 inches).

To construct, operate and maintain a 24-inch gas transmission pipeline with the following encroachments: 1) Temporary wetland impacts totaling 2.23 acres with 0.40 acre of palustrine emergent wetlands (PEM), and 0.15 acre of palustrine forested open water wetlands (PFO) for construction of the pipeline and 1.68 acres of (PEM) for construction of temporary access roads. Impacts to EV wetlands associated with this project total 0.55 acre. The applicant proposes to replace the functions and values of palustrine forested open water wetlands (0.15 acre) that will be permanently converted to palustrine emergent wetlands because of the right of way maintenance requirements; and 2) Temporary stream impacts from the construction of pipeline crossings will total 2,865 linear feet and construction of temporary access roads will impact 13,171 linear feet of a variety of streams classified as CWF, HQ or TSF watersheds. There are a total of 49 individual stream crossings, 40 wetland crossings, 2 ponds and 5 spring/seeps.

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

**E16-129, Department of Transportation, District 10-0**, P. O. 429, 2550 Oakland Ave. Indiana, PA. Dale Stom Advanced Wetland Compensation Site, in Clarion Township, **Clarion County**, ACOE Pittsburgh District (Strattanville, PA Quadrangle N: 8.5 inches; W: 7.25 inches).

The Department proposes to place fill within 0.06 acre of PEM wetland habitat to construct and maintain a berm for the creation of approximately 1.8 acres of PEM/PSS wetland habitat to be used as an advanced wetland compensation site.

*Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**E1714-001, Department of General Services, Bureau of Engineering and Architecture**, 18th and Herr Streets, Harrisburg, PA 17125, Borough of Osceola Mills Flood Protection Project, Borough of Osceola Mills, **Clearfield County**, USACOE Baltimore District.

This permit is requested for a flood protection project in and along approximately 2,040 linear feet (approximately 1.8 acres) of a UNT (intermittent flow through 1,795 feet of buried culvert and 245 feet of open channel) to Moshannon Creek. See the USGS "Houtzdale" Quadrangle, North 18.8 inches, West 2.3 inches. The following activities are associated with the construction of this project:

- Remove approximately 1,960 feet of existing undersized and dilapidated culvert (locally known as 'the canal') from a point 40 feet upstream of 2nd Avenue to a point 120 feet downstream of Logan Street.

- At the upstream end of the project (between the SR 53 culvert outlet and 2nd Avenue), construct 80 feet of 7-foot-wide by 5-foot-high cast-in-place concrete rectangular channel.

- Through the middle of the project (between 2nd Avenue and Logan Street), install 1,795 feet of 6-foot-wide by 4 1/2-foot-high precast concrete box culvert.

- At the downstream end of the project (between Logan Street and Moshannon Creek), construct 140 feet of 6-foot-wide by 2-foot-high cast-in-place concrete rectangular channel with stone riprap slope protection extending from the tops of the walls up to the surrounding ground surface, followed by 25 feet of 6-foot-base-width trapezoidal stone riprap channel to Moshannon Creek.

- Other work includes connecting existing street drains to the new culvert, adjusting existing sanitary sewer lines that conflict with project construction, restoring road pavements that have been removed or damaged during construction, and grading and seeding all areas that have been disturbed during construction.

Anticipated construction time is 10 months.

**E3514-001, Department of General Services, Bureau of Engineering and Architecture**, 18th and Herr Streets, Harrisburg, PA 17125, Meadow Brook Flood Control Project, City of Scranton, **Lackawanna County**, USACOE Baltimore District.

This notice is a request to reissue a permit for a flood protection project in and along approximately 3,524 linear feet (approximately 4.5 acres) of Meadow Brook. Permit No. E35-356, which was previously issued for this work, inadvertently expired December 31, 2005. The project begins 180 feet upstream of Green Ridge Street (USGS "Scranton" Quadrangle, North 9.5 inches, West 3.2 inches) and extends to Meadow Brook's confluence with the Lackawanna River (USGS "Scranton" Quadrangle, North 9.0 inches, West 4.6 inches).

In November 2005, under a Federal contract, the United States Army Corps of Engineers, Baltimore District, began construction of an earthen levee flood protection project along the east bank of the Lackawanna River. That work is scheduled to be complete in March 2007. Since the levee system will cross the Meadow Brook outfall, the pipe sections at the outfall of the state's Meadow Brook project must be installed before the Corps can extend their levee across and beyond Meadow Brook. Therefore, it is imperative that the Meadow Brook project begins as soon as possible. Delays in starting construction of the Meadow Brook project will almost certainly result in delays and cost increases in the Corps project.

The following activities are associated with the Meadow Brook project:

- Remove existing culverts and stream enclosures along a 3,524-foot reach of Meadow Brook.

- Construct and maintain a 16-foot long concrete transition culvert between the upstream end existing culvert and a new 10-foot wide by 7-foot high concrete box culvert.

- Construct and maintain 1,806 linear feet of 10-foot-wide by 7-foot high concrete box culvert.

- Construct and maintain 231 linear feet of 10-foot wide by 7-foot high concrete open channel.

- Construct and maintain a 14-foot long concrete transition structure between the 10-foot wide by 7-foot high concrete open channel and a new 10.5-foot diameter concrete pipe culvert.

- Install and maintain 360 linear feet of 10.5-foot diameter concrete pipe culvert.
- Construct and maintain a 22-foot long concrete transition culvert between the 10.5-foot diameter concrete pipe culvert and a new 12-foot wide by 8.5-foot high concrete box culvert.
- Construct and maintain 188 linear feet of 12-foot wide by 8.5-foot high concrete box culvert.
- Construct and maintain a 22-foot long concrete transition culvert between the 12-foot wide by 8.5-foot high concrete box culvert and a new 12-foot diameter concrete pipe culvert.
- Install and maintain 814 linear feet of 12-foot diameter concrete pipe culvert. At pipe outlet, construct and maintain concrete end walls and a 53-foot long grouted R-7 riprap apron.
- Construct and maintain approximately 11 stormwater outfall penetrations varying in size from 18-inch diameter

to 48-inch diameter at various locations along the flood control project.

Anticipated construction time is 18 months.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA28-03. Bear Valley Franklin County PA Joint Water Authority**, 218 Schoolhouse Road, P. O. Box 308, St. Thomas, PA 17252-0308 in St. Thomas Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain an 18-inch ductile iron outfall pipe, with an endwall and 12.5 feet of riprap apron extending out to 9 feet from the water line, the outfall discharges to Broad Run (HQ-CWF). The project is located off Bear Valley Road at the Water Treatment Plant (St. Thomas, PA Quadrangle N: 10.5 inches; W: 0.5 inch; Latitude: 39° 55' 55"; Longitude: 77° 52' 17") in St. Thomas Township, Franklin County.

## ACTIONS

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062031 (Minor Sewage)	Twin Cedars, Inc. 364 Little Walker Road Shohola, PA 18358	Pike County Shohola Township	UNT to Little Walker Lake (1D)	Y
PA0035025 (Minor Sewage)	Western Wayne School District P. O. Box 500 South Canaan, PA 18459	Wayne County South Canaan Township	UNT to Middle Creek (1B)	Y
PA0061549 (Minor Sewage)	Cherry Hill Mobile Home Court, Inc. 6 Cherry Hill Road Honesdale, PA 18431	Wayne County Cherry Ridge Township	Middle Creek (1B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0112933	Penns Creek Municipal Authority P. O. Box 148 Penns Creek, PA 17862	Snyder County Center Township	Penns-Middle Creeks (6A)	Y
PA0111431 IW	H H Knoebel & Sons, Inc. R. R. 1, P. O. Box 317 Elysburg, PA 17824-0317	Columbia County Cleveland Township	South Branch Roaring Creek and Musger Run 5E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218901 Sewage	Totteridge Limited Partnership R. R. 4, Box 121 Greensburg, PA 15601	Westmoreland County Salem Township	Crabtree Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221970	Greenville Water Authority 44 Clinton Street Greenville, PA 16125	Borough of Greenville Mercer County	Shenango River 20-A	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-0060348**, Sewage, **Department of Transportation, Bureau of Design**, P. O. Box 3060, Harrisburg, PA 17105-3060. This proposed facility is located in Palmyra Township, **Pike County**.

Description of Proposed Action: Issuance of NPDES Permit; renewal with new phosphorus limit.

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

**NPDES Permit No. PA0084883**, Sewage, **Broad Top City Borough**, P. O. Box 220, Broad Top City, PA 16621. This proposed facility is located in Broad Top Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to Shoup Run in Watershed 11-D.

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

**NPDES Permit No. PA0223034**, Industrial Waste, **Duferco Farrell Corp.**, 15 Roemer Boulevard, Farrell, PA 16121-2299. This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River in watershed 20-A.

**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. 4806401**, Sewerage, **Palmer Township Municipal Sewer Authority**, P. O. Box 3039, Palmer, PA 18043-3039. This proposed facility is located in Palmer Township, **Northampton County**.

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

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

**WQM Permit No. WQG01670601**, Sewerage, **Greg Gearhart**, 84 Warrington Road, Dillsburg, PA 17019. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a single family treatment plant.

**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: Approval for the construction/operation of sewerage facilities consisting of a septic tank and subsurface sand filter small flow facility based on the Small Flow Treatment Facilities Manual.

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

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a gravity sewer, interceptor and force main associated with the Ore Bank Pump Station.

**WQM Permit No. 0177201 06-1**, Industrial Waste, **Knouse Foods Cooperative, Inc.** (Peach Glen Plant), 800 Peach Glen Road, Peach Glen, PA 17375. This facility is located in Huntington and Tyrone Townships, **Adams County**.

Description of Action/Activity: Amendment to existing WQM Permit to address modifications to the facility's food processing waste storage, treatment and land application program.

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

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

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

**WQM Permit No. 4905406**, Sewerage, **Milton Regional Wastewater Authority**, P. O. Box 433, 4484 State Route 405, Milton, PA 17847. This proposed facility is located in Milton Borough, **Northumberland County**.

Description of Proposed Action/Activity: An permit has been issued for sewerage facilities for Rolling Ridge Subdivision. The facilities include 4,100 lineal feet of 8-inch and 6-inch gravity sewer, a duplex pump station, and 1,100 lineal feet of force main to connect to the existing Milton Regional Sewer Authority collection system.

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

**WQM Permit No. 2606401**, Sewerage, **Yogi Bear Jellystone Park**. This proposed facility is located in Springfield Township, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment plant with subsurface disposal by means of drip irrigation.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506010	Immaculata University Immaculata University Stadium P. O. Box 503 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Ridley Creek (TSF, HQ) Valley Creek (EV)

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

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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).

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#### List of NPDES and/or Other General Permit Types

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

PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Downingtown Borough Chester County	PAG2001505107	Progressive Housing Ventures, Inc. 1 Great Valley Parkway Suite 210 Malvern, PA 19355	East Branch Brandywine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG2001505089	Charles Wanta 105 Shoen Road Exton, PA 19341	UNT West Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001505084	Scott Megill 276A Dilworthtown Road West Chester, PA 19382	West Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG2002306001	Garnet Mine, LLC 220 Continental Drive Newark, DE 19713	Green Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Pottsville Schuylkill County	PAG2005406007	Sonric Associates 340 South Liberty St. Orwigsburg, PA 17961	West Branch of Schuylkill River 1,000 feet CWF	Schuylkill County Conservation District (570) 622-3742
Orwigsburg Borough Schuylkill County	PAG2005406006	Borough of Orwigsburg 209 North Warren St. Orwigsburg, PA 17961	Manannon Creek CWF	Schuylkill County Conservation District (570) 622-3742
City of Scranton Lackawanna County	PAG2003506007	Martin Langan 800 Linden St. Scranton, PA 18510	Roaring Brook CWF	Lackawanna County Conservation District (570) 281-9495
Scott Township Lackawanna County	PAG2003506010	Craig Godfrey Process Technologies, Inc. 160 Commerce Blvd. Dupont, PA 18640	South Branch Tunkhannock Creek CWF	Lackawanna County Conservation District (570) 281-9495
Wyoming Borough Luzerne County	PAG2004006005	Wyoming Area School Dist. 20 Memorial St. Exeter, PA 18643	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Moosic Borough Lackawanna County	PAG2003505022	Frank Hubbard Hub Management 4210 Birney Ave. Moosic, PA 18507	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
South Manheim Township Schuylkill County	PAG2005405023	Jason Belovich 600 D Noble St. Kutztown, PA 19530	Tributary to Plum Creek CWF	Schuylkill County Conservation District (570) 622-3742

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Luzerne County	PAG2004006001	Andrew I. Kane Springhouse Development, Inc. 740 Lewis Lane Ambler, PA 19002	Tributary to Black Creek CWF and Tributary to Little Nescopeck Creek CWF	Luzerne County Conservation District (570) 674-7991
Lower Paxton Township Dauphin County	PAG2002205068	DJH Victoria Abbey Assoc. 2151 Linglestown Rd. Suite 300 Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002206011	Rite Aid Pharmacy c/o UD Properties 750 East Park Dr. Harrisburg, PA 17111	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002206021	Hartman Motorcars Co. 6060 Allentown Blvd. Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002206008	Janet Smith Subdivision 6651 Parkway East Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Washington Township Dauphin County	PAG2002206009	Mid Penn Bank 349 Union St. Millersburg, PA 17061	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Exeter Township Berks County	PAG2000606035	Carlton Chilcoat Boscov's Department Store, Inc. 4500 Perkiomen Ave. Reading, PA 19606	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Maxatawny Township Berks County	PAG2000606013	Jimmy Laub Zion Union Church Church Rd. and Rt. 222 P. O. Box 100 Maxatawny, PA 19530	Sacony Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Unit Storage Site Union Township Lebanon County	PAG20038003	Kenneth E. Boltz Department of Military and Veterans Affairs Building 047B Fort Indiantown Gap Annville, PA 17003-5002	Aires Run WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Mission Support Training Facility Union Township Lebanon County	PAG2003806009	Kenneth E. Boltz Department of Military and Veterans Affairs Building 047B Fort Indiantown Gap Annville, PA 17003-5002	Aires Run WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
East Hanover Township Lebanon County	PAG2003806005	William J. Dommel 83 Sherks Church Road Annville, PA 17003	Raccoon Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4

## NOTICES

2445

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Lebanon Township Lebanon County	PAG2003806008	Ray J. Griggs 759 Woodcrest Avenue Lititz, PA 17543	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Jackson Township Lebanon County	PAG2003806001	Patrick Kreiser Kreiser Construction 2 Goodyear Lane Newmanstown, PA 17073-8916	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
North Londonderry Township Lebanon County	PAG2003806007	Dan M. Mazur 432 Mill Stone Road Chesapeake, VA 23322	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Ayr Township Fulton County	PAG2002906003	John R. Glazier 19737 Great Cove Road McConnellsburg, PA 17233	Big Cove Creek (CWF)	Seleen Shimer Fulton County Conservation District 216 N. 2nd St., Suite 15 McConnellsburg, PA 17233 (717) 485-3547
Belfast Township Fulton County	PAG2002906002	Belfast Township 121 Homestead Lane Needmore, PA 17238	Tonoloway Creek (WWF) Barnetts Run (TSF) and Palmer Run (WWF)	Seleen Shimer Fulton County Conservation District 216 N. 2nd St., Suite 15 McConnellsburg, PA 17233 (717) 485-3547, Ext. 121
South Waverly Borough Bradford County	PAG2000806003	Brett Millett Millett Realty 1010 Old Lackawanna Trail Clarks Summit, PA 18411	Dry Brook WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 205
Coal Township Northumberland County	PAG2004906007	Site 15 Passive Treatment System SR 901—Near Ranshaw Shamokin, PA 17863	Shamokin Creek CWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Armstrong County Rayburn Township	PAG2000306003	Armstrong County Department of Planning and Development 402 Market Street Kittanning, PA 16201	Cowanshannock Creek (TSF)	Armstrong County Conservation District (724) 548-3425
Cambria County Ebensburg Borough	PAG2001106003	Walt Whitmyre Crossroads Meadville 2000 West Henderson Road, Suite 350 Columbus, OH 43220-2497	UNT Howells Run (CWF)	Cambria County Conservation District (814) 472-2120
Cambria County Chest Township	PAG2001106004	Cambria County Conservation and Recreation Authority 401 Candlelight Drive Ebensburg, PA 15931	Little Kilbuck Run (CWF) Rock Run (CWF)	Cambria County Conservation District (814) 472-2120
Fayette County Menallen Township	PAG2002606009	Edward Misinay 7082 National Pike Uniontown, PA 15401	UNT to Saltlick Run (WWF)	Fayette County Conservation District (724) 438-4497



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fayette County City of Uniontown	PAG200260610	Uniontown Area School District 23 East Church Street Uniontown, PA 15401	Redstone Creek (WWF)	Fayette County Conservation District (724) 438-4497
Fayette County Springhill Township	PAG200260612	Rich Farms, Inc. P. O. Box 208 Smithfield, PA 15478	UNT to Georges Creek (WWF)	Fayette County Conservation District (724) 438-4497
Indiana County Conemaugh Township	PAG2003206001	Arthur Grguric Blacklegs Creek Watershed Association P. O. Box 59 Clarksburg, PA 15725	Big Run Creek (CWF)	Indiana County Conservation District (724) 463-8547
Somerset County Somerset Township	PAG2005605012	SSB Realty Partners, LLC 2279 W. Bakersville-Edie Rd. Somerset, PA 15501	UNT to East Branch of Coxes Creek (WWF)	Somerset County Conservation District (814) 445-4652
Washington County North Strabane Township	PAR10W205	Meadowlake Associates 2100 Corporate Drive Wexford, PA 15090	Chartiers Creek (WWF)	Washington County Conservation District (724) 228-6774
Washington County Marianna Borough	PAG2006306017	West Bethlehem Township P. O. Box 309 Marianna, PA 15345 and United Mine Workers of America 85 West Maiden Street Washington, PA 15301	Tenmile Creek (WWF)	Washington County Conservation District (724) 228-6774
Butler County Middlesex Township	PAG2001006005	Larry and Laurel Colonello 131 Meredith Drive Mars, PA 16046	UNT to Glade Run WWF	Butler Conservation District (724) 284-5270
Butler County Slippery Rock Township	PAG2001006006	Weathervane Hill Phase 3 Gary McKnight, G. L. McKnight, Inc. Reese Road Slippery Rock, PA 16057	UNT Slippery Rock Creek CWF	Butler Conservation District (724) 284-5270
Butler County Lancaster and Connoquenessing Townships	PAG2001006011	Brennan Builders, Inc. 120 Brennan Lane Evans City, PA 16033	UNTs Yellow Creek and Crab Run CWF	Butler Conservation District (724) 284-5270
Mercer County City of Hermitage	PAG2004306003	The Home Depot USA, Inc. 3096 Hamilton Blvd. South Plainfield, NJ 07080	Pine Hollow Run WWF	Mercer Conservation District (727) 662-2242
Mercer County City of Hermitage	PAG2004306004	Sharon Regional Health System 740 E. State St. Sharon, PA 16146	Baker Run WWF	Mercer Conservation District (727) 662-2242

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Merion Township Montgomery County	PAR130008	Philadelphia Newspapers, Inc. 800 River Rd. Conshohocken, PA 19428	Matsunk Creek/Frog Run 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

## NOTICES

2447

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bristol Borough Bucks County	PAR150005	Degussa Construction Chemicals Operation Inc. 6450 Bristol Pk. Bristol, PA 19007	Delaware River 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Falls Township Bucks County	PAR210034	Feher John Inc d/b/a JFI Redi Mix 18 W. Steel Rd. Morrisville, PA 19067	UNT to Biles Creek 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Lower Gwynedd Township Montgomery County	PAR230049	Johnson & Johnson Pharm Research & Development, LLC Welsh and McKean Rd. Spring House, PA 19477	Willow Run 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR900017	Clean Earth of Philadelphia, Inc. 3201 S. 61st St. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Blythe Township Schuylkill County	PAR502209	Blythe Township (BRADS) P. O. 91 Cumbola, PA 17931	Little Wolf Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Cumberland County Hampden Township	PAR603564	James Kreitzer Cumberland Auto Salvage, Inc. 2385 Wertz Lane Enola, PA 17025	UNT to Simmons Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Hellam Township	PAR113527	Flinchbaugh Engineering, Inc. 4387 Run Way York, PA 17406	UNT to Kreutz Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Londonderry Borough	PAR803645	DHL Express USA, Inc. 1200 South Pine Island Road Plantation, FL 33324	Swatara Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Fairview Township	PAR113537	Flight Systems, Inc. 505 Fishing Creek Road Lewisberry, PA 17339	UNT to Fishing Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Mount Joy Township	PAR803687	Laidlaw Transit, Inc. 150 Grossman Drive, Suite 206 Braintree, MA 02184-4952	UNT to Conoy Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Middletown Borough	PAR803688	Laidlaw Transit, Inc. 150 Grossman Drive, Suite 206 Braintree, MA 02184-4952	Swatara Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Hempfield Township	PAR803689	Laidlaw Transit, Inc. 150 Grossman Drive, Suite 206 Braintree, MA 02184-4952	Chickies Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Shrewsbury Township	PAR803690	Laidlaw Transit, Inc. 150 Grossman Drive, Suite 206 Braintree, MA 02184-4952	UNT to South Foust WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County Susquehanna Township	PAR803691	Laidlaw Transit, Inc. 150 Grossman Drive, Suite 206 Braintree, MA 02184-4952	UNT to Lehigh Canal CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Derry Township Montour County	PAR704802	PPL Montour, LLC 2 North Ninth Street Allentown, PA 18101-1179	Chillisquaque Creek and Mud Creek WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Carroll Township	PAG043841	Greg Gearhart 84 Warrington Road Dillsburg, PA 17019	Stony Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Union Township	PAG043552	Donald Wasson 381 Carey Road Douglassville, PA 19518	UNT to Schuylkill River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Perry County Penn Township	PAG043565	Barry Weaver 279 Cove Road Duncannon, PA 17020-9521	UNT to Cove Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County North Middleton Township	PAG043842	Matt Madden 20 South Hanover Street Carlisle, PA 17013	Conodoguinet Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Loyalsock Township Lycoming County	PAG045209	Loyalsock Township Board of Supervisors 2501 East Third Street Williamsport, PA 17701-4096	UNT to Miller's Run (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Allegheny County Indiana Township	PAG046123	Douglas Henry Mellinger 839 Dorseyville Road Pittsburgh, PA 15238-1103	Tributary to Little Pine Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Jenner Township	PAG046228	Sam A. Mostoller 138 Esposita Road Stoystown, PA 15563	Two Mile Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County North Fayette Township	PAG046226	Arthur Loriso 515 Seabright Road McDonald, PA 15057	Half Crown Run to North Bridge Robinson Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## NOTICES

2449

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Pine Township	PAG046238	Lloyd W. Mason 3299 Jackson Road Gibsonia, PA 15044	UNT to Irwin Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Scottdale Borough	PAG046117	Samuel C. Davis Route 819, Box 137A R. D. #2 Scottdale, PA 15683	Jacobs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County West Deer Township	PAG046240	Kathleen M. Kenney 1245 Logan Road Gibsonia, PA 15044	UNT to Dawson Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County West Bethlehem Township	PAG046230	Michael A. Riedl 421 Highland Ridge Road Marianna, PA 15345	UNT to Little Tenmile Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Upper Turkeyfoot Township	PAG046232	Gabrielle V. Michalek 529 Pacific Avenue Pittsburgh, PA 15221	UNT to the Casselman River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria County Clearfield Township	PAG046108	David E. Weber 536 Schoolhouse Drive Ashville, PA 16613-7609	Swartz Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Forward Township Butler County	PAG049236	Dan and Pauline Severino 130 Ash Stop Road Evans City, PA 16033	UNT to Connoquenessing Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Eric County	PAG049241	Christopher J. Kovski 5540 Zessinger Road McKean, PA 16426	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG049242	Richard J. Verga 9974 Meadville Road Cranesville, PA 16410	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG049238	Hamid Torab 7300 Crane Road Edinboro, PA 16412	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Monongahela Township Greene County	PAG056214	Jacobs Petroleum Products, Inc. 424 South Washington Road Waynesburg, PA 15370	UNT to Whiteley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Baltimore, MD	PAG079907	Synagro—WWT, Inc.	Synagro-Baltimore, LLC 8201 Eastern Boulevard Baltimore, MD 21224	BWSFR (717) 787-8184

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Canton Borough Bradford County	PAG084822	Canton Borough Authority 100 Park Place Canton, PA 17724	Canton Borough Authority 100 Montague Street Canton, PA 17724	Northcentral Regional Office (570) 327-3636

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
York County Springettsbury Township	PAG083505	Springettsbury Township 3501 N Sherman Street York, PA 17402	Springettsbury Township Tree Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
York County Newberry Township	PAG083505	Springettsbury Township 3501 N. Sherman Street York, PA 17402	Charles Bonner Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Lancaster County East Drumore Township	PAG080004	Philadelphia Water Department Biosolids Recycling Center 1101 Market Street Philadelphia, PA 19153	David Byers Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Lancaster County Drumore Township	PAG080004	Philadelphia Water Department Biosolids Recycling Center 1101 Market Street Philadelphia, PA 19153	Samuel Ankrum Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Springville and Lathrop Townships Susquehanna County	PAG102210	Tennessee Gas Pipeline Company (Northeast Connexion—NY/NJ Project) 1001 Louisiana St. Room S1156A Houston, TX 77002	Hop Bottom Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 2406006**, Public Water Supply.

Applicant	<b>Glen Summit Springs Water Company, Inc.</b> Wright Township <b>Luzerne County</b>
Responsible Official	Kevin Duffy Glen Summit Springs Water Co., Inc. P. O. Box 129 1551 Crestwood Drive Mountaintop, PA 18707
Type of Facility	BVRB
Consulting Engineer	N/A
Permit to Construct Issued	April 24, 2006
Description of Action	Operations Permit 2406006 reissued with a Special Condition to prohibit the bottling of water from Spring No. 2; however, other potable water usage is permissible.

**Permit No. 3390024**, Public Water Supply.

Applicant	<b>City of Allentown</b> City of Allentown and Upper Macungie Township Lehigh County
Responsible Official	Joseph McMahon, Mgr. of Ops. 435 Hamilton Street Allentown, PA 18102-4912 (610) 437-7641
Type of Facility	Community Water System
Permit Issuance Date	May 9, 2006
Description of Action	PWS operations permit issued for incorporation of new disinfection facilities as approved under the minor amendment of March 16, 2004.

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

**Permit No. 1404501—Operation** Public Water Supply.

Applicant	<b>Centre Hall Borough Water System</b>
Township or Borough	Potter Township
County	<b>Centre</b>
Responsible Official	Lynn Dutrow Centre Hall Borough Water System 253 West Fourth Street P. O. Box 54 Centre Hall, PA 16828
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Robert Decker, P. E. Nittany Engineering and Associates, LLC P. O. Box 700 Millheim, PA 16854-0700
Permit Issued Date	5/8/06
Description of Action	Operation of Well No. 11 and the Chlorination Building

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

**Permit No. 1106501MA, Minor Amendment.** Public Water Supply.

Applicant	<b>Carrolltown Borough Municipal Authority</b> P. O. Box 307 140 East Carroll Street Carrolltown, PA 15722
Borough or Township	Carrolltown Borough
County	<b>Cambria</b>
Type of Facility	Water treatment plant
Consulting Engineer	Keller Engineers, Inc. 420 Allegheny Street P. O. Box 61 Hollidaysburg, PA 16648
Permit to Construct Issued	May 3, 2006

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

**Permit No. 2505505**, Public Water Supply  
 Applicant **Youngstown YMCA Camp Fitch**  
 Borough or Township Springfield Township  
 County **Erie**  
 Type of Facility Public Water Supply  
 Permit to Construct 05/04/2006  
 Issued

**Permit No. 6830-MA4, Minor Amendment**, Public Water Supply  
 Applicant **Brookville Municipal Authority**  
 Borough or Township Pinecreek Township  
 County **Jefferson**  
 Type of Facility Public Water Supply  
 Permit to Construct 05/03/2006  
 Issued

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Westfall Township	P. O. Box 247 Matamoras, PA 18336	Pike

*Plan Description:* Under an Order of the Federal District Court of the Middle District of Pennsylvania, the Special Study addresses the projected future sewage facility needs of the Katz properties within the established service area of the Westfall Township Municipal Authority's wastewater treatment facility and reflects a redistribution of the future sewage needs within the service area. The Special Study calls for construction of a sewage collection line to Service Area A of the existing service area from an existing manhole at the intersection of Mountain Avenue and Mountain Avenue East, along Mountain Avenue to the property line of the Westfall Commercial Property and to the entrance of Rosetown at Rosetown Trail. The service line will allow sewer service to be provided to the Katz properties and to other properties in the vicinity. The Special Study also provides for increasing the treatment facility capacity to 0.820 million gallons per day, consistent with the Township's Act 537 Plan approved by the Department on May 17, 2001, and NPDES Permit No. PA0061611. When land development activities actually commence on the Katz properties, the developer, in cooperation with the Township, will prepare and submit the appropriate sewage planning modules to revise the Township's Official Plan for the specific sewage needs of the Katz properties. The approved project will require a Water Quality Management Permit for the construction and operation of the proposed sewage facilities.

*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>
Derry Township	P. O. Box 445 15 W. Mill St. Yeagertown, PA 17099	Mifflin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Derry Township, Mifflin County. The proposed Blossom Hill subdivision consists of 455 residential lots and units with a sewage flow of 73,710 gpd tributary to the Derry Township Municipal Authority collection system with treatment at the Lewistown Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Derry Township	235 Hockersville Road Hershey, PA 17033	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Derry Township, Dauphin County. The proposed Spring Board Academy for the Milton Hershey School consists of new classrooms and student housing with a sewage flow of 22,300 gpd served by a new private pump station and forcemain tributary to the Derry Township Municipal Authority collection and treatment system. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**Proposed Consent Order and Agreement**

**Quality Service Cleaners Site, Oxford Borough, Chester County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1113), the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (CO&A) with Martha Skelton (Skelton) concerning the cleanup of the Quality Service Cleaners Site (Site) located at 642 Lincoln Avenue, Oxford, PA.

In the past, hazardous substances were released at the Site and these substances contaminated the environment. The Department has characterized soil and groundwater contamination at the Site and anticipates that further response action will be necessary to mitigate the threat to human health and the environment posed by the hazardous substances on Site. The Department has conducted a phased Site Investigation, which included the removal of contaminated soil, and is currently conducting a Feasibility Study to determine what, if any, response actions are needed to address remaining hazardous substances at the Site in both soil and groundwater. Skelton has owned the property since 1973. From 1973 to 2005 the Site was operated as a dry cleaning establishment. Skelton is a potentially "responsible person" as defined in section 103 of HSCA (35 P. S. § 6020.103). Under the terms of the CO&A, in the event that Skelton sells the Site or any portion thereof, all net proceeds will be paid to the Hazardous Sites Cleanup Fund. In the event of Skelton's death, any portion of the Site remaining in Skelton's

possession will be sold. Net proceeds from this sale will be paid to the Hazardous Sites Cleanup Fund. All payments made to the Hazardous Sites Cleanup Fund as a result of this agreement shall be treated as a credit toward any ultimate allocation to Skelton of overall response costs associated with the site.

The specific terms of this settlement are set forth in the CO&A between the Department and Skelton. The Department will receive and consider comments relating to the CO&A for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with Skelton shall be effective upon the date that the Department notifies Skelton, in writing, that this CO&A is final and effective in its present form and that the Department has filed a response to significant written comments to the CO&A or that no such comments were received.

Copies of the CO&A are available for inspection at the Department's Southeast Regional Office. Comments may be submitted, in writing, to Dustin A. Armstrong, Department of Environmental Protection, Hazardous Sites Cleanup, 2 East Main Street, Norristown, PA 19401. Further information may be obtained by contacting Dustin A. Armstrong at (484) 250-5723. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

**Settlement under the Hazardous Sites Cleanup Act and Comprehensive Environmental Response, Compensation and Liability Act**

**Puritan Cleaners Site, City of Altoona, Blair County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with Charles and Sandra Kaminsky, individually, Kamin DC, Inc. d/b/a Puritan Cleaners and CSK Enterprises, Inc. d/b/a Puritan Cleaners (collectively Settlor).

The proposed settlement resolves claims of the Department with the Settlor under HSCA, CERCLA and other applicable law for response costs that have been expended and will be incurred by the Department at the Puritan Cleaners Site located in the City of Altoona, Blair County, PA.

The proposed settlement obligates the Settlor to remit \$65,000 to the Department. The Department believes that the proposed settlement is fair, reasonable, practicable, in the public interest and in furtherance of the statutory goals of HSCA and CERCLA.

For a period of 60 days beginning with the May 20, 2006, publication date of this notice, the public is invited to review the Consent Order and Agreement (CO&A), Monday through Friday, from 8 a.m. to 4 p.m., at the Department's Southcentral Region Office, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Asuquo Effiong, (717) 705-4853.

After review, the public may submit written comments on the CO&A before July 19, 2006, by mailing them to Asuquo Effiong at the Department's Harrisburg Office at the address previously noted. A person adversely affected by the settlement may also file an appeal from the CO&A to the Environmental Hearing Board.

Questions concerning this notice should be directed to Asuquo Effiong at the telephone number and address previously noted.

**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.*

**Grief, Inc**, Upper Chichester Township, **Delaware County**. Richard Sichler, Spotts, Stevens and McCoy, Inc. 1047 N. Park Rd., Reading, PA 19610 on behalf of Thomas Coon, Grief, Inc., 425 Winter Rd., Delaware, OH 43015 has submitted a Final Report concerning remedia-



tion of site groundwater contaminated with diesel fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**NGK Metals Corporation**, Muhlenberg Township, **Berks County**. MECX LLC, 4901 Mill Road, Coopersburg, PA 18036 on behalf of NGK Metals Corporation, 917 US Highway 11 South, Sweetwater, TN 37874 and Entact Environmental Services, 102 Chesley Drive, Media, PA 91063, submitted a Final Report concerning remediation of site-soils contaminated with beryllium and iron. The report is intended to document remediation of the site to the residential Statewide Health Standard.

**Swartz Estate**, Camp Hill Borough, **Cumberland County**. CQS, Inc., 1061 North Mountain Road, Harrisburg, 17110, on behalf of Robert Pozner, Executor, Swartz Estate, 454 Stevens Avenue, Ridgeway, NJ, 17450, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The report is intended to document remediation of the site to the Statewide Health Standard under the Low Risk option.

**Sheetz Store 348**, West Manchester Township, **York County**. Mountain Research, LLC, 825 25th Street, Altoona, 16601, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, 16602, submitted a Final Report concerning remediation of site soils contaminated with gasoline. The report is intended to document remediation of the site to the Statewide Health Standard. The report was submitted within 90 days of the release.

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

**Dominion Transmission Greenlick Compressor Station**. Stewardson Township, **Potter County**. URS Corporation, Foster Plaza 4, 501 Holiday Dr., Suite 300, Pittsburgh, PA 15220 on behalf of Dominion Transmission, 445 West Main St., Clarksburg, WV 26301 has submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with BTEX constituents and PCBs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**FCI USA Inc.**, Clearfield Borough, **Clearfield County**. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109 on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319-9392 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated VOCs. 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.*

**Valley Forge Military Academy & College**, Radnor Township, **Delaware County**. Thomas Petrecz, Penn E & R, 2755 Bergery Rd., Hatfield, PA 19440 on behalf of Christine Audain, Valley Forge Military Academy & College, 1001 Eagle Rd., Wayne, PA 19087 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 April 19, 2006.

**7401 State Rd.**, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn E & R, Inc., 2755 Bergery Hatfield, PA 19440 on behalf of Daniel Franklin and Bernard Featherman, 9695 San Vittore St., Lake Worth, FL 33467 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, PAH, PCBs and inorganics. The

Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 20, 2006.

**CVS Store Doylestown**, Doylestown Borough, **Bucks County**. Justin Lauterbach, RT Env. Svc. Inc., 510 Heron Dr., Bridgeport, NJ 08014 on behalf of Brenda Jordon, Doylestown CVS, Inc., One CVS Dr., Woonsocket, RI 02895 has submitted a Final Report concerning the remediation of site soil contaminated with lead, arsenic and benzo(a)pyrene. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on April 17, 2006.

**Former Worthington Steel Facility**, East Whiteland Township, **Chester County**. Jeffery Walsh, Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Guy Wolfington, Malvern Hill Assoc., LP, 700 S. Henderson Rd., Suite, 225 King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics, chlorinated organics. The Final Report demonstrated attainment of the Site-Specific Standard and Statewide Health Standard, and Background Standard was approved by the Department on April 18, 2006.

**Cognics Corporation Ambler Ball Field Area**, Lower Gwynedd Township, **Montgomery County**. Jay Ash, AMO Environmental Decisions, 4327 Point Pleasant Pike, P. O. Box 410, Danboro, PA 18916 has submitted a Final Report concerning the remediation of site soil contaminated with pesticides, PCBs, herbicides and dioxin. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 3, 2006.

**Grief, Inc.**, Upper Chichester Township, **Delaware County**. Richard Sichler, Spotts, Stevens and McCoy, Inc. 1047 N. Park Rd., Reading, PA 19610 on behalf of Thomas Coon, Grief, Inc., 425 Winter Rd., Delaware OH, 43015 has submitted a Final Report concerning the remediation of site groundwater contaminated with diesel fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 9, 2006.

**Route 322 and Skelp Level Rd.**, East Bradford Township, **Chester County**. Jim Arthur, Env. Standards, 1140 Valley Forge Rd., Valley Forge, PA 19482 on behalf of Mark Halligan, Halligan Oil Co., 610 Park Way, Broomall, PA 19008 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 February 28, 2006.

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

**Dominion Transmission Greenlick Compressor Station**. Stewardson Township, **Potter County**. URS Corporation, Foster Plaza 4, 501 Holiday Dr., Suite 300, Pittsburgh, PA 15220 on behalf of Dominion Transmission, 445 West Main St., Clarksburg, WV 26301 has submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with BTEX constituents and PCBs. The Remedial Investigation Report was approved by the Department on 3/30/2005.

## HAZARDOUS WASTE TRANSPORTER LICENSE

### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

#### *Hazardous Waste Transporter License Issued*

**Thomas E Decker d/b/a D & R Transportation**; P. O. Box 231, Bellwood, PA 16617; License No. PA-AH 0727. Effective 4/11/06.

#### *Hazardous Waste Transporter License Renewed*

**Gemchem, Inc.**; P. O. Box 384, Lititz, PA 17543; License No. PA-AH 0259; Effective 3/30/06.

**Waste Management New England Environmental, Inc.**; P. O. Box 144, Portland, CT 06480; License No. PA-AH 0664; Effective 4/4/06.

**Univar USA, Inc.**; 6100 Carillon Point, Kirkland, WA 98033; License No. PA-AH 0334; Effective 4/12/06.

**Teris L.L.C.**; 309 American Circle; El Dorado, AR 71730; License NO. PA-AH 0690; Effective 4/13/06.

**Op-Tech Environmental Services, Inc.**; 6392 Deere Rd., Syracuse, NY 13206; License No. PA-AH 0599; Effective 4/13/06.

**Earth Technology II, LLC**; 250 Sackett Point Rd, North Haven, CT 06473; License No. PA-AH 0691; Effective 4/18/06.

**Safety-Kleen Canada, Inc.**; 300 Woolwich Rd, Breslau, ON N0B 1M0; License No. PA-AH 0517; Effective 4/21/06.

**Ken's Marine Service, Inc.**; P. O. Box 4001, Bayonne, NJ 07002; License No. PA-AH S154; Effective 4/27/06.

**G. Tresch Transportation, Inc.**; 630 S. Evergreen Ave, Woodbury, NJ 08097; License No. PA-AH 0380; Effective 4/27/06.

**NuWay Industrial Services, Inc.**; 1741 Calks Ferry Rd, Lexington, SC 29073; License No. PA-AH 0666; Effective 5/3/06.

#### *Hazardous Waste Transporter License Expired*

**Gensimore Trucking, Inc.**; P. O. BOX 5210, Pleasant Gap, PA 16823; License No. PA-AH 0048; Expired 4/30/06.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

### Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

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

#### *Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Environmental Waste Minimization, Inc.**; 14 Brick Kiln Ct.; Northampton, PA 18067; License No. PA-HC 0219; Effective 4/26/06.

**Healthcare Waste Solutions of PA, LLC**; 380 Locust St., McKeesport, PA 15132; License No. PA-HC 0217; Effective 5/3/06.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM028. Granger Electric of Morgantown, LLC**, 16980 Wood Road, Lansing, MI 48906-10443.

General Permit No. WMGM028 is for the processing and beneficial use of landfill gas (LFG), generated at the Conestoga Landfill located in **Berks County**, as an alternate fuel for the power generators installed at this landfill. The electricity produced will be transmitted to the local electric utility grid for consumers use. The issuance of this General Permit was initially dated April 5, 2006. This notice is to correct that the General Permit was actually issued by Central Office on May 9, 2006.

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

#### RESIDUAL WASTE GENERAL PERMITS

**Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

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

**General Permit Application No. WMGR099. Lehigh County Pretreatment Facility**, 7676 Industrial Boulevard, Allentown, PA 18106.

General Permit No. WMGR099 is for the processing and beneficial use of treated domestic sewage and industrial wastewater solids, generated at the Lehigh County Pretreatment Facility, located in Upper Macungie Township, **Lehigh County**, for agricultural utilization and mine reclamation, as a soil conditioner and a fertilizer. This residual waste general permit was issued by the Central Office on May 3, 2006.

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

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

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 300995. Crompton Petrolia**, 100 Sonneborn Lane, Petrolia, PA 16050, Fairview Township, **Butler County**. Permit reissuance application for the transfer of the Crompton/Witco Petrolia facility, which is a captive residual waste landfill. The permit is being reissued to Sonneborn, Inc. The permit was issued by the Northwest Regional Office on May 8, 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.**

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

**GP4-06-03136: Summit Steel and Manufacturing, Inc.** (1107 Bern Road, Wyomissing, PA 19610) on May 3, 2006, for Burn Off Ovens under GP4 in Muhlenberg Township, **Berks County**.

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

**GP5-65-00976: Dominion Exploration and Production, Inc.** (1415 Louisiana, Suite 2700, Houston, TX 77002) on May 1, 2006, to install and operate a Caterpillar G3408C LE 425-bhp compressor engine and a Glycol Dehydrator at Troy Compressor Station at Latrobe Boro, **Westmoreland 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.*

**09-0187: Fairless Iron and Metal** (300 South Steel Road, Morrisville, PA 19067) on May 4, 2006, to operate metal shredding equipment in Falls Township, **Bucks County**.

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

**11-00518A: Johnstown Regional Energy, LLC** (80 Clinton Street, Johnstown, PA 15901) on May 4, 2006, to install a Thermal Oxidizer at Laurel Highlands Landfill, Inc. at Jackson Township, **Cambria County**. The gas processing facility is leased from Laurel Highland Land-

fill and owned and operated by Johnstown Regional Energy, LLC of Johnstown, PA.

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

**61-204C: Franklin Bronze and Alloy Co., Inc.** (655 Grant Street, Franklin, PA 16323) on April 24, 2006, for postconstruction of three dust collectors to control fumes and dust from induction furnaces, cut-off saws and grinding operations in the City of Franklin, **Venango County**.

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**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.**

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

**09-0087D: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on May 2, 2006, to operate a chlorine distillation process in Falls Township, **Bucks County**.

**09-0053: Greif Industrial Packaging and Services, LLC** (366 Greif Parkway, Delaware, OH 43015) on May 5, 2006, to operate a lining surface coating booth in Warminster Township, **Bucks County**.

**23-0056: Honeywell International, Inc.** (6100 Philadelphia Pike, Claymont, DE 19703-2716) on May 6, 2006, to operate a fluosulfonic acid manufacturing in Marcus Hook Borough, **Delaware County**.

**09-0112B: Superior Woodcraft, Inc.** (160 North Hamilton Street, Doylestown, PA 18901) on May 3, 2006, to re-evaluate BAT for the VOC content of the coatings used in the manufacture of wood cabinets in Doylestown Borough, **Bucks County**. The facility has proposed placing a limit of 23 tons per 12-month rolling period on emissions of VOCs and the facility has proposed a limit in the number of hours that the spray booths will be in operation per 12-month rolling period. Some conditions previously placed under the source category are now placed under the site level conditions, and the facility is now required to calculate and record the emissions for the entire facility on a monthly and a 12-month rolling basis. There is no increase in emissions from this facility as a result of this amendment.

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

**60-318-011A: Pik-Rite, Inc.** (60 Pik-Rite Lane, Lewisburg, PA 17837) to operate a fabricated steel parts surface coating operation on a temporary basis until August 30, 2006, in Buffalo Township, **Union County**. The plan approval has been extended.

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

**10-235A: Sunshine Greenhouses** (915 Ekastown Road, Saxonburg, PA 16056) on May 31, 2006, for a coal fired boiler in Clinton Township, **Butler County**.

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

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

**09-00003: Superpac, Inc.** (P. O. Box 189, Southampton, PA 18966) on May 3, 2006, to operate the renewal of a facility Title V Operating Permit in Upper Southampton Township, **Bucks County**.

**46-00051: Schlosser Steel, Inc.** (P. O. Box 116, 2641 Township Line Road, Hatfield, PA 19440) on May 5, 2006, to operate the renewal of a facility Title V Operating Permit in Hatfield Township, **Montgomery County**.

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

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

**36-03141: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on May 3, 2006, to operate a breakfast cereal manufacturing facility in East Hempfield Township, **Lancaster County**. This operating permit was administratively amended by changing the boiler capacities from 55.8 mmBtu/hr to 66 mmBtu/hr. This is Revision No. 2.

**36-05093: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on May 5, 2006, to operate their company's Denver asphalt plant in East Cocalico Township, **Lancaster County**. This is a renewal of the state-only operating permit.

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

**OP-63-00872: RTS Packaging, LLC** (P. O. Box 116, Charleroi, PA 15022) on May 5, 2006, to operate a paperboard partition plant in Charleroi, **Washington County**.

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

**61-00004: Electralloy—AGO Carlson Co., Inc.** (175 Main Street, Oil City, PA 16301) on May 2, 2006, to issue a Title V Amendment Operating Permit to operate the blast furnace furnaces and steel mill facility in Oil City, **Venango County**. As a result of potential emissions of NOx and VOC, the facility is not a major source. The issued amended Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

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

**04-00709: Colona Transfer, LP** (P. O. Box 296, Currie Road, Portersville, PA 16051) on April 28, 2006, to change ownership from Empire Terminal, Inc. to Colona Transfer in Monaca, **Beaver County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**09-00159: Colorcon—No-Tox Products Division** (171 New Britain Boulevard, Chalfont, PA 18914) on May 2, 2006, a facility in New Britain Township, **Bucks County**. The facility's major emission points include a variety of process equipment related to the production of coatings and inks for food, medical and pharmaceutical packing which emits major levels of VOCs.

The facility has applied to have the following emissions, which will be the result of the increased throughputs due to an increase in production:

VOC—less than 4.0 tons during the term of the permit (CY2010);

These emissions increases qualify as de minimis increases under 25 Pa. Code § 127.449.

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

## **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).**

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### *Coal Permits Actions*

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

**Permit No. 56900105 and NPDES Permit No. 0598852. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit revision—land use change on Wilmore Coal Company property from forest to wildlife habitat in Paint Township, **Somerset County**, affecting 165 acres. Receiving streams: UNTs to/and Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 6, 2006. Permit issued: May 3, 2006.

**Permit No. 56880103 and NPDES Permit No. 0598143. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552-0157, permit revision—land use change on Robert, Richard and Edmond Sanner property from wildlife habitat to Industrial/commercial in Summit Township, **Somerset County**, affecting 10 acres. Receiving streams: UNTs to/and Casselman River, UNTs to/and Lick Run, UNTs to Bigby Creek and UNTs to Cranberry Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 9, 2006. Permit issued: May 3, 2006.

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

**03050104 and NPDES Permit No. PA0250813. D. J. & W. Mining, Inc.** (Box 425, Indiana, PA 15701). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Kiskiminetas Township, **Armstrong County**, affecting 168.6 acres. Receiving streams: UNTs to Crooked Creek to the Allegheny River. Application received: October 26, 2005. Permit issued: May 3, 2006.

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

**10040104 and NPDES Permit No. PA0242594. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip operation in Concord Township, **Butler County** affecting 160.0 acres. Receiving streams: UNTs to South Branch Slippery Rock Creek. Application received: October 22, 2004. Permit Issued: May 1, 2006.

**1475-10040104-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining within 100 feet of UNTs Nos. 1 and 3 to South Branch Slippery Rock Creek. Receiving streams: UNTs to South Branch Slippery Rock Creek. Application received: October 22, 2004. Permit Issued: May 1, 2006.

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

**14000101 and NPDES No. PA0242829. River Hill Coal Company, Inc.** (Memorial Street, P. O. Box 141, Kylertown, PA 16847), permit renewal for reclamation only of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 53.9 acres. Discharge to (Receiving Waters): Not applicable for treatment facilities and sediment ponds. The permittee will use nondischarge alternatives. Application received: April 25, 2006.

**14820103 and NPDES No. PA0611719. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine from Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866), located in Rush Township, **Centre County**, affecting 379.7 acres. Receiving streams: UNT to Trout Run and UNT to Moshannon Creek to Moshannon Creek, to West Branch Susquehanna River, to Susquehanna River. Application received: April 26, 2006.

**17030118 and NPDES Permit No. PA0243647. River Hill Coal Company** (Memorial Street, P. O. Box 141, Kylertown, PA 16847). Permit revision to an existing bituminous surface mine permit to add augering of Middle Kittanning coal seam. The permit is located in Bigler Township, **Clearfield County**, and affects 75.4 acres. Receiving stream: UNT to Clearfield Creek. Application received: April 13, 2006. Permit issued: May 5, 2006.

*Noncoal Permits Actions*

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

**58050849. Lynn D. Joines** (R. R. 1, Box 113A, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Jackson Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: none. Application received October 4, 2005. Permit issued May 2, 2006.

**58050860. Richard Marcho** (R. R. 1, Box 121, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Gibson Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: none. Application received December 12, 2005. Permit issued May 2, 2006.

**52980301C. ER Linde Construction Corp.** (R. R. 6 Box 6825, Honesdale, PA 18431), a depth correction for an existing quarry operation in Lackawaxen Township, **Pike County** affecting 11.87 acres. Receiving stream: UNT to Little Blooming Grove Creek. Application received March 17, 2003. Correction issued May 2, 2006.

**52980301C3 and NPDES Permit No. PA0223905. ER Linde Construction Corp.** (R. R. 6 Box 6825, Honesdale, PA 18431), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lackawaxen Township, **Pike County**. Receiving stream: UNT to Little Blooming Grove Creek. Application received June 8, 2004. Renewal issued May 2, 2006.

**09890303C and NPDES Permit No. PA0594661. Naceville Materials** (P. O. Box 161, Warminster, PA 18974), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plumstead Township, **Bucks County**. Receiving stream: intermittent tributary to North Branch of Neshaminy Creek. Application received October 20, 2005. Renewal issued May 2, 2006.

**54980301T. HMMK, LLC** (P. O. Box 79, Skippack, PA 19474), transfer of an existing quarry operation in Foster Township, **Schuylkill County** affecting 455.4 acres. Receiving stream: none. Application received October 31, 2005. Transfer issued May 2, 2006.

**64940302C8 and NPDES Permit No. PA0223387. Bedrock Quarries, Inc.** (P. O. Box 1497, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Damascus Township, **Wayne County**. Receiving stream: UNT of North Branch Calkins Creek. Application received January 9, 2006. Renewal issued May 2, 2006.

**45900301C5 and NPDES Permit No. PA0595241. Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ross Township, **Monroe County**. Receiving stream: Buckwha Creek. Application received January 23, 2006. Renewal issued May 2, 2006.

**58050831. Donald R. Taylor** (R. R. 3, Box 3646, Nicholson, PA 18446), commencement, operation and restoration of a quarry operation in Lathrop and Springville Townships, **Susquehanna County** affecting 5 acres. Receiving stream: none. Application received June 21, 2005. Permit issued May 3, 2006.

**58050851. Robert R. Reddon** (R. R. 2, Box 2637 R, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Jackson Township,

**Susquehanna County** affecting 5 acres. Receiving stream: none. Application received October 11, 2005. Permit issued May 3, 2006.

**40052804. Jan E. Rinehimr** (861 Saint Johns Road, Wapwallopen, PA 18660-1638), commencement, operation and restoration of a quarry operation in Hollenback Township, **Luzerne County** affecting 5 acres. Receiving stream: none. Application received November 28, 2005. Permit issued May 3, 2006.

**58060810. Meshoppen Stone Inc.** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5 acres. Receiving stream: none. Application received February 13, 2006. Permit issued May 4, 2006.

**49060801. Leslie Hauck Construction** (9520 Susquehanna Trail Road, Muncy, PA 17618), commencement, operation and restoration of a quarry operation in Lewis Township, **Northumberland County** affecting 5 acres. Receiving stream: none. Application received February 17, 2006. Permit issued May 4, 2006.

**45062801. Bruce George Paving & Excavating, Inc.** (R. R. 2, Box 331, Kunkletown, PA 18058), commencement, operation and restoration of a quarry operation in Eldred Township, **Monroe County** affecting 5 acres. Receiving stream: none. Application received March 23, 2006. Permit issued May 4, 2006.

**6477SM5C2 and NPDES Permit No. PA0009059. ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamiltonban and Washington Townships, **Adams and Franklin Counties**. Receiving stream: Miney Branch to Tom's Creek. Application received March 17, 2006. Renewal issued May 4, 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.**

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

**04064001. Ashley Ridge, Inc.** (3465 Brodhead Road, Monaca, PA 15061). Blasting activity permit for the Ashley Ridge housing development, located in Brighton Township, **Beaver County**, with an expected duration of 180 days. Permit issued: May 1, 2006.

**65064003. Gregori Construction** (736 Ekaspown Town Road, Sarver, PA 16055). Blasting activity permit for SR31 3 mile Hill, located in Mt. Pleasant Township, **Westmoreland County** and Bullskin Township, **Fayette County** with an expected duration of 1 year. Permit issued: May 1, 2006.

**65064002. Demtech, Inc.** (65 Bald Mountain Road, Dubois, WY 82513). Blasting activity permit issued for construction blasting on the Turnpike, Bridge B-469, located in Madison/Hempfield Township, **Westmoreland County**, with an expected duration of 30 days. Permit issued April 17, 2006.

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

**25064002. Appalachian Geophysical Services, LLC** (P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity permit for seismograph study and gas and oil reserves in Conneaut and Beaver Townships, **Erie and Crawford Counties**. This blasting activity permit will expire on October 1, 2006. Application received: May 1, 2006. Application Issued: May 4, 2006.

**20064003. Appalachian Geophysical Services, LLC** (P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity permit for seismograph study and gas and oil reserves in Beaver Township, **Crawford County**. This blasting activity permit will expire on October 31, 2006. Application received: May 1, 2006. Application Issued: May 4, 2006.

**20064004. Appalachian Geophysical Services, LLC** (P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity permit for seismograph study and gas and oil reserves in Spring Township, **Crawford County**. This blasting activity permit will expire on July 1, 2006. Application received: May 1, 2006. Application Issued: May 4, 2006.

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

**48064111. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510), construction blasting for Saddle Creek Development in Upper Mt. Bethel Township, **Northampton County** with an expiration date of February 1, 2007. Permit issued April 28, 2006.

**48064112. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Horwith Sanitary Sewer in Northampton Borough, **Northampton County** with an expiration date of April 28, 2007. Permit issued April 28, 2006.

**54064103. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Greene Energy Wind Farm in Mahanoy and Union Townships, **Schuylkill County** with an expiration date of May 31, 2007. Permit issued May 2, 2006.

**67064019. Explosives Experts, Inc.** (P. O. Box 879, Sparks, MD 21152), construction blasting at Jackson Heights Development in Jackson Township, **York County** with an expiration date of November 30, 2006. Permit issued May 2, 2006.

**09064115. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Richland Market Place in Richland Township, **Bucks County** with an expiration date of May 2, 2007. Permit issued May 3, 2006.

**40064111. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Goodleigh Manor in Dallas Township, **Luzerne County** with an expiration date of April 20, 2007. Permit issued May 3, 2006.

**67064116. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a home on Bremer Road in Conewago Township, **York County** with an expiration date of December 30, 2006. Permit issued May 3, 2006.

**21064132. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for commercial development on Asper Road in Lower Mifflin Township, **Cumberland County** with an expiration date of April 25, 2007. Permit issued May 4, 2006.

**21064133. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Clarion Development in Dickinson Township, **Cumberland County** with an expiration date of April 30, 2007. Permit issued May 4, 2006

**21064134. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Higgins Warehouse in Carlisle Borough and South Middleton Township, **Cumberland County** with an expiration date of May 30, 2007. Permit issued May 4, 2006.

**21064135. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting for CC Estates in Silver Spring Township, **Cumberland County** with an expiration date of May 15, 2007. Permit issued May 4, 2006.

**28064140. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Grandpoint Crossing in Greene Township, **Franklin County** with an expiration date of May 1, 2007. Permit issued May 4, 2006

**28064141. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for home on Hearthside Drive in Guilford Township, **Franklin County** with an expiration date of May 1, 2007. Permit issued May 4, 2006.

**28064142. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for City Center in Chambersburg Borough, **Franklin County** with an expiration date of May 1, 2007. Permit issued May 4, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-728. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Honey Brook Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the replacement of the existing single span timber beam bridge carrying Supplee Road over the West Branch of the Brandywine Creek (HA, TSF, MF) with a reinforced concrete box culvert. The proposed culvert measures 20 feet long with an under clearance of 3 feet 9 inches. The work will involve the following activities:

1. To construct and maintain a temporary ford crossing to accommodate free passage of cattle downstream of the existing bridge.
2. To place fill within approximately 0.01 acre of palustrine wetlands to accommodate roadway widening.
3. To construct and maintain a temporary diversion dike and ditch to facilitate bridge construction activities.
4. To perform minor grading and filling activities within the floodway associated with roadway approach widening.

The project will temporarily affect 0.010 acre, and permanently affect 0.003 acre of wetlands while temporarily impacting approximately 95 linear feet of stream and permanently impacting approximately 50 linear feet of stream. The site is located approximately 2,243 feet southwest of the intersection of Pleasant View and Supplee Roads in Honey Brook Township, Chester County, (Honey Brook, PA, Quadrangle N: 16.91 inches; W: 2.97 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-728. Jeffrey M. Gray**, 5518 McLean Station Road, Green Lane, PA 18054, Marlborough Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 12-foot wide, 24-foot span by 3.5 feet high open bottom Box Bridge and appurtenances, as a driveway access from McLean Station Road across an UNT of Macoby Run (TSF) to and existing single family dwelling.

The project includes temporary cofferdams and conduits to facilitate bridge construction, will impact approximately 50 linear feet of stream and is located approximately 345 feet southwest of the intersections of McLean Station Road and Geryville Pike in Marlborough Township, Montgomery County (Perkiomenville, PA, Quadrangle N: 20.98 inches; W: 11.72 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

**E54-325. Schuylkill County**, 401 North Second Street, Pottsville, PA 17901. South Manheim Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a concrete adjacent box beam bridge having a single span of 50 feet by 20 feet wide and a minimum underclearance of approximately 5.28 feet across Bear Creek (CWF, Perennial). The project also includes a de minimis area of PFO wetland impact equal to 0.01 acre and a 150-foot long channel change in a tributary to Bear Creek (CFW, intermittent) to accommodate improvements to the vertical roadway geometry. The bridge is known as County Bridge No. 112 and is located along Township Road T676 (Woodland Drive), just south of SR 0895 (Auburn, PA Quadrangle N: 21.4 inches; W: 16.1 inches). (Subbasin 03A)

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

**E67-786: Greensprings Partners, LP**, 150 Farm Lane, York, PA 17402 in Conewago Township, **York County**, ACOE Baltimore District.

To construct and maintain a 0.05-foot depressed 48-inch by 116-foot long reinforced concrete pipe culvert, install a 12-inch water line and fill 0.38 acre of palustrine emergent wetlands all associated with an UNT to the Little Conewago Creek (TSF) (Dover, PA Quadrangle Latitude: 40° 04' 10"; Longitude: 76° 46' 20", N: 12.6 inches; W: 3.1 inches) in Conewago Township, York County. The project will temporarily impact 0.19 acre of palustrine emergent wetlands and permanently impact 0.38 acre of palustrine emergent wetlands. The permittee is required to provide a minimum of 0.38 acre of replacement wetlands onsite.

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

**E63-580. Thomas Hauch**, 2008 Whitfield Lane, Finleyville, PA 15332. To construct a bridge in East Finley Township, **Washington County**, Pittsburgh ACOE District. (Windridge, PA Quadrangle N: 22.0 inches; W: 5.5 inches and Latitude: 39° 59' 46"—Longitude: 80° 24' 51"). To construct and maintain a bridge having a span of 27.0 feet with a minimum underclearance of 2.5 feet across the channel of Enlow Fork (TSF) for the purpose of providing access to applicant's property. The project is located on the south side of SR 0231, approximately 310.0 feet southwest from the intersection of SR 0231 and T-454 and will impact 15.0 linear feet of stream channel.



**E65-887. JRC Development, LLC**, 120 Skyview Drive, Jeanette, PA 15644. To construct a sewer line in North Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District. (McKeesport, PA Quadrangle N: 9.2 inches; W: 0.2 inch and Latitude: 40° 17' 43"—Longitude: 79° 45' 05"). To construct and maintain an 8-inch diameter aerial sanitary sewer line over a UNT to Possum Hollow (WWF) for a proposed residential subdivision (Cherry Hill Estates) located at the intersection of Guffy and Pine Wood Roads.

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

**E37-165, LCK Enterprises**, 310 Central Building, 101 S. Mercer St., New Castle, PA 16101. Camelot Woods II Residential Development, in Neshannock Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 9.0 inches; W: 16.2 inches).

To fill a total of 0.34 acre of wetlands for roadway and lot development within the Camelot Woods II residential development between Whitney Drive and Michael Drive north of Scott Drive west of SR 18. Project includes creation of 0.68 acre of replacement wetland on site.

**E42-318, Minard Run Oil Company**, P. O. Box 18, Bradford, PA 16701. Music Mountain Wetland Roadway Crossing, in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Lewis Run, PA Quadrangle N: 41° 50' 39"; W: 78° 42' 06").

To fill 0.17 acre of PEM wetlands as part of the rehabilitation/maintenance of the existing access roadway and is located approximately 6,000 feet north and 2,300 feet west of the Kennedy Springs Picnic Area along SR 0219. The permittee will be required to replace 0.20 acre of replacement wetlands.

**ENVIRONMENTAL ASSESSMENTS**

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

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

To construct and maintain a passive AMD treatment system on approximately 0.30 acre of the right floodway and floodplain of Longs Run (WWF) consisting of a 34-foot long by 10-foot wide temporary bridge across the channel of Longs Run, 120 linear feet of riprap lined conveyance channel, a 0.07-acre aerobic treatment wetland, and a 50-foot long by 13-foot wide riprap lined spillway discharging to Longs Run for the purpose of increasing alkalinity and reducing metals in Longs Run at a site (Hopewell, PA Quadrangle N: 1.4 inches, W: 17.5 inches; Latitude: 40° 07' 57", Longitude: 78° 14' 58") approximately 1400 feet northeast of the intersection of SR 0915 and Longs Run Road (T-134) in Broad Top Township, Bedford County.

**SPECIAL NOTICES**

**Categorical Exclusions**

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

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Borough of Lansford	P. O. Box 126 Lansford, PA 18232-0126	Borough of Lansford	Carbon

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of Lansford proposes to separate existing combined wastewater collection system lines located on Tunnel Street and Walnut Street into their sanitary and stormwater components through the construction of a separate stormwater collection system. A low-flow channel will also be constructed in the Patterson Street culvert to accommodate sanitary flows in the former combined sewer. The project will also decrease the number of CSO activations at CSO-1 and CSO-4. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Conyngham Borough Authority	P. O. Box 469 Conyngham, PA 18219	Borough of Conyngham	Luzerne

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Conyngham Borough Authority proposes to upgrade its existing WWTF, permitted at 0.350 mgd, to meet biological nutrient reduction requirements for the Chesapeake Bay Watershed. The existing contact stabilization treatment process will be converted to a tertiary treatment process to meet the more stringent total nitrogen and total phosphorus effluent discharge limits. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Greater Hazleton Joint Sewer Authority	P. O. Box 651 Hazleton, PA 18201	Borough of West Hazleton	Luzerne

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Greater Hazleton Joint Sewer Authority proposes to provide primary treatment and disinfection of combined wastewater to be discharged from the Sixth and Ridge Street CSO. A dynamic separator with swirl cleanse will be constructed at the CSO structure. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Mountaintop Area Joint Sanitary Authority	290 Morio Drive Mountain Top, PA 18703	Dorrance Township	Luzerne

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Mountaintop Area Joint Sanitary Authority proposes to upgrade its 4.16 mgd WWTF to comply with the biological nutrient reduction requirements imposed on the Authority as a result of the implementation of the Chesapeake Bay Tributary Strategy. The facility's existing treatment process will be converted to a tertiary treatment process to meet the more stringent total nitrogen and total phosphorus effluent discharge limits. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Wyoming Valley Sanitary Authority	P. O. Box 33A Wilkes-Barre, PA 18703	City of Wilkes-Barre	Luzerne

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Wyoming Valley Sanitary Authority proposes to separate 15,000 linear feet of existing combined wastewater collection system lines located on Ross Street in the City of Wilkes-Barre into their sanitary and stormwater components through the construction of a separate sanitary line to be located at the invert and inside of the existing 7-foot diameter combined sewer line. The existing combined sewer line will remain as a stormwater conveyance line for the project area's stormwater runoff. The Ross Street CSO will be eliminated as part of the proposed project. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 06-874. Filed for public inspection May 19, 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](http://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—Substantive Revision*

DEP ID: 383-0810-106. Title: Summary of Key Requirements for Surface Water Filtration. Description: This guidance applies to public water systems using surface water sources or groundwater sources under the direct influence of surface water. The guidance directs and supports the implementation of the requirements for surface water filtration under the drinking water management program. Substantive revisions were made to the guidance to incorporate new provisions of the final Long Term 1 Enhanced Surface Water Treatment Rule

(see 34 Pa.B. 3130 (June 19, 2004)). The changes are predominantly contained in the sections titled "Filtration Design Requirements," "Filtration Operation and Performance Requirements," "Reporting Requirements" and "Individual Filter Monitoring." In these sections, the statements pertaining to turbidity levels, turbidity equipment and monitoring and turbidity reporting underwent significant changes. The guidance is issued under the authority of Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) and 25 Pa. Code Chapter 109 (relating to safe drinking water).

Written Comments: The Department is seeking comments on the substantive revisions to draft technical guidance #383-0810-106. Interested persons may submit written comments on this draft technical guidance document by June 19, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Phil Consonery, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467, pconsonery@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Phil Consonery, (717) 787-6744, pconsonery@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

#### *Draft Technical Guidance*

DEP ID: 291-3350-001. Title: Monitoring and Reporting Methodology for Individuals Occupationally Exposed to Medical X-rays While Wearing Protective Apparel. Description: This guidance document applies to the reporting of occupational exposure resulting from diagnostic X-ray procedures and presents alternate ways to determine doses to individuals who receive exposure from medical X-ray radiation, while wearing protective apparel (that is, a protective apron or protective apron and thyroid shield). The implementation of this guidance, once final, will eliminate the need for registrants or licensees to individually obtain variances in order to modify the manner in which personnel exposures are recorded under certain conditions. The guidance is issued under the authority of the Radiation Protection Act (35 P.S. §§ 7110.101—7110.703) and the radiological health regulations at 25 Pa. Code Part II, Article V (relating to radiological health).

Written Comments: The Department is seeking comments on the substantive revisions to draft technical guidance #291-3350-001. Interested persons may submit written comments on this draft technical guidance document by June 19, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to L. Ray Urciuolo, Chief, Division of Radiation Control, Department of Environmental Protection, Bureau of Radiation Protection, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469, lurciuolo@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to L. Ray Urciuolo, (717) 783-9730, lurciuolo@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 391-3200-015. Title: Standardized Biological Field Collection and Laboratory Methods. Description: This guidance provides the established procedures to

collect and process aquatic biological field data for lake and stream surveys. The guidance was developed to establish and standardize the Department's procedures for aquatic biological data collection methods. Written Comments: The Department is seeking comments on draft technical guidance #391-3200-015. Interested persons may submit written comments on this draft technical guidance document by June 19, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission.

Written comments should be submitted to Tony Shaw, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467, tshaw@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Tony Shaw, (717) 783-3862, tshaw@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-875. Filed for public inspection May 19, 2006, 9:00 a.m.]

#### **Pennsylvania Sewage Advisory Committee Meeting Cancellation**

The Pennsylvania Sewage Advisory Committee meeting scheduled for June 14, 2006, has been cancelled. The next meeting is scheduled on August 16, 2006, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the cancellation of the June 14, 2006, meeting or the August 16, 2006, meeting should be directed to Jay Africa, Bureau of Water Supply and Facilities Regulation, (717) 787-8184, jafrika@state.pa.us. The agenda and meeting materials for the August 16, 2006, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5668 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-876. Filed for public inspection May 19, 2006, 9:00 a.m.]

#### **Pennsylvania Sewage Advisory Committee Regulations Subcommittee Meeting Cancellation**

The Pennsylvania Sewage Advisory Committee Regulations Subcommittee meeting scheduled for June 13, 2006, has been cancelled. Future meetings shall occur and will be announced in the *Pennsylvania Bulletin*.

Questions concerning the cancellation of the June 13, 2006, meeting should be directed to Jay Africa, Bureau of Water Supply and Facilities Regulation, (717) 787-8184, [jafrika@state.pa.us](mailto:jafrika@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department of Environmental Protection (Department) at (717) 772-5668 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-877. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Storage Tank Advisory Committee Meeting Cancellation

The Storage Tank Advisory Committee meeting scheduled for June 6, 2006, has been cancelled. The next meeting is scheduled for September 19, 2006, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the cancellation of the June 6, 2006, meeting or the September 19, 2006, meeting should be directed to Charles Swokel, Bureau of Waste Management, (717) 772-5806, [cswokel@state.pa.us](mailto:cswokel@state.pa.us). The agenda and meeting materials for the September 19, 2006, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5668 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-878. Filed for public inspection May 19, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of The Bloomsburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Bloomsburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.B1 (relating to minimum clearance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto: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) 783-6154 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. 06-879. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Carlisle Endoscopy Center, Ltd. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Endoscopy Center, Ltd. 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](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and 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) 783-6154 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. 06-880. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Endoscopy Center of Central Pennsylvania, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Endoscopy Center of Central Pennsylvania, LLC 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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and 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. 06-881. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Hershey Outpatient Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hershey Outpatient Surgery Center 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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and 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. 06-882. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Kindred Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4 and 7.2.A5 (relating to handwashing; and toilet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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. 06-883. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Kindred Hospital Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital Pittsburgh has requested an exception to the requirements of 28 Pa. Code §§ 101.31(1), 103.1, 107.1, 107.11, 107.51, 107.54, 146.1 and 146.2.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division 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. 06-884. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Plastic Surgical Associates of Johnstown, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Plastic Surgical Associates of Johnstown, Inc. 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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and 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. 06-885. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Pottstown Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pottstown Surgical 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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and 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. 06-886. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of The Reading Hospital Surgi Center at Spring Ridge for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Reading Hospital Surgi Center at Spring Ridge 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. 06-887. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of St. Joseph Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Joseph Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 101.191 and 551.3 (relating to multiple-clinical facilities; and 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. 06-888. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare*

*Facilities.* The facility specifically requests exemption from the following standards contained in this publication: 9.1.C (relating to facility access).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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) 783-6154 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. 06-889. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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. 06-890. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Tri-County Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Tri-County Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division 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. 06-891. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of Warminster Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Warminster Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A1 (relating to maximum room capacity).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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) 783-6154 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. 06-892. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application of York Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Endoscopy 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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and 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. 06-893. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Draft Title V Block Grant Program; 2005 Report and 2007 Application; Public Comment Period

During the months of May and June 2006, from the date of this publication, the Bureau of Family Health is accepting public comment about the Commonwealth's Draft Title V Block Grant Report and 2007 Application. A draft of this document is electronically accessible through a link on the Department of Health's website at [www.health.state.pa.us](http://www.health.state.pa.us). Comments will be accepted up to June 30, 2006, and should be sent to the Title V Block Grant Coordinator Wayne S. Fleming.

Persons with a disability who require an alternative format of this notice or of the Block Grant document (for example, large print, audiotape, Braille) should contact Wayne S. Fleming at Title V Block Grant Coordinator, Bureau of Family Health, 7th and Forster Streets, 7th Floor, East Wing, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-7192, wfleming@state.pa.us or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-894. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Emergency Medical Services Operating Fund Funding Priorities

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) hereby gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2006, and ending June 30, 2007.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to contribute funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By September 30, 2006, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2007.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance, with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2006, and ending June 30, 2007, must be expended by the regional EMS council by June 30, 2007, unless a written request for an extension of time, not to exceed 90 calendar days, is submitted by the regional EMS council and approved by the Department prior to June 30, 2007.

#### *Funding Priorities*

These priorities are not ranked. The priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.



- Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

- Recruitment and retention programs, including scholarships/tuition reimbursement for emergency medical technician (EMT) and paramedic training in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

- Automatic external defibrillators (AED) and upgrade to current standards for Department recognized quick response services (QRSs) and basic life support (BLS) ambulance services.

- Equipment required to meet BLS and advanced life support (ALS) ambulance service licensure.

- Capnography equipment (especially wave-form end-tidal CO<sub>2</sub> monitors).

- An ambulance for ambulance services that is older than 10 years or has more than 200,000 miles on it. Limit to one per fiscal year.

- Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.

- Communication equipment and capabilities for EMS response in areas with poor to no communication capability between ambulances and medical command facilities or between ambulances and receiving facilities.

- Quality assurance/improvement program.

- EMS personnel protective respiratory equipment approved by the Department to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

When two or more ambulance companies have consolidated, for the first 5 years after the ambulance companies completed consolidation, the entity may be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

*Emergency Preparedness and Response Funding Requests*

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs, and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, HAZMAT and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to response to terrorism and emer-

gency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS surge capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional catastrophic casualty care plans.

*Provider Equipment*

Purchases by providers of EMS are not limited to equipment. If an EMS provider requests EMSOF moneys to purchase equipment, the Eligible Provider Equipment List identifies equipment for which EMSOF funds will be made available to purchase. This chart identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

Funding of a QRS or a BLS ambulance service to upgrade its AED to meet American Heart Association standards may be granted at 100% of the cost of the upgrade up to a maximum allowable cost of \$400 per AED.

Funding of an ALS ambulance service for a paramedic student to take the State written examination for paramedic certification may be granted at 100% of the cost of the examination up to a maximum allowable cost of \$300 per student, but only for the student's first and second attempts to pass the examination.

Questions regarding the Eligible Provider Equipment List or other matters addressed in this notice should be directed to Joseph W. Schmider, Director, Bureau of Emergency Medical Services, Department of Health, 1032 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 787-8740. Speech or hearing impaired persons may use VTT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984. Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Joseph W. Schmider at the address or telephone numbers previously noted.

**Eligible Provider Equipment List**

Equipment Description	Life Expectancy	Eligible Purchase For:				Allowable Costs <sup>1</sup>	Non Rural (50%)	Rural
		ALS	ALS/SQ	BLS	QRS			
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	12,000	6,000	7,200
12 Lead EKG <sup>2</sup>	5 years	Y	Y	N	N	20,000	10,000	12,000

NOTICES

2471

Equipment Description	Life Expectancy	Eligible Purchase For:				Allowable Costs <sup>1</sup>	Non Rural (50%)	Rural
		ALS	ALS/SQ	BLS	QRS			
Automated External Defibrillator (AED)	5 years	N	N	Y <sup>3</sup>	Y <sup>3</sup>	3,500	1,750	2,100
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose and Mask Regulator (combination or constant flow) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	N	N	900	450	540
Pulse Oximeter	5 years	Y	Y	Y	N	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200
Intravenous Infusion Pumps	5 years	Y	Y	N	N	2,000	1,000	1,000
Adult /Pediatric Intubation Kits	5 years	Y <sup>8</sup>	Y <sup>8</sup>	N	N	600	300	360
Transtacheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	200	100	120
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction, and the like)	3 years	Y	Y	Y	Y	500	250	300
Stairchair	5 years	Y	N	Y	N	2,650	1,325	1,590
Stretcher—Primary	5 years	Y	N	Y	N	11,500	5,750	6,900
Stretcher/Chair Combination	5 years	Y	N	Y	N	700	350	420
Suction (portable, battery operated)	3 years	Y	Y	Y	Y	900	450	540
Ventilator, Automatic (per Department of Health guidelines)	5 years	Y <sup>4</sup>	Y <sup>4</sup>	Y <sup>5</sup>	Y <sup>5</sup>	3,000	1,500	1,800
Ambulance		Y	N	Y	N		15,000	20,000
Squad/Response Vehicle		N	Y	N	Y		7,500	9,000
Data Collection Software <sup>6</sup>		Y	Y	Y	Y	1,700	1,700	1,700
Data Collection Hardware <sup>7</sup>	3 years	Y	Y	Y	Y	1,500	750	900
Radio, Mobile (two per vehicle)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	3,000	1,500	1,800
Radio, Portable (one per vehicle)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	3,000	1,500	1,800
Triage Vest Set	5 years	Y	Y	Y	Y	150	75	90
Triage System	5 years	Y	Y	Y	Y	500	250	300
Alerting Equipment (5 per service @ \$400 each)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	2,000	1,000	1,200
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	3,500	1,750	2,100
Personal Protective Equipment/Turnout Gear: Helmet, Coat, Pants, Boots (one set)	5 years	Y	Y	Y	Y	1,200	600	720
Protective Ballistic Vest (over garment style)	5 years	Y	Y	Y	Y	1,000	500	600
Traffic Safety Equipment	5 years	Y	Y	Y	Y	2,500	1,250	1,500

Equipment Description	Life Expectancy	Eligible Purchase For:				Allowable Costs <sup>1</sup>	Non Rural (50%)	Rural
		ALS	ALS/SQ	BLS	QRS			
Large Patient Moving/Carrying Device	10 years	Y	Y	Y	Y	3,000	1,500	1,800
Self Contained Breathing Apparatus (2 per licensed vehicle)	10 years	Y	Y	Y	Y	3,000	1,500	1,800
EMT-P Testing (Written)		Y	Y	N	N	300	300	300

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

<sup>3</sup> Must be an approved AED service or part of regional planning, and AED medical director required.

<sup>4</sup> Completion of approved training program required.

<sup>5</sup> Completion of approved training program required and BLS service medical director approval required.

<sup>6</sup> Must be a Department-approved software program, version and vendor.

<sup>7</sup> Data collection hardware may include computer, modem, printer, backup device and battery system.

<sup>8</sup> Must be durable equipment, not disposable equipment.

<sup>9</sup> Must be compatible with regional and State EMS communications plan.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-895. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Wednesday, June 28, 2006, from 9:30 a.m. to 3:30 p.m. in Hearing Room 5, Atrium Floor, Commonwealth Keystone Building, Commonwealth Avenue and Forster Streets, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification at (717) 783-8143.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Newborn Hearing Screening Program at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-896. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday,

June 28, 2006, from 7:45 a.m. to 12 p.m. at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-897. Filed for public inspection May 19, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$100 Million High Roller 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:

- Name:* The name of the game is Pennsylvania \$100 Million High Roller.
- Price:* The price of a Pennsylvania \$100 Million High Roller instant lottery game ticket is \$20.

### 3. Play Symbols:

(a) Each Pennsylvania \$100 Million High Roller instant lottery game ticket will contain four games: "SLOTS," "7-11," "HIGH CARD" and "ROULETTE." Each game has a different game play method and is played separately.

(b) The play area for "SLOTS" will contain "SPIN 1," "SPIN 2" and "SPIN 3." Each "SPIN" is played separately. The play symbols and their captions located in the play area for "SLOTS" are: Cherry symbol (CHY), Bell symbol (BELL), Melon symbol (MEL), Banana symbol (BAN), Star symbol (STA), Lemon symbol (LEM), Horse Shoe symbol (SHO), Bar symbol (BAR), 7 symbol (SVN), Crown symbol (CRN) and Diamond symbol (DMND).

(c) The play area for "7-11" will contain "ROLL 1" and "ROLL 2." Each "ROLL" is played separately. The play symbols and their captions located in the play area for each "ROLL" are: 1 symbol (ONE), 2 symbol (TWO), 3 symbol (THREE), 4 symbol (FOUR), 5 symbol (FIVE) and 6 symbol (SIX).

(d) The play area for "HIGH CARD" will contain a "YOUR CARD" area and a "DEALER'S CARD" area in "GAME 1," "GAME 2" and "GAME 3." Each "GAME" is played separately. The play symbols and their captions located in the "YOUR CARD" areas are: 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) playing card symbols. The play symbols and their captions located in the "DEALER'S CARD" areas are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN) and King (KNG) playing card symbols. Ace is high.

(e) The play area for "ROULETTE" will contain three "WHEEL NUMBER" areas and three "YOUR NUMBERS" areas. The play symbols and their captions located in the "WHEEL NUMBER" areas and the "YOUR NUMBERS" areas 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 (THRNTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV) and 36 (THYSIX).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" areas for "7-11" and "HIGH CARD" and in the "YOUR NUMBERS" prize areas for "ROULETTE" are: \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO) and \$1MILL (1 MILLION).

5. *Prizes:* The prizes that can be won in "SLOTS" are: \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$50,000 and \$1,000,000. The prizes that can be won in "7-11," "HIGH CARD" and "ROULETTE" are: \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$50,000 and \$1,000,000. The \$1,000,000 top prize is paid as a lump-sum, cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania \$100 Million High Roller instant lottery game.

### 7. Determination of Prize Winners:

(a) Determination of prize winners for "SLOTS" are:

(1) Holders of tickets with three 7 (SVN) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$1,000,000.

(2) Holders of tickets with three Bar (BAR) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets with three Crown (CRN) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets with three Horse Shoe (SHO) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets with three Diamond (DMND) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets with three Lemon (LEM) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$200.

(7) Holders of tickets with three Star (STA) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets with three Banana (BAN) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets with three Melon (MEL) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets with three Bell (BELL) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets with three Cherry (CHY) play symbols in the same "SPIN," on a single ticket, shall be entitled to a prize of \$20.

(b) Determination of prize winners for "7-11" are:

(1) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$1MILL (1 MILLION) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$1,000,000.

(2) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$200.

(7) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$25\$ (TWY FIV) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$20.

(12) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$10.

(c) Determination of prize winners for "HIGH CARD" are:

(1) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$1MILL (1 MILLION) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000,000.

(2) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$200.

(7) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$25\$ (TWY FIV) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(12) Holders of tickets where the value of the "YOUR CARD" play symbol is greater than the value of the "DEALER'S CARD" play symbol in the same "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right side of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(d) Determination of prize winners for "ROULETTE" are:

(1) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$1MILL (1 MILLION) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(2) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$50,000 (FTY THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$10,000 (TEN THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$1,000 (ONE THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$500 (FIV HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$200 (TWO HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$200.

(7) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$100 (ONE HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$50\$ (FIFTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$40\$ (FORTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$25\$ (TWY FIV) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$20\$ (TWENTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$20.

(12) Holders of tickets where any of "YOUR NUMBERS" play symbols matches the "WHEEL NUMBER" play symbol in the center of the same wheel, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$10.

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>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$10 × 2	\$20	20	360,000
\$20	\$20	15	480,000
\$25	\$25	15	480,000
\$10 × 4	\$40	42.86	168,000
\$20 × 2	\$40	50	144,000
\$40	\$40	42.86	168,000
\$10 × 5	\$50	100	72,000
\$25 × 2	\$50	100	72,000
\$50	\$50	75	96,000
\$10 × 10	\$100	300	24,000
\$20 × 5	\$100	300	24,000
\$25 × 4	\$100	300	24,000
\$50 × 2	\$100	300	24,000
\$100	\$100	300	24,000
\$20 × 10	\$200	600	12,000
\$25 × 8	\$200	1,200	6,000
\$40 × 5	\$200	1,200	6,000
\$50 × 4	\$200	1,200	6,000
\$100 × 2	\$200	1,200	6,000
\$200	\$200	1,200	6,000
\$25 × 20	\$500	2,400	3,000
\$50 × 10	\$500	2,400	3,000
\$100 × 5	\$500	2,400	3,000
\$500	\$500	2,400	3,000
\$50 × 20	\$1,000	6,000	1,200
\$100 × 10	\$1,000	6,000	1,200
\$200 × 5	\$1,000	6,000	1,200
\$500 × 2	\$1,000	6,000	1,200

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$1,000	\$1,000	6,000	1,200
\$500 × 20	\$10,000	180,000	40
\$10,000	\$10,000	180,000	40
\$50,000	\$50,000	360,000	20
\$1,000,000	\$1,000,000	720,000	10

SLOTS: Match 3 like symbols in any one spin, win prize shown in the slots legend.

7-11: When any of your rolls total 7 or 11 in the same roll, win prize shown to the right of that roll.

HIGH CARD: When your card beats the dealer's card within the same game, win prize shown for that game. Ace is high.

ROULETTE: When any of your numbers match the wheel number in the center of the same wheel, win prize shown under the matching number.

Each game is played separately.

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 \$100 Million High Roller instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100 Million High Roller, prize money from winning Pennsylvania \$100 Million High Roller instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$100 Million High Roller instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$100 Million High Roller or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 06-898. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Pennsylvania Silver 7's 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 Silver 7's.

2. *Price:* The price of a Pennsylvania Silver 7's instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Silver 7's instant lottery game ticket will contain one play area featuring a "SILVER NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "SILVER NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Silver Bar symbol (SLVBAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$27,000 (TWYSVNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$5, \$7, \$10, \$20, \$50, \$100, \$500 and \$27,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Silver 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER NUMBERS" play symbols and a prize symbol of \$27,000 (TWYSVNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$27,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SLVBAR), and a prize symbol of \$500 (FIV HUN) appears under the Silver Bar symbol (SLVBAR) on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER 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.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SLVBAR), and a prize symbol of \$100 (ONE HUN) appears under the Silver Bar symbol (SLVBAR) on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER 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.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SLVBAR), and a prize symbol of \$50\$ (FIFTY) appears under the Silver Bar symbol (SLVBAR) on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SLVBAR), and a prize symbol of \$20\$ (TWENTY) appears under the Silver Bar symbol (SLVBAR) on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER NUMBERS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SLVBAR), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Silver Bar symbol (SLVBAR) on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER NUMBERS" play symbols and a prize symbol of \$7<sup>.00</sup> (SVN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (SEVEN), and a prize symbol of \$7<sup>.00</sup> (SVN DOL) appears under the 7 symbol (SEVEN) on a single ticket, shall be entitled to a prize of \$7.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (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 Silver Bar symbol (SLVBAR), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Silver Bar symbol (SLVBAR) 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 either of the "SILVER NUMBERS" play symbols and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SLVBAR), and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the Silver Bar symbol (SLVBAR) on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SILVER NUMBERS" play symbols and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Numbers Match Either Silver Number, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$1 × 2	\$2	30	320,000
\$2 w/SILVER BAR	\$2	30	320,000
\$2	\$2	30	320,000
\$1 × 5	\$5	42.86	224,000
\$5 w/SILVER BAR	\$5	42.86	224,000
\$5	\$5	50	192,000
\$1 × 7	\$7	150	64,000
\$7	\$7	150	64,000
\$7 w/7 symbol	\$7	37.50	256,000
\$2 × 5	\$10	375	25,600
\$5 × 2	\$10	375	25,600
\$1 × 3 + \$7 w/7 symbol	\$10	375	25,600
\$10 w/SILVER BAR	\$10	375	25,600
\$10	\$10	375	25,600
\$2 × 10	\$20	750	12,800
\$10 × 2	\$20	750	12,800
\$2 × 3 + \$7 w/7 symbol × 2	\$20	750	12,800



When Any of Your Numbers  
Match Either Silver Number;  
Win With Prize(s) of:

	Win:	Approximate Odds of 1 In:	Approximate No. of Winners Per 9,600,000 Tickets
\$20 w/SILVER BAR	\$20	750	12,800
\$20	\$20	750	12,800
\$5 × 10	\$50	2,400	4,000
\$10 × 5	\$50	2,400	4,000
\$7 w/7 symbol × 7 + \$1	\$50	2,400	4,000
\$50 w/SILVER BAR	\$50	2,400	4,000
\$50	\$50	2,400	4,000
\$10 × 10	\$100	9,231	1,040
\$20 × 5	\$100	9,231	1,040
\$100 w/SILVER BAR	\$100	10,000	960
\$100	\$100	9,231	1,040
\$100 × 5	\$500	60,000	160
\$500 w/SILVER BAR	\$500	60,000	160
\$500	\$500	60,000	160
\$27,000	\$27,000	960,000	10

SILVER BAR (SLVBAR) = Win prize shown under it automatically.  
7 SYMBOL = Win \$7 instantly.

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 Silver 7's 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 Silver 7's, prize money from winning Pennsylvania Silver 7's 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 Silver 7's 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 Silver 7's or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 06-899. Filed for public inspection May 19, 2006, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by  
the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on June 13, 2006, at 9:45 a.m. at the Millersburg

Borough Municipal Office Building, 101 West Street, Millersburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

### Great Valley and Piedmont Region

1. *Presser Home for Retired Music Teachers*, 101-121 West Johnson Street, Philadelphia, #054390

2. *American Railway Express Company Garage*, 3002-3028 Cecil B. Moore Avenue, Philadelphia, #140675

3. *Nugent Home for Baptists*, 221 West Johnson Street, Philadelphia, #054140

4. *Millersburg Ferry*, Susquehanna River between Millersburg Borough, Dauphin County and New Buffalo Township, Perry County, #086655

### Allegheny Plateau

5. *John Armor Bingham House*, 124 South Diamond Street, Mercer, Mercer County, #007484

### Anthracite Region and Poconos

No nominations

### Ridge and Valley

No nominations

### Southwestern Pennsylvania

No nominations

BARBARA FRANCO,  
Executive Director

[Pa.B. Doc. No. 06-900. Filed for public inspection May 19, 2006, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 4, 2006, and announced the following:

*Regulations Approved:*

Department of Revenue #15-435: Terminal-Based Lottery Games (adds 61 Pa. Code Chapter 875)

Department of Revenue #15-426: Sales and Use Tax; Prebuilt Housing (amends 61 Pa. Code §§ 31.30, 31.33, 46.8 and 60.18)

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### Approval Order

Public Meeting held  
May 4, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.

*Department of Revenue—Terminal-Based Lottery Games; Regulation No. 15-435*

On April 5, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rulemaking adds 61 Pa. Code Chapter 875. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation establishes procedures and standards for initiating “terminal-based lottery games” via notices in the *Pennsylvania Bulletin*. This new chapter gives the Department greater agility to respond to market trends in lottery ticket sales.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. § 3761-303) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting held  
May 4, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.

*Department of Revenue—Sales and Use Tax; Prebuilt Housing; Regulation No. 15-426*

On November 4, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue. This rulemaking amends 61 Pa. Code §§ 31.30, 31.33, 46.8 and 60.18. The proposed regulation was published in the November 20, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 10, 2006. On April 7, 2006, the Department of Revenue simultaneously withdrew and resubmitted the final-form regulation to make a minor amendment.

This rulemaking implements Act 23 of 2000 which imposed sales and use tax on new prebuilt housing.

We have determined this regulation is consistent with the statutory authority of the Department of Revenue (72 P. S. § 7270(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
Chairperson

[Pa.B. Doc. No. 06-901. Filed for public inspection May 19, 2006, 9:00 a.m.]

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### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The 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>
57-244	Pennsylvania Public Utility Commission Alternative Energy Portfolio Standards 36 Pa.B. 571 (February 4, 2006)	4/5/06	5/5/06

**Pennsylvania Public Utility Commission Regulation  
#57-244 (IRRC #2519)**

**Alternative Energy Portfolio Standards**

**May 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 Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**1. General—Economic impact; Feasibility; Need; Reasonableness.**

*Meter aggregation*

Meter aggregation is addressed in Sections 75.12 and 75.14(e) and in both sections is limited to “a particular rate class on contiguous and adjacent properties.” Commentators stated that this language has negative impacts on alternative energy projects located on farms. These commentators include the Department of Agriculture, the Department of Environmental Protection, agricultural associations and individual farmers. The PUC should explain why the limits for meter aggregation in regard to rate class and property location are necessary and appropriate.

*One meter versus two meters*

In the Preamble, the PUC specifically requests comments regarding the metering approaches in the regulation. The regulation allows for several metering arrangements. Subsection 75.14(a) allows single bi-directional meters and also allows two meters if the customer-generator agrees. Subsection 75.14(b) allows the Electric Distribution Company (EDC) to install new meters if existing metering is not sufficient.

We note that commentators provided examples where one metering arrangement was better in a particular situation than another. It would appear that some degree of flexibility is needed to address individual circumstances of alternative energy generators. The PUC should consider all of the possible metering alternatives in relation to the comments and explain why the metering approach selected is the best alternative.

**2. Section 75.12. Definitions.—Consistency with statute; Duplication; Need; Clarity.**

*Avoided cost of wholesale power*

This definition implies an average avoided cost over the one year reporting period. Since fuel costs vary, why is an average over the whole year the most appropriate as opposed to the actual avoided cost of the billing period?

*Annualized period*

This definition states “The term has the same meaning as ‘reporting period’ as that term is defined in section 2 of the act.” Since the term “reporting period” is defined in 73 P. S. § 1648.2 and Section 75.1 of this regulation, it is confusing to create another term that means the same thing. This definition should be deleted and the term “reporting period” should be used consistently throughout the regulation.

*Net metering*

The statutory definition of “net metering” at 73 P. S. § 1648.2 addresses measurement of electricity and states:

The means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when the renewable energy generating system is intended primarily to offset part or all of the customer-generator’s requirements for electricity.

The regulatory definition varies from the statutory definition and includes substantive provisions regarding credits and costs. Since substantive provisions within a definition cannot be enforced, we recommend using the statutory definition and moving the cost mechanisms to the body of the regulation.

**3. Section 75.13. General provisions.—Consistency with statute; Reasonableness; Economic impact.**

*Subsection (a) First come, first served basis*

Under 73 P. S. §§ 1648.3(b) and (c), the EDC and Electric Generation Suppliers (EGS) are directed to meet certain minimum percentages of Tier 1 and Tier 2 alternative energy sources within certain time periods. However, this subsection states the EDC and EGS must offer net metering on a “first come, first served basis.” If the EDC and EGS are directed in regulation to accept customer-generators on a “first come, first served basis,” the EDC and EGS may not have the flexibility to meet the percentages required by the statute. The PUC should amend this subsection to allow the EDC and EGS the flexibility to meet their statutory obligations. Alternatively, the PUC should explain how the EDC and EGS could meet their statutory obligations for both Tier 1 and Tier 2 alternative energy sources if they must accept customer-generators on a “first come, first served basis.”

*Subsection (c) Kilowatt-hour for kilowatt-hour basis*

This subsection requires the customer-generator to be credited on a kilowatt-hour for kilowatt-hour basis. This will reduce the customer-generator’s bill for both generation costs and distribution costs. Commentators questioned whether it is fair to reduce the customer-generator’s bill for distribution costs and whether other customers are then subsidizing the customer-generator. The PUC should explain how this method is equitable.

*Subsections (c), (d) and (e) Timing of compensation*

These subsections establish payment for excess kilowatt-hours generated by a customer-generator at the end of the reporting period. Commentators from the electric utilities have suggested that they should be allowed to reconcile with the customer-generator monthly rather than extending these credits to the end of the reporting period. It would appear that all parties would benefit from a more immediate reconciliation. Why did the PUC choose to extend reconciliation to the end of the reporting period?

**4. Section 75.14. Meters and metering.—Reasonableness.**

*Subsection (d) Customer-generator rejects ownership of alternative energy credits*

This subsection establishes provisions for when a customer-generator expressly rejects ownership of alternative energy credits. The regulation should require the EDC to fully inform the customer-generator of the potential value and options available concerning these credits before a customer-generator rejects ownership.

**5. Section 75.15. Treatment of stranded costs.— Consistency with statute; Reasonableness; Economic impact.**

Under 66 Pa.C.S.A. § 2808(a) a competitive transition charge is required if on-site generation “significantly reduces the customer’s purchases of electricity.” Also, the competitive transition charge is defined at 66 Pa.C.S.A. § 2803 as being “designed to recover an electric utility’s transition or stranded costs as determined by the commission.”

This section of the regulation interprets a significant reduction as “10% or more reduction in the customer’s purchase of electricity.” How did the PUC determine that the threshold of “10% or more” is appropriate and will not compromise the utility’s recovery of costs?

**6. Miscellaneous Clarity.**

- The definition of “Act” in Section 75.1, as printed in the *Pennsylvania Bulletin* version, contains a cross reference that should be corrected to 73 P.S. §§ 1648.1—1648.8.

- In Section 75.12, the term “equipment package” is defined but is not used in the regulation. Therefore, this definition should be deleted.

- In Section 75.12, Paragraph (ii) of the “net metering” definition uses the confusing phrase “supplier/provider.” It is not clear whether this refers to an EGS, EDC or both.

- Some of the definitions in Section 75.1 have “the same meaning as defined in section 2 of the act” and include a cross reference to 73 P.S. § 1648.2. However, other definitions do not include the cross reference. For consistency, the reference to 73 P.S. § 1648.2 should be added where appropriate.

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-902. Filed for public inspection May 19, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Altoona Center for Nursing Care; Prehearing

**Appeal of Altoona Center for Nursing Care under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910); Doc. No. MM06-04-042**

On or before May 19, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s March 22, 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 June 9, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 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 May 26, 2006, with the

Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 2, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-903. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application and Request for a Certificate of Authority

The Orchards at Marsh Run has applied for a continuing care provider Certificate of Authority to operate a facility located in Carlisle, PA. The filing was received on May 2, 2006, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail 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. 06-904. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Application and Request for a Certificate of Authority

William Penn Health Care Associates has applied for a continuing care provider Certificate of Authority to operate a facility located in Jeannette, PA. The filing was received on May 1, 2006, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail 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. 06-905. Filed for public inspection May 19, 2006, 9:00 a.m.]

### The Birth Center; Prehearing

**Appeal of The Birth Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-04-031**

On or before May 19, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 28, 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 June 9, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 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 May 26, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 2, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-906. Filed for public inspection May 19, 2006, 9:00 a.m.]

### List of Approved Guide Source Method Vendors; Notice No. 2006-02

Under the authority of the Motor Vehicle Physical Damage Appraisers Act (63 P. S. §§ 851—863), the Insurance Commissioner hereby lists guide source providers approved to calculate the replacement value of total loss or unrecovered vehicles under the Motor Vehicle Physical Damage Appraisers regulation, 31 Pa. Code § 62.3(e)(1)(i) (relating to applicable standards for appraisal).

A listing of approved guide source method providers will be published annually in the *Pennsylvania Bulletin*. In the interim, an updated listing may be obtained by contacting the Insurance Department, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120. Requests for this information may also be submitted to ra-in-consumer@state.pa.us or telephone toll free (877) 881-6388 or faxed to (717) 787-8585.

#### Approved Guide Source Vendors

Automobile Red Book,  
*formerly Automobile Blue Book*  
Primedia Price Digests  
P. O. Box 12901  
Overland Park, KS 66282-2901  
(800) 654-6776  
www.pricedigests.com

NADA Official Used Car Guide  
8400 Westpark Drive  
McLean, VA 22102  
(800) 544-6232  
www.nada.com/b2b

Autobid, Inc.  
722 Illinois Street  
Joplin, MO 64801  
(800) 875-2217  
www.autobid.com

CCC Information Services, Inc.  
444 Merchandise Mart  
Chicago, IL 60654-1005  
(800) 621-8070  
www.cccis.com

Audatex  
*formerly ADP Claims Solution Group, Inc.*  
6111 Bollinger Canyon Road  
Suite 200  
San Ramon, CA 94583  
(925) 866-1100  
www.audatex.com

This document supersedes the notice published at 33 Pa.B. 4867 (September 27, 2003) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

(*Editor's Note:* For a final rulemaking affecting this notice, see 29 Pa.B. 5511 (October 23, 1999).)

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-907. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Timothy E. Perschke, DPM; Prehearing

**Appeal of Timothy E. Perschke, DPM under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-04-043**

On or before May 19, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's March 29, 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 June 8, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 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 May 26, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 2, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-908. Filed for public inspection May 19, 2006, 9:00 a.m.]

### Procedures Applicable to Right-To-Know Request; Notice No. 2006-03

This written policy identifies the procedures for requesting records from the Insurance Department (Department) under the act of June 21, 1957 (P. L. 390) (65 P. S. §§ 66.1—66.9), known as the Right-to-Know Law (RTKL). This policy supplements Management Directive 205.36 and supersedes Department Notice 2003-01 (published at 33 Pa.B. 94, January 4, 2003).

#### *Requests*

1. A request to the Department made under the RTKL must be in writing and must:

- a. Identify the requester by name;
- b. Aver whether the requester is a resident this Commonwealth;
- c. Identify a return mailing address;
- d. Expressly state that the request is being made under the RTKL); and
- e. Bear the requester's signature.

2. RTKL requests must be sent or delivered by mail, hand-delivery or facsimile transmission. Other than facsimile transmission, no electronic transmission is acceptable. The Department will not accept verbal requests.

3. RTKL requests must be sent or delivered to Peter J. Salvatore, Right to Know Law Official, Right to Know Law Office, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, Fax (717) 772-1969.

4. If a RTKL request is sent to a Department office other than the RTKL Office, that office may return the request to the requester and inform the requester that the request must be sent to the RTKL Office.

5. The regular business hours of the RTKL Office are 8 a.m. to 4:30 p.m., Monday through Friday. Any RTKL request received by the RTKL Office after the close of regular business hours shall be deemed to have been received by that office on the following business day. For example, a facsimile transmission received at 10 p.m. on a Friday is deemed to be received on the following Monday (unless that Monday is a nonbusiness day, such as a holiday).

6. A requester who is a resident of this Commonwealth is entitled access to public records under the RTKL. In determining whether a requester is a resident of this Commonwealth, the RTKL Official may require the requester to provide proof of residency, such as a photographic identification. For example, a driver's license containing a picture of the requester and showing a Pennsylvania address is photographic identification.

7. A RTKL request may be denied if it does not identify the records requested with sufficient specificity. In conducting an initial review of a RTKL request, the RTKL Official may contact (or attempt to contact) the requester to obtain clarification or additional information to aid the RTKL Official in responding to the request. The request should contain a telephone number, fax number or e-mail address where the RTKL Official may reach the requester.

8. The RTKL Official shall make a final or interim response to a RTKL request within 10 business days after receiving the request. A business day does not include a Saturday or Sunday; a day when the offices of the Department are closed for all or part of a day due to a State holiday; partial and full day closings of State offices under management directives; a day when the offices of the Department are closed due to a natural disaster; or a day when Department offices are closed at the request or direction of a local, State, or Federal law enforcement agency or official. For purposes of determining the end of the 10-business-day period, the day a RTKL request is received (or deemed received) is not counted.

9. A response that denies a request (either in whole or in part) will list all of the specific reasons relied on by the RTKL Official for denying the request and will include one or more citations of supporting authority. If a reason for denial is a determination that an identified document is not a public record, the specific reason for that determination will be included.

10. In the event that the RTKL Official's final response is a denial or a partial denial, the response to the requester will contain: 1) the typed or printed name, title, business address, business telephone number and signature of the public official or employee on whose authority the denial is issued; 2) a notice informing the requester of his or her right to file exceptions with the Department; 3) a statement of the procedure that the requester shall follow to file exceptions contesting the denial; 4) the name and mailing address of the Department's RTKL Exceptions Office and Officer; and 5) the words "Mailing Date" followed by date on which the denial or partial denial is mailed.

11. If the RTKL Official does not respond to the request within 10 business days after a RTKL request is docketed as having been received, a RTKL request shall be deemed to have been denied and the requester may file an exception.

#### *Exceptions*

12. Exceptions to a written denial must be filed within 15 business days of the mailing date of the written denial.

13. Exceptions to a deemed denial must be filed within 15 calendar days of the date the request is deemed denied.

14. Exceptions to a denial or partial denial of a request must be set forth in writing and must be correctly addressed and submitted to the Department's RTKL Exceptions Official. Exceptions submitted to any other official, office or address are defective and do not stop the running of the 15-day exceptions period. Exceptions must be sent or delivered to James Johnson, Right to Know Law Exceptions Official, Administrative Hearings Office, Insurance Department, Capital Associates Building, 901 North Seventh Street, Harrisburg, PA 17102, fax (717) 787-8781; a copy of the appeal with the Department's Office of Chief Counsel at Office of Chief Counsel, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120.

15. Exceptions are considered filed as of the mailing date to the Administrative Hearings Office.

16. When exceptions are submitted by posting them through the United States mail, their mailing date is the date of the postmark on the envelope. If the postmark is illegible, the mailing date is deemed to be the calendar day that immediately preceded the date on which the exceptions are received, unless that immediately preceding date is a Sunday or a Federal holiday.

17. If exceptions are filed in person, by facsimile transmission, by courier service, by overnight mail or parcel delivery service, or in any way other than by sending them through the United States mail, their mailing date is deemed to be the date the exceptions are received by the Administrative Hearings Office, except that exceptions received by the Administrative Hearings Office after the close of the usual business hours of that office are deemed to be received on the next business day. The regular business hours of the Administrative Hearings Office are 8 a.m. to 4:30 p.m., Monday through Friday.

18. Exceptions to a denial or a partial denial of a request may not be submitted through the use of e-mail.

19. Exceptions that are untimely will be dismissed for that reason.

20. Exceptions must state the reason upon which the requester asserts that the record to which the requester has been denied access is a public record. Reasons not set forth during the 15-day period in which exceptions must be filed are deemed to be waived and will be disregarded by the Administrative Hearings Office.

21. Exceptions must address the reasons stated by the RTKL Official in denying the request. Exceptions that fail to comply with this requirement will be dismissed for that reason.

22. If the request is denied due to a deemed denial, the requester is not required to set forth any grounds for contesting the denial. The RTKL Exceptions Official shall consider the cases for both the requester and RTKL Official. The RTKL Official may raise available defenses to the request.

23. Unless the requester agrees otherwise, when a requester files exceptions to a denial, the Administrative Hearings Office will issue a final determination within 30 calendar days of the mailing date of the exceptions. If the requester requests a hearing, the Administrative Hearings Office may condition the grant of that request upon the requester's written consent or agreement to an extension of the time for a decision on the exception.

24. Exceptions are resolved by a final determination, which is a final order of the Administrative Hearings Office. A final determination shall be set forth in writing. If the Administrative Hearings Office determines that the RTKL Official correctly denied the request for access, the Administrative Hearings Office will issue a written explanation to the requester of the reason for the denial by the last day a decision on the exception is due.

25. Either the requester or the RTKL Official may request a hearing on the exceptions. The decision to hold a hearing rests in the discretion of the RTKL Exceptions Official and is not appealable.

#### *Access*

26. Providing a requester with physical access to a document in an office of the Department is a "response" for the purposes of the RTKL. Only the RTKL Official has the authority to permit this access. Hours of access are 8 a.m. to 3:30 p.m., Tuesday, Wednesday or Thursday.

27. A public record will be provided to the requester in the medium requested if the record exists in that medium. Otherwise, the public record will be provided in the medium in which it exists. Where the record is only available in electronic form, the Department will print it out on paper if the requester so requests.

28. The Department may make its public records available through its website. However, if access to public records is available only through electronic means, the Department will provide access to the records at an office of the Department.

29. Subject to the concurrence and approval of the Department, a requester may bring his or her own photocopying equipment, computers and other equipment into the Department's offices for the purposes of making copies of public records.

#### *Fees*

30. Photocopies—one "photocopy" is either a single-sided copy or one side of a double-sided copy.

1 side of a standard 8.5" × 11" page is \$0.15 if using the agency's copiers.

1 side of any irregular sized page will be determined on an as-needed basis, with the fee to be not less than \$0.15 and not more than \$0.50.

#### 31. Other Materials

PC Diskettes—\$1 per disk

Microfilm/microfiche—\$30 per page

#### 32. Postage

Material fitting into standard letter envelope is mailed at no charge.

Material fitting into a nonstandard envelope is mailed at actual cost.

33. If redaction is required before the public records can be accessed or copied for the benefit of the requester, the Department will charge the requester \$10 per hour with a minimum charge of \$10.

34. The cost to certify the copies for the purpose of legally verifying the public record shall be \$1 per side of a standard 8.5" × 11" page.

35. The Department may require prepayment if the anticipated cost to fulfill the request exceeds \$100. Unless prepayment is made by certified check, access will be denied until a regular check clears. If the fee is for copying only, the Department shall allow access to the records but shall refuse to make copies until the fee is paid. If the fee includes redaction costs, the Department shall deny access to the requester until the redaction fee is paid. If the requester pays any fee by check, the payee shall be "Pennsylvania Insurance Department."

36. Appropriate sales tax will apply to all transactions.

This policy can also be obtained on the Department's website at [www.insurance.state.pa.us](http://www.insurance.state.pa.us) or by contacting the Department's Communications Office at (717) 787-3289. Questions regarding this policy may be directed to the same office.

For additional information or if persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact the Bureau of Administration at (717) 787-6469 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-909. Filed for public inspection May 19, 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. 570.11—Changes to Retirement and Personnel/Payroll System and Collection of Arrears Balances, Amended March 23, 2006.

Management Directive No. 590.8—Classification Grievance Processing, Amended March 30, 2006.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-910. Filed for public inspection May 19, 2006, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member board on Tuesday, June 13, 2006, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,  
*Administrator*

[Pa.B. Doc. No. 06-911. Filed for public inspection May 19, 2006, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### Draft Pennsylvania Energy Development Plan

The Pennsylvania Energy Development Authority (Authority) makes available for public review and comment the Draft Pennsylvania Energy Development Plan (Draft Plan). The Authority's Board of Directors considered and approved the Draft Plan at their meeting held April 25, 2006. The Authority finances clean, alternative energy projects in this Commonwealth. The Draft Plan sets forth the Authority's policy goals, general operating principles and investment priorities.

Interested parties are encouraged to obtain and review a copy of the Draft Plan by contacting Steve Wilson at (717) 783-8411. TDD users may telephone the Authority through the AT&T Relay Service at (800) 654-5984. Internet users can access a copy of the Draft Plan at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: PEDA).

The Authority invites written comments on the Draft Plan. Written comments must be submitted to the Authority by July 19, 2006, and should be directed to Jeanne J. Dworetzky, Executive Director, PEDA, Department of Environmental Protection, 15th Floor, Rachel Carson State Office Building, P. O. Box 8772, Harrisburg, PA 17105-8772. Facsimiles will not be accepted.

Following the public comment period, the Authority will review all submitted comments and finalize the Draft Plan. An availability notice of the Final Plan will be published in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 06-912. Filed for public inspection May 19, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made



with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 12, 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-00122685. Eastern Area Prehospital Service** (P. O. Box 172, Turtle Creek, Allegheny County, PA 15145)—persons in paratransit service, from points in the Counties of Allegheny, Westmoreland, Mercer and Butler, to points in Pennsylvania and return.

**A-00122638. Jacqueline M. Blanchette** (644 Center Road, Quarryville, Lancaster County, PA 17566)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

**A-00122640. Charlie's Yellow Cab, Inc.** (1397 East Evergreen Drive, No. 3, Palatine, IL 60074)—persons, upon call or demand, in the Counties of Carbon and Schuylkill.

**Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights* as described under each application.**

**A-00122687. Gemstar Limousine, LLC** (108 Shadyhill Road, Pittsburgh, Allegheny County, PA 15205), a limited liability corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania, including between points in Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00117375 to Snow White Dove Limousine, Inc., subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

**A-00122687, Folder 2. Gemstar Limousine, LLC** (108 Shadyhill Road, Pittsburgh, Allegheny County, PA 15205), a limited liability corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Allegheny, Armstrong, Indiana and Westmoreland, to points in Pennsylvania, and return; which is to be a transfer of all the right authorized under the certificate issued at A-00117375, Folder 2, to Snow White Dove Limousine, Inc., subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

**Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons* as described under the application.**

**A-00121978, Folder 2. James Michael Nugent, J & D Transportation** (Lehman Township Road, P. O. Box 751, Bushkill, Pike County, PA 18324)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Pike and Monroe to points in Pennsylvania, and return.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.***

**A-00122137 Dale A. Reisinger** (581 State Street, Meadville, Crawford County, PA 16335-2272)—discontinuance of service—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Crawford, to points in Pennsylvania, and return.

**A-00120994 Front Porch Enterprises, LLC t/d/b/a Magical Limousine** (127 Williams Road, Butler, Butler County, PA 16001), a limited liability company of Pennsylvania—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle, persons in group and party service, using vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the County of Butler, and from points in said county, to points in Pennsylvania and return.

**A-00100292 Christian J. Kurtz** (1 North Aspen Place, Lewisburg, Union County, PA 17837)—discontinuance of service—persons, in special operations, between points in the Counties of Union, Snyder, Juniata and Centre, and from points in said counties to points in Pennsylvania, and the return of persons to the place of origin, in vehicles having a seating capacity not to exceed 15.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-913. Filed for public inspection May 19, 2006, 9:00 a.m.]

**Telecommunications**

**A-311156F7001. Verizon North, Inc. and Remi Retail Communications, LLC.** Joint petition of Verizon North, Inc. and Remi Retail Communications, LLC for approval of adoption of an interconnect agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and Remi Retail Communications, LLC, by its counsel, filed on May 1, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnect agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Remi Retail Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-914. Filed for public inspection May 19, 2006, 9:00 a.m.]

## Telecommunications

**A-311156F7000. Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC, by its counsel, filed on May 1, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-915. Filed for public inspection May 19, 2006, 9:00 a.m.]

## Telecommunications

**A-310258F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and TCG Delaware Valley, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and TCG Delaware Valley, Inc. for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and TCG Delaware Valley, Inc., by its counsel, filed on April 28, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and TCG Delaware Valley, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-916. Filed for public inspection May 19, 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



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

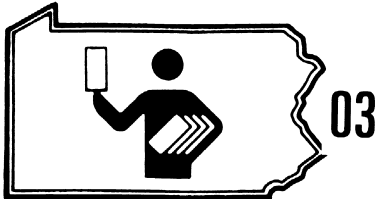
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://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



**Auctioneer Services**

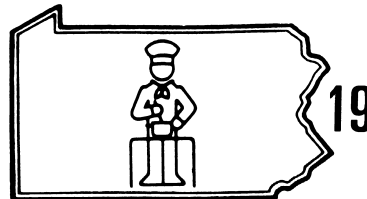
**CN00020763** Provide real estate auctioneering services for the sale of real estate property located within the Commonwealth of Pennsylvania Statewide. Auctioneering services include marketing such as signage, website and regional newspaper advertising including fliers, and open houses. Auctioneering services will be held on any day, Monday through Saturday, with the exception of state holidays. Sales will normally be held between the hours of 9:00 AM and 5:00 PM at the discretion of the Office of Attorney General. Bidders must be Pennsylvania-licensed auctioneers; have a broker's or associate broker's real estate license, and bidders must submit evidence of real estate auction experience.

**Department:** Attorney General

**Location:** Commonwealth of PA, statewide

**Duration:** July 1, 2006 through June 30, 2007 with 2 one-year options to extend services with a percentage increase not to exceed .25% for each auctioneering service.

**Contact:** Tammy Gutshall, 717-787-4745



**Food**

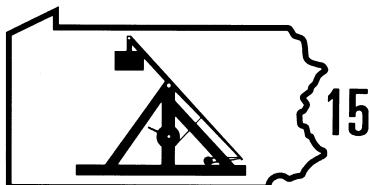
**CN00020522** Coffee, concentrate, decaffeinated, non-frozen, liquid. Successful bidder to furnish, install and maintain at no additional cost to the Hospital all dispensing equipment as specified in bid. Please send a fax to 570-587-7108 with your company name, address, telephone and fax number, Federal ID Number and your PA vendor number to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare

**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411

**Duration:** July 1, 2006 - June 30, 2007

**Contact:** Stanley Rygelski, PA, 570-587-7291



**Environmental Maintenance Service**

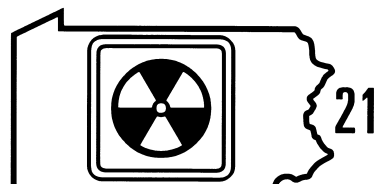
**OSM 35(2078)102.1** Abandoned Mine Reclamation, Eddy Creek. The principal items of work and approximate quantities include 31,212 cubic yards of Drainage Excavation, 13,080 square yards of Rock Lining, 850 cubic yards of Cement Concrete, 2.9 acres of Seeding and constructing a Reinforced Cement Concrete Box Culvert. This project issues on May 19, 2006 and bids will be opened on June 15, 2006 at 2:00 p.m. Bid documents cost \$50.00 per set and will not be mailed until payment has been sent. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977" and is subject to that Law, and to the Federal Grant for this project.

**Department:** Environmental Protection

**Location:** Olyphant and Throop Boroughs, Lackawanna County

**Duration:** 450 calendar days after the official starting date.

**Contact:** Construction Contracts Section, 717-787-7820



**Hazardous Material Services**

**FM9000** Furnish and provide all labor, equipment, and materials for safe and lawful packaging, labeling, transporting, and disposal of hazardous chemicals from the Pennsylvania State Police headquarters, stations and clandestine laboratories, Statewide, on an as needed basis.

**Department:** State Police

**Location:** All State Police headquarters, stations and clandestine laboratories throughout the State

**Duration:** July 1, 2006 through June 30, 2009

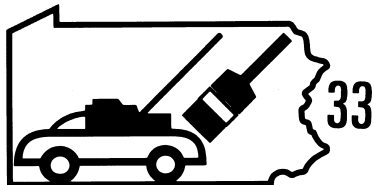
**Contact:** Helen M. Fuhrman, 717-705-5952



### Janitorial Services

**FM8954** Furnish materials, equipment, and labor to perform janitorial services three (3) visits per week at the Troop E, Warren Station. The detailed work schedule and bid specifications will be forwarded upon notification of request to quote from the facility management division.

**Department:** State Police  
**Location:** Troop E, Warren Station, 2875 Pennsylvania Avenue West Ext., Warren, PA 16365  
**Duration:** July 1, 2006, through June 30, 2009  
**Contact:** Helen M. Fuhrman, 717-705-5952



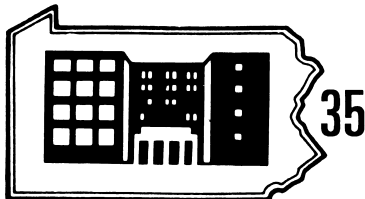
### Property Maintenance

**CN00020603** The Commonwealth of Pennsylvania, The Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, requires services of a contractor to remove all shingles, flashing, skylights, and roofing materials on Pavilion #5 at Sizerville State Park, and underpin the foundation, replace two posts with footers, replace missing flagstone and capstones, and repoint all stone. Sizerville State Park is located at 199 E. Cowley Run Road, Emporium, Pennsylvania 15834 (Cameron County). Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868 or online at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). A site visit may be arranged by calling (814) 486-5605. Bid Opening Date/Time: 05/18/2006 @ 2:00 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Sizerville State Park, 199 E. Cowley Run Road, Cameron County, Emporium, Pennsylvania 15834.  
**Duration:** Commence upon June 19, 2006 and terminates August 15, 2006.  
**Contact:** Steven E. Smith, 717-783-1896

**CN00020451** The Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of State Parks, Tyler State Park, 101 Swamp Road, Newtown, PA 18940-1151, requires services to do a complete roof structure reconstruction on the maintenance building. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868 or online at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). A site visit may be arranged by calling Mike Crowley at (215) 968-2021. Bid Opening Date/Time: 05/18/2006 @ 2:00 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Tyler State Park, 101 Swamp Road, Newtown, PA 18940-1151  
**Duration:** The contract shall commence upon receipt of Purchase Order and Notice to Proceed letter, and terminates August 30, 2006.  
**Contact:** Steven E. Smith, 717-783-1896



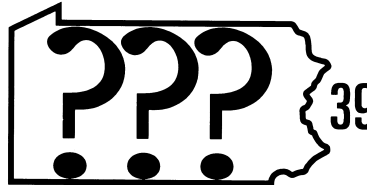
### Real Estate Services

**CN00020725** Provide residential and commercial real estate title insurance and appraisal services located in Pennsylvania statewide as well as out-of-state. Services include: Researching history of properties pertaining to title for prior 60 years or for present owner fifteen years. All appraisals must be completed by state licensed or certified appraisers.

**Department:** Attorney General  
**Location:** Pennsylvania statewide and out-of-state.  
**Duration:** 7/1/06 through 6/30/09 with two 1-yr options to extend  
**Contact:** Kellie L. Kask, 717-783-6275

**93983** Commonwealth-Owned Real Property for Sale - The Pennsylvania Department of General Services, through its contracted real estate broker, is accepting sealed bids for the purchase of a single family residence situate on approximately 0.49 acres of land. The property is located at 3831 The Oak Road in the City and County of Philadelphia, Pennsylvania. Interested parties wishing to view the home and/or submit a sealed bid for the property should contact Julie Welker of Welker Real Estate at (215) 235-7800.

**Department:** General Services  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Victor Piro, (717) 787-5546



### Miscellaneous

**Enterprise e-Learning Standard** Enterprise e-Learning Standard

**Department:** Office of Administration/Executive Offices  
**Location:** Harrisburg, PA  
**Contact:** Jonathan Tallman, (717) 705-9102

**CN00020809** Furnish 26 each Traco Windows. Dimensions will be included in the bid package. To request a bid package, please fax your request to 570-587-7108 on your company letterhead that includes name, address, telephone and fax numbers, federal ID number and PA State vendor number. If you do not have a PA State Vendor number, one can be obtained by calling the Central Vendor Master Unit at: 866-775-2868 or online at: <http://www.vendorregistration.state.pa.us/>. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** May 30 through August 30, 2006  
**Contact:** Stanley Rygelski, PA, 570-587-7291

**MI-961** RFP for Design/Build Services. The proposed minimum 350 space parking deck will be constructed at the corner of N. Prince and W. Cottage Avenue. The D/B Contractor will provide the design for demolition, sitework, standpipes, site grading, landscaping, foundations, structural, mechanical, and electrical. The D/B Contractor will be responsible for construction of all aspects of the project except Electrical. Electrical Construction will be bid as a separate prime contract. To Request RFP Documents go to: [http://muweb.millersville.edu/purchase/detail\\_current\\_bids.html?proj=MI-961](http://muweb.millersville.edu/purchase/detail_current_bids.html?proj=MI-961).

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, PA 17551  
**Duration:** Anticipated Start Date: August, 2006  
**Contact:** Ruth Sheetz, 717-872-3829

**SU-05-26** Shippensburg University is seeking vendors interested in providing a new 22-24 passenger, 2006, Type 2 School Bus with child safety restraint system for the Head Start Program. Interested parties may request a bid package either by sending an email to [kmsmit@ship.edu](mailto:kmsmit@ship.edu) or faxing a request to (717) 477-1350. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** Delivery required by August 31, 2006  
**Contact:** Karen Smith, (717) 477-1386

[Pa.B. Doc. No. 06-917. Filed for public inspection May 19, 2006, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*







