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PENNSYLVANIA BULLETIN

Volume 40 Number 20
Saturday, May 15, 2010 • Harrisburg, PA
Pages 2505—2626

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The General Assembly
The Courts
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Department of Conservation and Natural Resources
Department of Environmental Protection
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Department of Revenue
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Pennsylvania Gaming Control Board
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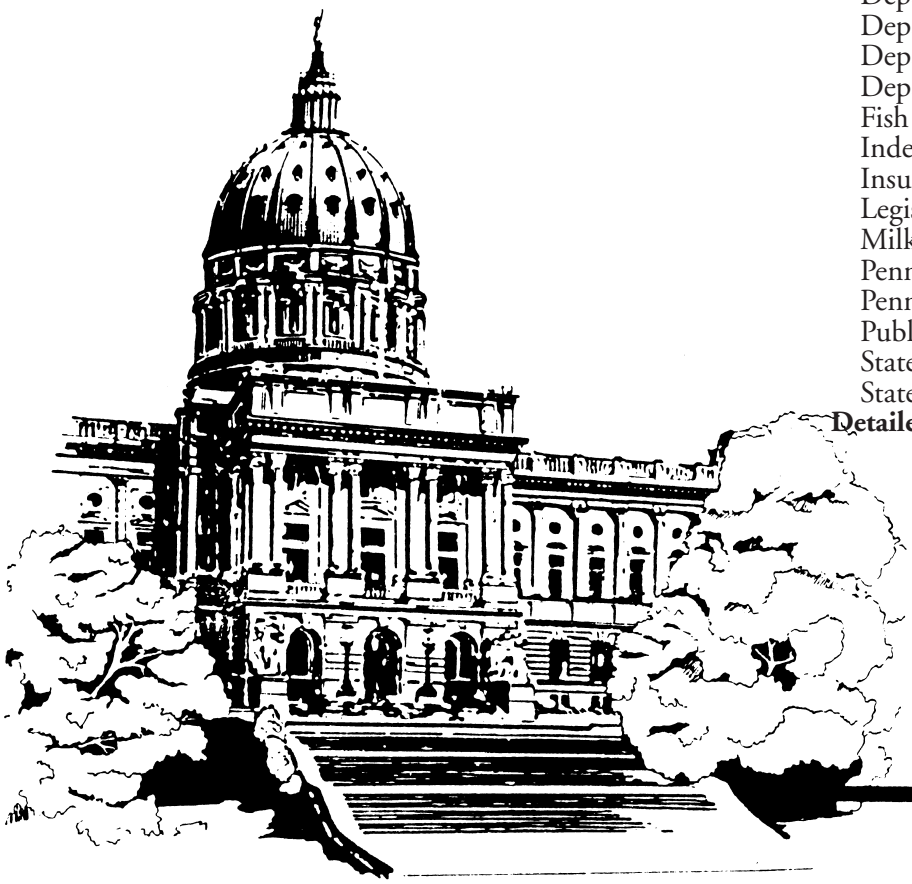

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READER'S GUIDE TO THE *PENNSYLVANIA BULLETIN* AND *PENNSYLVANIA CODE*

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2008-06, AS AMENDED]

Office of Diversity Management

April 15, 2010

Whereas, the commonwealth is committed to creating a culture of inclusion that values and promotes diversity and equal opportunity in all aspects of commonwealth employment, business, and service;

Whereas, diversity and a culture of inclusion generally means to the commonwealth the presence and participation of individuals from various races, religions, ethnic and national origins, socio-economic backgrounds, genders, abilities, and beliefs;

Whereas, commonwealth offices under the Governor's jurisdiction invest significant resources to create and support diversity efforts;

Whereas, historically, the commonwealth's efforts to recruit, retain, and contract with diverse individuals and businesses have been largely decentralized, lacking a comprehensive enterprise-wide strategic plan;

Whereas, an effective enterprise diversity management policy requires coordinated implementation of diversity policies, programs, initiatives, structures, and strategies related to all aspects of commonwealth work, including employment, procurement, and communications;

Whereas, effective strategic diversity management practices will further enhance commonwealth employee productivity and customer service, nurture the development of employees at all levels, and strengthen the state's economy by increasing the pool of diverse employees, citizens, and businesses; and

Whereas, although the commonwealth has a Chief Diversity Officer, no central coordination of diversity efforts currently exists to govern, evaluate, encourage, and monitor agency diversity planning, investment, and effectiveness. Therefore, it is imperative to establish an Office of Diversity Management to facilitate an effective, coordinated diversity strategy that leverages best practices and resources across commonwealth agencies.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the commonwealth, do hereby establish the Office of Diversity Management, the Governor's Executive Diversity Council, and the Governor's Diversity Planning Council, all as hereinafter set forth, in order to ensure that diversity management strategies and best practices are considered, implemented, and evaluated across commonwealth agencies.

Edward G. Rendell

Governor

Fiscal Note: 2010-1. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter RR. OFFICE OF DIVERSITY MANAGEMENT

§ 1.521. Office of Diversity Management.

The Office of Diversity Management (Office) shall be managed by the Chief Diversity Officer, an executive-level position within the Office of Administration, who shall report directly to the Governor or the Governor's designee. The Chief Diversity Officer shall consult with the Governor's Executive Diversity Council on matters related to diversity strategies implementation; advise the Secretary of Administration on matters related to equal employment opportunity, recruitment, placement, retention, and other workforce and workplace-related issues; and advise agencies and offices on procurement and contracting issues, as they may relate to diversity management and planning.

(1) *Responsibilities.* The Office shall create a coordinated Commonwealth-wide, strategic approach to diversity management and:

(i) Develop, design and implement a strategic plan to accomplish the Commonwealth's diversity vision, mission and goals.

(ii) Identify acceptable measures, coordinate and guide diversity efforts, and establish clear direction and expectations for diversity management efforts in this Commonwealth.

(iii) Incorporate diversity management best practices into Commonwealth agency policies, practices, structures, goals and objectives.

(iv) Coordinate the minority participation data of all purchasing and contracting agencies under the Governor's jurisdiction.

(v) Prepare an annual report to the Legislature.

(2) *Authority.* Existing policies and practices of agencies under the Governor's jurisdiction shall be subject to the advice, direction and guidance of the Chief Diversity Officer so that they comply with Commonwealth-wide diversity objectives promulgated by the Office. Agencies under the Governor's jurisdiction shall participate in diversity planning, policy development and implementation. The Chief Diversity Officer may appoint, from time to time, ad hoc advisory groups and committees to assist with matters related to diversity management and inclusion, to engage public discussion, or to accomplish the responsibilities of the Office.

[Pa.B. Doc. No. 10-859. Filed for public inspection May 14, 2010, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2010 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2010 Regular Session.

Doc. No.	*Date of Action*	*Bill Number*	*Printer's Number*	*Effective Date*	*Subject Matter*
2010 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 018 through 022					
018	Apr 29	HB0485	PN3361	60 days	Crimes Code (18 Pa.C.S.)—operation of methamphetamine laboratory and dumping of methamphetamine waste
019	Apr 29	HB0602	PN1153	60 days	Dental Law—scope of practice of expanded function of dental assistant and further providing for the State Board of Dentistry
020	Apr 29	HB1030	PN3193	Immediately	Conveyance—Commonwealth property in Oil City, Venango County
021	Apr 29	SB0126	PN1740	Immediately*	Controlled Substance, Drug, Device and Cosmetic Act—omnibus amendments
022	Apr 29	SB0888	PN1774	60 days	Chief Warrant Officer Michael J. Novosel Memorial Bridges—designation

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously 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 (Department) 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 $25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of $25, payable to the "Commonwealth of Pennsylvania."

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

[Pa.B. Doc. No. 10-860. Filed for public inspection May 14, 2010, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 81]

Amendments to the Pennsylvania Rules of Professional Conduct Relating to Special Responsibilities of a Prosecutor

The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt the amendments to Model Rule of Professional Conduct 3.8 that were approved by the American Bar Association (ABA) in February 2008 and amend Pennsylvania Rule of Professional Conduct (PA RPC) 3.8, as set forth in Annex A.

The proposed changes to PA RPC 3.8 include the addition of paragraphs (f) and (g) and accompanying Comments (5), (6) and (7). Comment (1) would be amended to reword one sentence and to add one clause and one sentence.

The language of the proposed amendments in Annex A is identical to the language of the recent revisions to the ABA Model Rule, although in the ABA version the new paragraphs are designated (g) and (h) and the new Comments are numbered (7), (8) and (9).

The genesis and development of the Model Rule provisions is explained in a comprehensive Report to the ABA's House of Delegates (Report) prepared by that organization's Criminal Justice Section. The Report is available on the ABA's web site at http://www.abanet.org/cpr/mrpc/model_rules.html. According to the Report, the process that led to the recommendation for adoption of the Model Rule changes involved significant input from State and Federal prosecutors and representatives of the criminal defense bar. The Report develops, from a legal and ethical perspective, the underlying premise that prosecutors have professional duties upon learning that a wrongful conviction may have occurred. The Report also recognizes that one of the most fundamental professional obligations of a criminal prosecutor is to rectify the conviction of an innocent person.

The proposed provisions rectify the omission of this fundamental obligation from the current version of the Rule and provide guidance to prosecutors concerning their minimum disciplinary responsibilities. Guidance is achieved by identifying three prosecutorial duties (disclosure, investigation, and remedial action) and defining the triggering point for each of those duties. Recognizing that individual cases and jurisdictions differ, the drafters did not prescribe particular investigative steps and remedial measures that must be pursued.

Proposed paragraph (f) and proposed Comment (5) to PA RPC 3.8 address the duty to disclose and the duty to investigate. When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a defendant outside the prosecutor's jurisdiction was convicted of a crime that the defendant did not commit, the prosecutor must promptly disclose that evidence to an appropriate court or authority, such as the chief prosecutor of the jurisdiction where the conviction occurred. If the conviction occurred within the prosecutor's jurisdiction, the prosecutor must make prompt disclosure to the defendant unless a court authorizes delay, and undertake further investigation to determine if the defendant is in fact innocent.

Proposed paragraph (g) and proposed Comment (6) to PA RPC 3.8 address the duty to take remedial measures. Once a prosecutor knows of clear and convincing evidence establishing that the defendant was convicted of a crime that the defendant did not commit, paragraph (g) requires that the prosecutor seek to remedy the conviction.

The *mens rea* standard in paragraphs (f) and (g) is "knows," which under both the Model Rule and PA RPC 1.0(f) "denotes actual knowledge of the fact in question." Proposed Comment (7) explains that a prosecutor does not violate the Rule if the prosecutor, in the exercise of independent judgment, erroneously determines that the new evidence is insufficient to trigger the obligations of paragraphs (f) and (g), as long as the prosecutor acts in good faith.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, P. O. Box 62625, Harrisburg, PA 17106-2625 on or before July 2, 2010.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary of the Board

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

ADVOCATE

Rule 3.8. Special Responsibilities of a Prosecutor.

The prosecutor in a criminal case shall:

* * * * *

(f) When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:

(1) promptly disclose that evidence to an appropriate court or authority, and

(2) if the conviction was obtained in the prosecutor's jurisdiction,

(i) promptly disclose that evidence to the defendant unless a court authorizes delay, and

(ii) undertake further investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit.

(g) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.

Comment

(1) A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice **[and],** that guilt is decided upon the basis of sufficient evidence**[. Precisely how far the prosecutor is required to go in this direction], and that special precautions are taken to prevent and to rectify the conviction of innocent persons. The extent of mandated remedial action** is a matter of debate and varies in different jurisdictions. Many jurisdictions have adopted the ABA Standards of Criminal Justice Relating to **the** Prosecution Function, which **[in turn]** are the product of prolonged and careful deliberation by lawyers experienced in both criminal prosecution and defense. **Competent representation of the sovereignty may require a prosecutor to undertake some procedural and remedial measures as a matter of obligation.** Applicable law may require other measures by the prosecutor and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4.

* * * * *

(5) When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a person outside the prosecutor's jurisdiction was convicted of a crime that the person did not commit, paragraph (f) requires prompt disclosure to the court or other appropriate authority, such as the chief prosecutor of the jurisdiction where the conviction occurred. If the conviction was obtained in the prosecutor's jurisdiction, paragraph (f) requires the prosecutor to examine the evidence and undertake further investigation to determine whether the defendant is in fact innocent or make reasonable efforts to cause another appropriate authority to undertake the necessary investigation, and to promptly disclose the evidence to the court and, absent court-authorized delay, to the defendant. Consistent with the objectives of Rules 4.2 and 4.3, disclosure to a represented defendant must be made through the defendant's counsel, and, in the case of an unrepresented defendant, would ordinarily be accompanied by a request to a court for the appointment of counsel to assist the defendant in taking such legal measures as may be appropriate.

(6) Under paragraph (g), once the prosecutor knows of clear and convincing evidence that the defendant was convicted of an offense that the defendant did not commit, the prosecutor must seek to remedy the conviction. Necessary steps may include disclosure of the evidence to the defendant, requesting that the court appoint counsel for an unrepresented indigent defendant and, where appropriate, notifying the court that the prosecutor has knowledge that the defendant did not commit the offense of which the defendant was convicted.

(7) A prosecutor's independent judgment, made in good faith, that the new evidence is not of such nature as to trigger the obligations of sections (f) and (g), though subsequently determined to have been erroneous, does not constitute a violation of this Rule.

[Pa.B. Doc. No. 10-861. Filed for public inspection May 14, 2010, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Proposed Amendments to Pa.R.Crim.P. 114 (Orders and Court Notices: Filing; Service; and Docket Entries)

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 114 to permit a party to consent generally to receive orders and notices electronically in all cases. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed amendments to the rule precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635

fax: (717) 231-9520
e-mail: criminal.rules@pacourts.us

no later than Tuesday, June 22, 2010.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 114. Orders and Court Notices: Filing; Service; and Docket Entries.

* * * * *

(B) Service

* * * * *

(3) Methods of Service

Except as otherwise provided in Chapter 5 concerning notice of the preliminary hearing, service shall be:

(a) in writing by

* * * * *

(vi) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has filed a written request for this method of service **[or has included a facsimile number or an electronic address on a prior legal paper filed in the case] as provided in paragraph (B)(3)(c)**; or

* * * * *

(b) Orally in open court on the record.

(c) A party's attorney, or the party if unrepresented, may request to receive service of court orders or notices pursuant to this rule by facsimile transmission or other electronic means by

(i) filing a written request for this method of service in the case or including a facsimile number or an electronic address on a prior legal paper filed in the case; or

(ii) filing a written request for this method of service to be performed in all cases, specifying a facsimile number or an electronic address to which these orders and notices may be sent.

The request for electronic service in all cases filed pursuant to paragraph (ii) may be rescinded at any time by the party's attorney, or the party if unrepresented, by filing a written notice that service of orders and notices shall be accomplished as otherwise provided in this rule.

* * * * *

Comment

* * * * *

Although paragraph (B)(3)(a)(iv) permits the use of assigned mailboxes for service under this rule, the Attorney General's office never may be served by this method.

Paragraph (B)(3)(c) provides two methods for consenting to the receipt of orders and notices electronically. The first method, added to this rule in 2004, permits electronic service on a case-by-case basis with an authorization for such service required to be filed in each case. A facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph **[(B)(3)(a)(vi)] (B)(3)(c)(i)**. The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization must be filed in each case the party or attorney wants to receive documents by this method of service.

The second method was added in 2010 to provide the option of entering a "blanket consent" to electronic service in all cases. It is expected that this would be utilized by those offices that work frequently in the criminal justice system, such as a district attorney's office or public defender's office, or by a judicial district that has the capability, based upon the availability of local technological resources, to accept a general request from a party to receive court orders and notices electronically. For example, a judicial district may have a system for electronically scanning documents that are stored on the courthouse computer system. In such a situation, an office that is part of the system, such as the District Attorney's Office or the Public Defender's Officer, could consent to the receipt of all court orders and notices generally. As with service under paragraph (B)(3)(c)(i), a facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(c)(ii). This consent may be rescinded as provided in paragraph (B)(3)(c)(iii).

* * * * *

***Official Note*:** Formerly Rule 9024, adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 and Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 114 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended July 20, 2006, effective September 1, 2006; Comment revised September 18, 2008, effective February 1, 2009**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

Final Report explaining the March 22, 1993 amendments published with the Court's Order at 23 Pa.B. **1685,** 1699 (April 10, 1993).

Report explaining the June 2, 1994 rule changes published at 23 Pa.B. 5008**, 5009** (October 23, 1993).

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

Final Report explaining the March 3, 2004 rule changes concerning filing and service, making docket entries, and orders and court notices published with the Court's Order at 34 Pa.B. **1547,** 1561 (March 20, 2004).

Final Report explaining the August 24, 2004 changes concerning notice of preliminary hearing published with the Court's Order at 34 Pa.B. **5016,** 5025 (September 11, 2004).

Final Report explaining the July 20, 2006 deletion of "manner of service" from paragraph (C)(2)(c) published with the Court's Order at 36 Pa.B. **4172,** 4173 (August 5, 2006).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. **5425,** 5428 (October 4, 2008).

Report explaining the proposed amendment concerning consent to electronic service published at 40 Pa.B. 2517, 2518 (May 15, 2010).

REPORT

Proposed Amendments to Pa.R.Crim.P. 114

Electronic Distribution of Orders

As part of its duty of reviewing the impact of technology on criminal practice, the Committee examined the possibility of broadening the methods for consent to be served court orders and notices electronically. This issue was first raised to the Committee by a judicial district that has a document scanning function in their local computer system that provides immediate distribution of

documents to users when an order is scanned into the system. They raised the question of whether frequent users, such as the District Attorney's Office or Public Defender's Office, could avoid the requirement to provide consent to electronic service in each case by providing a general consent.[1]

The problem arises from the language in Rule 114(B)(3)(a)(vi) that permits the distribution of orders "by facsimile transmission or other electronic means" but only if the party or counsel for the party files a written request for this method of service in each case or "has included a facsimile number or an electronic address on a prior legal paper filed in the case . . . " Additionally, the Comment to Rule 113 states, "In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required in paragraph (C)(2) must include the facsimile number or electronic address."

The Committee examined the history of the Rule 114 requirement for case-by-case consent. The language regarding electronic service of orders was added to Rule 114 in 2004.[2] The Final Report to that amendment specifically discusses the rationale for the allowance for electronic service:

> In addition, the Committee discussed service by electronic means. We noted both that Pa.R.Civ.P. 236(d) permits service of orders by facsimile or electronic transmission, and that the use of electronic technology for transmitting documents is proliferating. However, the Committee expressed concern about issues such as proof of service and signatures that arise with the various means of electronically transmitting documents. Following several meetings at which this issue was debated at length, the Committee ultimately concluded there is nothing in Civil Rule 236(d) that is contrary to the purposes of service in criminal cases and having uniform means of service in civil and criminal cases is a salutary purpose. Accordingly, Rule 114(B)(3)(a)(vi), modeled on Civil Rule 236(d), permits this method of service. To alleviate the members' concerns about service by electronic means, the new provision incorporates two safeguard provisions. First, the paragraph permits the use of electronic means of service, but only if counsel or, the defendant if unrepresented, requests this method of service either by filing a specific request or including the facsimile number or an electronic address on a prior legal paper filed in the case. The Comment includes a paragraph clarifying that the facsimile number or electronic address on letterhead is not sufficient to authorize service by facsimile. Second, the paragraph requires the authorization for the use of electronic means for service by the court to be on a case-by-case basis. A Comment provision explains this, and notes a new authorization must be made for each case of the attorney or defendant.

As indicated in the report, the electronic service provision was based on Civil Rule 236(d) that reads:

> (d) The prothonotary may give he notice required by subdivision (a) or notice of other matters by facsimile transmission or other electronic means if the party to whom notice is to be given or the party's attorney has filed a written request for such method of notification or has included a facsimile or other electronic means if the prothonotary chooses to use such a method.

A Note[3] to Rule 236(d) contains language identical to that contained in the Rule 114 Comment that a fax number or electronic address on letterhead is insufficient to authorize electronic service.

In reviewing the Committee's earlier discussion that lead to the inclusion of this provision in the amendment to Rule 114, it became clear that the case-by-case requirement was due to a concern that electronic distribution would not be as effective as more traditional means of serving these orders. It was felt that an electronic message could more easily fall astray due to a technical glitch or that a party could more easily claim never to have received the transmission.

The Committee concluded that this requirement was established 5 year ago when the electronic service of documents was a still a relative novelty. In the intervening time, electronic service of documents, usually as part of a larger electronic filing system, has become more routine. Based on a review of the practice of the electronic transfer of documents in a number of jurisdictions, the Federal system being a foremost example, the Committee believes that many of the concerns about problems with the technology have proven unfounded. The Committee therefore concluded that permitting "blanket consent" for electronic service would be efficient and practical.

The Committee also concluded that, if a method of providing consent that was not case specific were added to the rule, some mechanism for rescinding such consent should be included as well.

Therefore, a new paragraph (B)(3)(c) would be added to Rule 114 that provides the two methods of consent to receive orders electronically as well as the method for rescinding the general consent. Paragraph (B)(3)(c)(i) would retain the case-by-case method of the present rule while paragraph (B)(3)(c)(ii) would provide for the general, non-case-specific consent. Language also would be added to the Comment to indicate that the practice of providing a general consent is not mandatory and should be utilized only in those judicial districts where existing technology makes this practical.

[Pa.B. Doc. No. 10-862. Filed for public inspection May 14, 2010, 9:00 a.m.]

[234 PA. CODE CHS. 1 AND 4]

Proposed Amendments to Pa.Rs.Crim.P. 135, 403, 407, 408, 412, 413, 422, 423, 430, 454, 455, and 456

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules of Criminal Procedure 135, 403, 407, 408, 412, 413, 422, 423, 430, 454, 455, and 456. The proposed amendments establish new procedures in summary cases in which a defendant fails to respond to a citation or a summons. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Report should not be confused with

[1] This proposal applies only to the service of court orders and notices by the court and does not apply to service by the parties.

[2] See 34 PaB. 1547 (March 20, 2004).

[3] The Civil Rules are structured differently than the Criminal Rules. The Civil Rules contain annotations that are titled "Notes" scattered through the particular rule providing information similar to that contained in the Criminal Rules' Comments.

the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the Rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635

fax: (717) 231-9521
e-mail: criminal.rules@pacourts.us

no later than Wednesday, June 23, 2010.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART C. Venue, Location, and Recording of Proceedings Before Issuing Authority

Rule 135. Transcript of Proceedings Before Issuing Authority.

(A) The issuing authority shall prepare and forward to the court of common pleas a transcript of the proceedings in all summary cases when an appeal is taken **or when a summary case is forwarded after the case is closed pursuant to Rules 455(F) and 456(D),** and in all court cases when the defendant is held for court.

* * * * *

***Official Note*:** Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; amended July 10, 2008, effective February 1, 2009**; amended , 2010, effective 2010**.

Committee Explanatory Reports:

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

Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. **3971,** 3975 (July 26, 2008).

Report explaining the proposed amendments to paragraph (A) concerning closed cases and forwarding them to common pleas court published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART B. Citation Procedures

Rule 403. Contents of Citation.

* * * * *

(B) The copy delivered to the defendant **also** shall **[also]** contain a notice to the defendant:

* * * * *

(4) that failure to respond to the citation as provided above within the time specified:

(a) **[shall result in the issuance of a summons when a violation of an ordinance or any parking offense is charged, or when the defendant is under 18 years of age, and in all other cases shall result in the issuance of a warrant for the arrest of the defendant] constitute consent by the defendant to have the issuing authority enter a not guilty plea on behalf of the defendant**; and

(b) shall result in the suspension of the defendant's driver's license when a violation of the Vehicle Code is charged;

(5) that failure to indicate a plea when forwarding an amount equal to the fine and costs specified on the citation shall result in a guilty plea being recorded; **[and]**

(6) **that failure to pay the fine, costs, and restitution may result in the issuance of a bench warrant for the arrest of the defendant, the referral of the collection of the fines, costs, and restitution to a collection agency, a judgment being entered against the defendant, the defendant's wages being attached, or a contempt proceeding being instituted; and**

(7) that, if the defendant is convicted or has pleaded guilty, the defendant may appeal within 30 days for a trial *de novo*.

Comment

* * * * *

[Paragraph (B)(4)(a) provides for notice to the defendant who is under 18 years of age that a summons will be issued if the defendant fails to respond to the citation.]

The 2010 amendments to paragraph (B)(4)(a) provide notice to the defendant that failure to respond to the citation will result in the issuing authority entering a not guilty plea on behalf of the defendant so the case may proceed in the same manner as all other summary cases.

* * * * *

The 2010 amendments to paragraph (B)(6) provide notice to the defendant that, if, following a conviction, the defendant fails to pay any fine, costs, and restitution, the issuing authority may issue a bench warrant, and thereafter may forward the case to the common pleas court where a judgment may be entered, the collection of the fines, costs, and restitution of a defendant may be referred to a collection agency, the defendant's wages may be attached, or contempt proceedings may be instituted.

Paragraph **[(B)(6) was amended in 2000 to make] (B)(7) makes** it clear in a summary criminal case that

the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea. *See* Rule 460 (Notice of Appeal).

* * * * *

***Official Note*:** Previous rule, originally numbered Rule 133(a) and Rule 133(b), adopted January 31, 1970, effective May 1, 1970; renumbered Rule 53(a) and 53(b) September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 53 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; amended January 31, 1991, effective July 1, 1991; amended June 3, 1993, effective as to new citations printed on or after July 1, 1994; amended July 25, 1994, effective January 1, 1995; renumbered Rule 403 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; Comment revised February 6, 2003, effective July 1, 2003; amended August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788**, 4793** (September 15, 1990); Supplemental Report published at 21 Pa.B. **615,** 621 (February 16, 1991).

Report explaining the June 3, 1993 amendments published with the Court's Order at 23 Pa.B. 2809**, 2811** (June 19, 1993).

Report explaining the July 25, 1994 amendments published with Court's Order at 24 Pa.B. **4066,** 4068 (August 13, 1994).

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

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order at 30 Pa.B. **1508,** 1509 (March 18, 2000).

Final Report explaining the February 6, 2003 Comment revisions cross-referencing Rule 401 concerning electronic transmission of parking citations published with the Court's Order at 33 Pa.B. **969,** 973 (February 22, 2003).

Final Report explaining the August 7, 2003 amendments to paragraph (B)(4)(a) concerning juveniles published with the Court's Order at 33 Pa.B. **4289,** 4293 (August 30, 2003).

Final Report explaining the January 26, 2007 amendments to paragraph (B)(2)(b)(ii) and revisions to the Comment published with the Court's Order at 37 Pa.B. **752,** 760 (February 17, 2007).

Report explaining the proposed amendments to paragraph (B)(4) and (B)(6) concerning consent to a not guilty plea and consequences of failure to pay published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

PART B(1). Procedures When Citation Is Issued to Defendant

Rule 407. Pleas in Response to Citation.

(A) Within 10 days after issuance of a citation, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

(B) If the defendant fails to notify the issuing authority of his or her plea, the issuing authority shall:

(1) in summary traffic cases, 15 days after issuance of the citation, notify the defendant that failure to respond within 15 days will result in a license suspension, and

(2) 30 days after issuance of the citation, enter a not guilty plea on behalf of the defendant and proceed under Rule 408 *et. seq*.

Comment

[For the consequences of failure to respond as provided in this rule, see Rules 430 and 431.]

To notify the issuing authority of the plea, the defendant should sign and return the citation. When a defendant fails to sign the citation to indicate the plea, the issuing authority should record the unsigned citation as a guilty plea. *See* Rule 403(B)(5).

Concerning the 15-day notice requirement in paragraph (B)(1), see Rule 470 and 75 Pa.C.S. § 1533.

***Official Note*:** Previous Rule 57 adopted September 18, 1973, effective January 1, 1974; title of rule amended January 23, 1975, effective September 1, 1975; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 411—414 and 421—424. Present Rule 57 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 407 and amended March 1, 2000, effective April 1, 2001**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

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

Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

Rule 408. Not Guilty Pleas—Notice of Trial.

* * * * *

(B) The issuing authority, upon receiving a plea of not guilty **or entering a not guilty plea as required in Rule 407**, shall:

* * * * *

Comment

* * * * *

When a defendant fails to respond to the citation as required in Rule 407, the issuing authority is required to enter a not guilty plea on behalf of the defendant and proceed as provided in paragraph (B).

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

***Official Note*:** Previous Rule 58, adopted September 18, 1973, effective January 1, 1974; amended to correct printing error June 28, 1976, effective immediately; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 58 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 408 and amended March 1, 2000, effective April 1, 2001**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788**, 4793** (September 15, 1990); Supplemental Report published at 21 Pa.B. **615,** 621 (February 16, 1991).

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

Report explaining the proposed amendment to paragraph (B) adding entering a not guilty plea published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

PART B(2). Procedures When Citation Filed

Rule 412. Pleas in Response to Summons.

(A) Within 10 days after receipt of a summons, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

(B) If the defendant fails to notify the issuing authority of his or her plea, the issuing authority shall:

(1) in summary traffic cases, 15 days after service of the summons, notify the defendant that failure to respond within 15 days will result in a license suspension, and

(2) 30 days after service of the summons, enter a not guilty plea on behalf of the defendant and proceed under Rule 413 *et. seq.*,

unless service of the summons was by first class mail.

(C) If service was by first class mail, before proceeding pursuant to paragraph (B), the issuing authority shall cause service to be made upon the defendant personally or by certified mail, return receipt requested.

Comment

To notify the issuing authority of the plea, the defendant should sign and return the summons. When a defendant fails to sign the summons to indicate the plea, the issuing authority should record the unsigned summons as a guilty plea. *See* Rule 403(B)(5).

[For the consequences of failure to respond as provided in this rule, see Rule 430(A).]

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

If service cannot be accomplished under paragraph (C), an arrest warrant will be issued as required in Rule 430(A)(1).

Concerning the 15-day notice requirement in paragraph (B)(1), see Rule 470 and 75 Pa.C.S. § 1533.

***Official Note*:** Previous rule, originally numbered Rule 118 and 118(b), adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered as Rule 62 and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 441. Present Rule 62 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 412 and amended March 1, 2000, effective April 1, 2001**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

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

Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond and (C) concerning service published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

Rule 413. Not Guilty Pleas—Notice of Trial.

* * * * *

(B) The issuing authority, upon receiving a plea of not guilty **or entering a not guilty plea as required in Rule 412**, shall:

* * * * *

Comment

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When a defendant fails to respond to the summons as required in Rule 412, the issuing authority is required to enter a not guilty plea on behalf of the defendant and proceed as provided in paragraph (B).

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

***Official Note*:** Previous rule, originally numbered Rules 141 and 142, adopted January 31, 1970, effective May 1, 1970; combined, and renumbered Rule 63, and amended September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 454. Present Rule 63 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 413 and

amended March 1, 2000, effective April 1, 2001**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788**, 4793** (September 15, 1990); Supplemental Report published at 21 Pa.B. **615, 621** (February 16, 1991).

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

Report explaining the proposed amendment to paragraph (B) concerning the addition of entering a not guilty plea published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

PART C. Procedures in Summary Cases When Complaint Filed

Rule 422. Pleas In Response to Summons.

(A) Within 10 days after receipt of a summons, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

(B) If the defendant fails to notify the issuing authority of his or her plea, the issuing authority shall:

(1) in summary traffic cases, 15 days after service of the summons, notify the defendant that failure to respond within 15 days will result in a license suspension, and

(2) 30 days after service of the summons, enter a not guilty plea on behalf of the defendant and proceed under Rule 413 *et. seq.*,

unless service of the summons was by first class mail.

(C) If service was by first class mail, before proceeding pursuant to paragraph (B), the issuing authority shall cause service to be made upon the defendant personally or by certified mail, return receipt requested.

Comment

To notify the issuing authority of the plea, the defendant should sign and return the summons. When a defendant fails to sign the summons to indicate the plea, the issuing authority should record the unsigned summons as a guilty plea. *See* Rule 403(B)(5).

[For the consequences of failure to respond as provided in this rule, see Rule 430(A).]

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

If service cannot be accomplished under paragraph (C), an arrest warrant will be issued as required in Rule 430(A)(1).

Concerning the 15-day notice requirement in paragraph (B)(1), see Rule 470 and 75 Pa.C.S. § 1533.

***Official Note*:** Previous Rule 67, adopted September 18, 1973, effective January 1, 1974; amended May 26, 1977, effective July 1, 1977; amended April 26, 1979, effective July 1, 1979; Comment revised April 24, 1981, effective July 1, 1981; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 460, 461, and 462. Present Rule 67 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 422 and amended March 1, 2000, effective April 1, 2001**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

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

Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond and (C) concerning service published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

Rule 423. Not Guilty Pleas—Notice of Trial.

* * * * *

(B) The issuing authority, upon receiving a plea of not guilty **or entering a not guilty plea as required in Rule 422**, shall:

* * * * *

Comment

* * * * *

When a defendant fails to respond to the summons as required in Rule 422, the issuing authority is required to enter a not guilty plea on behalf of the defendant and proceed as provided in paragraph (B).

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offenses charged.

***Official Note*:** Previous Rule 68 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 68 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 423 and amended March 1, 2000, effective April 1, 2001**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788**, 4793** (September 15, 1990); Supplemental Report published at 21 Pa.B. **615,** 621 (February 16, 1991).

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

Report explaining the proposed amendment to paragraph (B) concerning the addition of entering a not guilty plea published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

PART D. Arrest Procedures in Summary Cases

PART D(1). Arrests With a Warrant

Rule 430. Issuance of Warrant.

* * * * *

(B) BENCH WARRANTS

(1) A bench warrant shall be issued when**[:**

(a) the defendant fails to respond to a citation or summons that was served upon the defendant personally or by certified mail return receipt requested; or

(b) the defendant has failed to appear for the execution of sentence as required in Rule 454(F)(3)] the defendant has failed to appear for the execution of sentence as required in Rule 454(E)(4).

(2) A bench warrant may be issued when a defendant has entered a not guilty plea **[and], or the issuing authority has entered a not guilty plea on behalf of the defendant as provided in Rules 407, 412, and 422, and the defendant** fails to appear for the summary trial, if the issuing authority determines, pursuant to Rule 455(A), that the trial should not be conducted in the defendant's absence.

* * * * *

(5) When the issuing authority issues a bench warrant for the failure to pay fines, costs, and restitution as provided in Rules 455 and 456, the bench warrant shall expire 365 days after the date of issuance.

Comment

[Personal service of a citation under paragraph (B)(1) is intended to include the issuing of a citation to a defendant as provided in Rule 400(A) and the rules of Chapter 4, Part B(1).

When the defendant is under 18 years of age, and the defendant has failed to respond to the citation, the issuing authority must issue a summons as provided in Rule 403(B)(4)(a). If the juvenile fails to respond to the summons, the issuing authority should issue a warrant as provided in either paragraph (A)(1) or (B)(1).

A bench warrant may not be issued under paragraph (B)(1) when a defendant fails to respond to a citation or summons that was served by first class mail. *See* Rule 451.]

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

Rule 454 provides that the issuing authority is to direct any defendant who is sentenced to a term of imprisonment to appear for the execution of sentence on a date certain following the expiration of the 30-day stay required by Rule 461. Paragraph **[(B)(1)(b), formerly paragraph (A)(1)(d), was added in 2003 to make] (B)(1) makes** it clear that an issuing authority should issue a warrant for the arrest of any defendant who fails to appear for the execution of sentence.

* * * * *

***Official Note*:** Rule 75 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 430 and amended March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended June 30, 2005, effective August 1, 2006; amended January 26, 2007, effective February 1, 2008; Comment revised September 18, 2008, effective February 1, 2009**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788**, 4793** (September 15, 1990); Supplemental Report published at 21 Pa.B. **615,** 621 (February 16, 1991).

Final Report explaining the April 18, 1997 amendments concerning arrest warrants when defendant fails to appear for trial published with the Court's Order at 27 Pa.B. **2116,** 2117 (May 3, 1997).

Final Report explaining the October 1, 1997 amendments in paragraph (3) and the provisions of new paragraph (4) published with the Court's Order at 27 Pa.B. **5408,** 5414 (October 18, 1997).

Final Report explaining the July 2, 1999 amendments to paragraph (3)(c) and the Comment concerning restitution published with the Court's Order at 29 Pa.B. **3716,** 3718 (July 17, 1999).

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

Final Report explaining the February 28, 2003 amendments adding paragraph (A)(1)(d) published with the Court's Order at 33 Pa.B. **1324,** 1326 (March 15, 2003).

Final Report explaining the August 7, 2003 new Comment language concerning failure to pay fines and costs by juveniles published with the Court's Order at 33 Pa.B. **4289,** 4293 (August 30, 2003).

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. **2210,** 2213 (April 16, 2005).

Final Report explaining the June 30, 2005 changes distinguishing between warrants that initiate proceedings and bench warrants in summary cases published with the Court's Order at 35 Pa.B. **3901,** 3911 (July 16, 2005).

Final Report explaining the **January 26, 2007** change to Rule 454 reference in paragraph (B)(1)(b) **published** with the Court's Order at 37 Pa.B. **752,** 760 (February 17, 2007).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. **5425,** 5428 (October 4, 2008).

Report explaining the proposed amendments to paragraph (B)(2) and (B)(5) concerning bench warrants for failure to pay fines and costs published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

PART E. General Procedures in Summary Cases

Rule 454. Trial in Summary Cases.

* * * * *

(F) At the time of sentencing, the issuing authority shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state the date on which payment is due. If the defendant is without the financial means to pay the amount in a single remittance, the issuing authority may provide for installment payments and shall state the date on which each installment is due;

(2) **advise the defendant that failure to pay the fines, costs, and restitution may result in the issuance of a bench warrant for the arrest of the defendant, the referral of the collection of the fines, costs, and restitution of a defendant to a collection agency, a judgment being entered against the defendant, the defendant's wages being attached, or a contempt proceeding being instituted;**

(3) advise the defendant of the right to appeal within 30 days for a trial *de novo* in the court of common pleas, and that if an appeal is filed:

(a) the execution of sentence will be stayed and the issuing authority may set bail or collateral; and

(b) the defendant must appear for the *de novo* trial or the appeal may be dismissed;

(4) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period, and advise that, if the defendant fails to appear on that date, a warrant for the defendant's arrest will be issued; and

[(4)] (5) issue a written order imposing sentence, signed by the issuing authority. The order shall include the information specified in paragraphs (F)(1) through **[(F)(3)](F)(4)**, and a copy of the order shall be given to the defendant.

Comment

* * * * *

Paragraph **[(F)(2)(b)] (F)(3)(b)** is included in the rule in light of *North v. Russell*, 427 U.S. 328 (1976). For the procedures for taking, perfecting, and handling an appeal, see Rules 460, 461, and 462.

* * * * *

Under paragraph **[(F)(2)(a)] (F)(3)(a)**, the issuing authority should explain to the defendant that if an appeal is filed, any sentence, including imprisonment, fines, or restitution, will be stayed.

When setting the specific date for the defendant to appear for execution of a sentence of imprisonment pursuant to paragraph **[(F)(3)] (F)(4)**, the issuing authority should set the earliest possible date for sentencing after the appeal period expires.

* * * * *

***Official Note*:** Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1. 2008**; amended , 2010, effective , 2010**.

Committee Explanatory Reports:

Final Report explaining the October 28, 1994 amendments published with the Court's Order at 24 Pa.B. 5841**, 5843** (November 26, 1994).

Final Report explaining the April 18, 1997 Comment revision cross-referencing new Rule 87 published with the Court's Order at 27 Pa.B. **2118,** 2119 (May 3, 1997).

Final Report explaining the October 1, 1997 amendments to paragraph (E) and the Comment concerning the procedures at the time of sentencing published with the Court's Order at 27 Pa.B. **5408,** 5414 (October 18, 1997).

Final Report explaining the February 13, 1998 Comment revision concerning questioning of witnesses published with the Court's Order at 28 Pa.B. **1126,** 1127 (February 28, 1998).

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

Final Report explaining the February 28, 2003 amendments published with the Court's Order at 33 Pa.B. **1324,** 1326 (March 15, 2003).

Final Report explaining the August 7, 2003 changes to the Comment concerning defendants under the age of 18 published with the Court's Order at 33 Pa.B. **4289,** 4293 (August 30, 2003).

Final Report explaining the March 26, 2004 changes concerning *Alabama v. Shelton* published with the Court's Order at 34 Pa.B. **1929,** 1931 (April 10, 2004).

Final Report explaining the January 26, 2007 amendments adding paragraph (E) concerning intermediate punishment published with the Court's Order at 37 Pa.B. **752,** 760 (February 17, 2007).

Report explaining the proposed amendments adding new paragraph (E)(2) concerning consequences of failing to pay published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

Rule 455. Trial in Defendant's Absence.

* * * * *

(D) If the defendant is found guilty, the issuing authority shall impose sentence, and shall give notice by first class mail to the defendant of the conviction and sentence, and of the right to file an appeal within 30 days for a trial *de novo*. In those cases in which the amount of collateral deposited does not satisfy the fine and costs imposed or the issuing authority imposes a sentence of restitution, the notice shall also state that failure within **[10] 30** days of the date on the notice to pay the amount due or to appear for a hearing to determine whether the defendant is financially able to pay the amount due **[may] shall** result in the issuance of **[an arrest] a bench** warrant.

(E) Any collateral previously deposited shall be forfeited and applied only to the payment of the fine and costs. When the amount of collateral deposited is more than the fine and costs, the balance shall be returned to the defendant.

(F) If the defendant does not **file an appeal or** respond **[within 10 days]** to the notice in paragraph (D) **within 30 days**, the issuing authority **[may issue a**

warrant for the defendant's arrest] shall issue a bench warrant. The bench warrant shall expire 365 days after the date of issuance.

(1) When the defendant appears before the issuing authority following an arrest, the case shall proceed as provided in Rule 456.

(2) When the bench warrant expires, the issuing authority shall close the case and forward it to the clerk of courts.

(a) The issuing authority shall prepare and forward a transcript of the proceedings with the case pursuant to Rule 135. The issuing authority shall include a request for the attachment of defendant's wages as permitted in 42 Pa.C.S. § 8127(a)(5).

(b) Once a case has been forwarded pursuant to this paragraph, the case shall remain in the court of common pleas for any further proceedings. Further proceedings include the entry of a judgment for the fines, costs, restitution, and any interest or additional costs that may accrue; the referral of the collection of the fines, costs, and restitution to a collection agency; the attachment of defendant's wages; and a contempt proceeding being instituted.

(3) Any license suspension for failure to respond in effect at the time the bench warrant expires shall be continued pursuant to Rule 470 and 75 Pa.C.S. § 1533 as a suspension for failure to pay the fines and costs.

Comment

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If the defendant is under 18 years of age, the notice in paragraph (D) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the **[10] 30**-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

If the defendant is 18 years of age or older and fails to pay or appear as required in paragraph (D), the issuing authority must proceed under these rules.

Paragraph (F), amended in 2010, provides when a defendant fails to respond to the 30-day notice in paragraph (D) that the issuing authority issue a bench warrant. The bench warrant in this case will expire at the end of 365 days.

If the bench warrant expires, the issuing authority must close the case and transfer it to the clerk of courts. When a case is transferred, all further proceedings will be in the court of common pleas.

Once the case is in the court of common pleas, a judgment must be entered as provided in 42 Pa.C.S. § 9728(a)(1) for the amount of the outstanding fines, costs, and restitution, even if the amount is less than $1000.00 notwithstanding the provisions of 42 Pa.C.S. § 9728(b)(2). Other actions that may be taken in the common pleas court include collection of fines, costs, and restitution by a collection agency, see 42 Pa.C.S. § 9730.1, and attachment of wages, see 42 Pa.C.S. § 8127. Contempt proceedings for failure to pay fines and cost also may be instituted in the court of common pleas as provided by law.

To transfer the case, the issuing authority must prepare and forward a transcript of the proceedings pursuant to Rule 135.

For the defendant's right to counsel, see Rule 122.

For arrest warrant procedures in summary cases, see Rules 430 and 431.

***Official Note*:** Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005 effective February 1, 2006**; amended , 2010, effective 2010**.

Committee Explanatory Reports:

Final Report explaining the April 18, 1997 amendments mandating a summary trial *in absentia* with certain exceptions published with the Court's Order at 27 Pa.B. **2116,** 2117 (May 3, 1997).

Final Report explaining the October 1, 1997 amendments to paragraphs (D) and (E) published with the Court's Order at 27 Pa.B. **5408,** 5414 (October **[1] 18**, 1997).

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

Final Report explaining the August 7, 2003 changes to the Comment concerning failure to pay and juveniles published with the Court's Order at 33 Pa.B. **4289,** 4293 (August 30, 2003).

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. **2210,** 2213 (April 16, 2005).

Final Report explaining the August 15, 2005 amendments to paragraph (D) concerning notice of right to appeal published with the Court's Order at 35 Pa.B. **4914,** 4918 (September 3, 2005).

Report explaining the proposed amendments to paragraph (F) concerning consequences of failure to pay fines and costs published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

Rule 456. Default Procedures: Restitution, Fines, and Costs.

* * * * *

(B) If a defendant defaults on the payment of fines and costs, or restitution, as ordered, the issuing authority shall notify the defendant in person or by first class mail that, unless within 10 days of the date on the default notice, the defendant pays the amount due as ordered, or appears before the issuing authority to explain why the defendant should not be imprisoned for nonpayment as provided by law, a **bench** warrant for the defendant's arrest **[may] shall** be issued**, the collection of the fines, costs, and restitution may be referred to a collection agency; a judgment may be entered against the defendant; the defendant's wages may be attached, or a contempt proceeding may be instituted**.

* * * * *

(D) If the defendant does not respond within 10 days to the notice in paragraph (B), the issuing authority shall issue a bench warrant for the defendant's arrest. When the issuing authority issues a bench warrant, the warrant shall expire 365 days after the date of issuance.

(1) When the defendant appears before the issuing authority following an arrest, the case shall proceed as provided in paragraph (C).

(2) When the bench warrant expires, the issuing authority shall close the case and forward it to the clerk of courts.

(a) The issuing authority shall prepare and forward a transcript of the proceedings with the case pursuant to Rule 135. The issuing authority shall include a request for the attachment of defendant's wages.

(b) Once a case has been forwarded pursuant to this paragraph, the case shall remain in the court of common pleas for any further proceedings. Further proceedings include the entry of a judgment for the fines, costs, restitution, and any interest or additional costs that may accrue; the referral of the collection of the fines, costs, and restitution to a collection agency; the attachment of defendant's wages; and a contempt proceeding being instituted.

(3) Any license suspension for failure to respond in effect at the time the bench warrant expires shall be continued pursuant to Rule 470 and 75 Pa.C.S. § 1533 as a suspension for failure to pay the fines and costs.

[(D)] (E) A defendant may appeal an issuing authority's determination pursuant to this rule by filing a notice of appeal within 30 days of the issuing authority's order. The appeal shall proceed as provided in Rules 460, 461, and 462.

Comment

* * * * *

Pursuant to **[paragraph (C)] paragraphs (C) and (D)**, the issuing authority must conduct a default hearing when a defendant responds to the 10-day notice as provided in paragraph (B), or when the defendant is arrested for failing to respond to the 10-day notice. If the default hearing cannot be held immediately, the issuing authority may set bail as provided in Chapter 5 Part C.

* * * * *

Paragraph (D), added in 2010, provides that the issuing authority must issue a bench warrant when a defendant fails to respond to the 10-day notice. The bench warrant in this case will expire at the end of 365 days.

Once the case is in the court of common pleas, a judgment must be entered as provided in 42 Pa.C.S. § 9728(a)(1) for the amount of the outstanding fines, costs, and restitution, even if the amount is less than $1000.00 notwithstanding the provisions of 42 Pa.C.S. § 9728(b)(2). Other actions that may be taken in the common pleas court include collection of fines, costs, and restitution by a collection agency, see 42 Pa.C.S. § 9730.1 and attachment of wages, see 42 Pa.C.S. § 8127. Contempt proceedings for failure to pay fines and cost also may be instituted in court of common pleas as provided by law.

To transfer the case, the issuing authority must prepare and forward a transcript of the proceedings pursuant to Rule 135.

This rule contemplates that when there has been an appeal pursuant to paragraph **[(D)] (E)**, the case would return to the issuing authority who presided at the default hearing for completion of the collection process.

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***Official Note*:** Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended March 3, 2004, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005**; amended , 2010, effective 2010**.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 27 Pa.B. **5408,** 5414 (October 18, 1997).

Final Report explaining the July 2, 1999 amendments to paragraph (C) published with the Court's Order at 29 Pa.B. **3716,** 3718 (July 17, 1999).

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

Final Report explaining the August 7, 2003 changes to the Comment concerning failure to pay and juveniles published with the Court's Order at 33 Pa.B. **4289,** 4293 (August 30, 2003).

Final Report explaining the March 3, 2004 amendment to paragraph (B) published with the Court's Order at 34 Pa.B. **1547,** 1561 (March 20, 2004).

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. **2210,** 2213 (April 16, 2005).

Report explaining the proposed amendments to paragraph (B) and the addition of new paragraph (D) concerning consequences for failure to pay published for comment at 40 Pa.B. 2519, 2527 (May 15, 2010).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 135, 403, 407, 408, 412, 413, 422, 423, 430, 454, 455, and 456

Procedures When Defendant Fails to Respond to Citation or Summons

I. *Introduction*

The Committee is planning to propose to the Supreme Court amendments to Rules of Criminal Procedure 135, 403, 407, 408, 412, 413, 422, 423, 430, 454, 455, and 456 that would establish new procedures in summary cases in which the defendant has failed to respond to a citation or summons. Instead of issuing an arrest warrant when the defendant fails to respond as is required under the current rules, the issuing authority would be required to enter a not guilty plea on behalf of the defendant and the case would proceed as provided in the rules.

These proposed changes were developed by a Joint Subcommittee of the Minor Court Procedural Rules Committee and the Criminal Procedural Rules Committee. The changes are the result of several years of discussions by the members of the two Committees separately and by the members of the Joint Subcommittee about what could be done to address the numerous inactive summary cases that the minor judiciary have open on their dockets. Inactive summary cases are cases in which a defendant has not responded to a citation or summons, or, cases in which the defendant has been convicted and has failed to pay the fine and costs. In either situation, under the current rules, warrants have been issued for these defendants' arrest and the warrants remain unexecuted.[1]

The Joint Subcommittee's recommendations have been fully reviewed and approved for publication by both Committees.

II. *Background*

Initially, the focus of the Committees' discussions was to provide for the administrative termination of the inactive cases. The Committees noted that the Court's policy concerning inactive cases within the unified judicial system is "to bring each pending matter to a final conclusion as promptly as possible consistently with the character of the matter and the resources of the system," and that this policy applied to summary cases. *See* paragraph (a) of Rule of Judicial Administration 1901 (Prompt Disposition of Matters; Termination of Inactive Cases). Some judicial districts, relying on the provisions of Rule of Judicial Administration 1901, have provided for the administrative termination of these summary cases by local rule. Rule 1901(b)(1) provides that the courts of common pleas have the primary responsibility to "make local rules of court for purposes applicable to the court and to the community court or magisterial district judge of the peace of the judicial district" to terminate matters that have been inactive for an unreasonable period of time. However, other judicial districts have not proceeded pursuant to Rule 1901 because of uncertainty whether this rule permits the administrative termination of inactive summary case particularly when the cases have outstanding fines and costs. In view of the confusion in this area and the increasing number of open, inactive summary cases, both the Minor Court Procedural Rules Committee and the Criminal Procedural Rules Committee suggested to Zygmont Pines, Court Administrator of Pennsylvania, in 2000 that Rule 1901 be amended to permit the administrative termination of open, inactive summary cases.

During this time period, the Intergovernmental Task Force to Study the District Justice System's Quality of Justice Subcommittee had been studying this issue and recommended that there be a statewide rule providing for "the termination of inactive cases in the minor judiciary that recognizes the special circumstances and jurisdictional issues at the district justice level."[2]

The Criminal Procedural Rules Committee and the Minor Court Procedural Rules Committee during this period continued to monitor the issues surrounding the staggering number of open and inactive summary cases. From their review of current practices, the members acknowledged that providing only for a procedure that authorized the administrative termination of all open, inactive cases, particularly those cases with outstanding fines and costs, could be perceived as forgiveness of alleged offenses and convey the message that, if the defendant waits long enough, then the case will go away. They also agreed that, conceptually, this would be a big step in the opposite direction from the goal of making summary proceedings meaningful.

In view of these considerations, the Committees agreed to form a Joint Subcommittee to develop a new approach to address matter. The Joint Subcommittee's task was to develop other means within the scope of the existing Criminal Rules to reduce the number of open, inactive cases by providing the magisterial district judges (MDJs) with better tools to accomplish this goal, thereby eliminating the need for administrative terminations in summary cases.

III. *Discussion*

The Joint Subcommittee noted in developing its proposal that in many of the inactive cases the defendant has failed to respond to the citation or summons after the case was instituted. Under the current rules, the issuing authority has one option—to issue a warrant for the arrest of the defendant. At this point, unless the defendant is located and arrested, the case will remain open without any disposition.

The second point at which cases will fall into the inactive case category is following a finding of guilt and imposition of a sentence of fine and costs. In many cases, the defendant will fail to pay the fines and costs. Under the current rules, the issuing authority is required to issue a bench warrant, and unless the defendant is located and arrested, the case will remain open.

The members agreed that a procedural mechanism was necessary that would keep the case moving after a defendant fails to respond to a citation in the first instance. The procedure they devised is that the issuing authority would enter a not guilty plea on behalf of a defendant who failed to respond to a citation or summons and the case would move forward to the trial. Only after a trial in the defendant's absence, a finding of guilt, and the imposition of sentence, would the issuing authority have the option to issue a bench warrant.

At the same time, although the members are concerned about the negative consequences of administrative terminations of the inactive summary cases, particularly those cases with outstanding fines and costs, they also recognize that, in view of the staggering number of these cases that have been pending for years without any action that are not likely to ever be resolved, a one time administrative termination of the oldest cases makes sense. Accordingly, the Committee is considering proposing to the Supreme Court that it order a one-time administrative termination of all open inactive summary criminal cases, including cases in which there are outstanding fines and costs, initiated, from a specific date and earlier.

A. Overview of Proposed New Procedural Framework

This section provides an overview of the procedural framework devised by the Joint Subcommittee. The specific procedures are explained more fully in the description of the individual rules. Briefly,

- when a defendant fails to respond to a citation or summons, instead of issuing a warrant as provided in the current rules, the issuing authority must enter a not guilty plea on behalf of the defendant (Rules 407, 412, and 422);

[1] According to information provided by the Administrative Offices of Pennsylvania Courts (AOPC), for the time period from 2000 to 2007, there were 290,595 cases that had active warrants.

[2] A copy of the Subcommittee's Report may be found at http://www.aopc.org/NR/rdonlyres/E6085C7B-721A-494D-B1B2-06DFE3016B40/0/04qualjust.pdf

• when a summons is delivered by first class mail and the defendant fails to respond, before entering a not guilty plea on behalf of the defendant, the issuing authority must do a second service in person or by certified mail receipt return requested as required in current Rule 451 (Rules 412 and 422);

• after entering a not guilty plea on behalf of the defendant, the issuing authority must send out the notice of trial and proceed as provided in the current rules (Rules 408, 413, and 423);

• when the defendant fails to appear for the summary trial or fails to pay fines and costs, the issuing authority must issue a bench warrant (Rules 430(B), 454, and 455); and

• if the bench warrant remains unexecuted after 365 days, the issuing authority must close the case and forward it to the common pleas court where a judgment may be entered, the case may be referred to a collection agency, the defendant's wages may be attached, or a contempt proceeding may be instituted (Rules 455 and 456).

B. Explanation of the Proposed Rule Changes

Rule 135. Transcript of Proceedings Before Issuing Authority.

The proposed amendments to Rule 135(A) make it clear that the transcript of proceedings must be prepared and forwarded to the court of common pleas in those cases that have been closed pursuant to Rules 455(F) and 456(D).

Rule 403. Contents of Citation.

The proposed amendments to Rule 403(B)(4)(a) require that the copy of the citation that is given to the defendant include a notice to the defendant that failure to respond to the citation within the time set in the rules will constitute consent to have the issuing authority enter a not guilty plea on behalf of the defendant.

Proposed new paragraph (B)(6) requires that the copy of the citation that is given to the defendant include a notice to the defendant of the consequences of failing to pay any fines, costs, and restitution. The consequences include the issuance of a bench warrant, entry of a judgment, referral of the collection of fines and costs to a collection agency, attachment of wages, or institution of a contempt proceeding.

Rule 407. Pleas in Response to Citation.

Proposed new paragraph (B) sets forth the procedures the issuing authority must follow in cases in which the defendant fails to respond to the citation within the 10-day period. In summary traffic cases, if the defendant has not responded, proposed new paragraph (B)(1) requires that, on the 15th day, the issuing authority must send the defendant a "DL 38" notice that if the defendant does not respond to the notice within 15 days, the defendant's drivers license will be suspended.[3] In the members' experience, this "DL 38" notice results in many of the non-responders responding.

In the cases in which the defendant has not responded to either the citation or the "DL 38" notice, on the 30th day after the citation is issued, the issuing authority will enter the not guilty plea on behalf of the defendant and the case will move forward. The additional 15 days incorporates the 15-day time period within which the defendant must respond to the "DL 38" notice.

Although the "DL 38" notice requirement only applies to summary traffic cases, the Committee agreed to have the same 30-day delay before the issuing authority enters the not guilty plea to also apply to the non-traffic summaries to avoid the confusion that having different times could cause.

Rule 408. Not Guilty Pleas—Notice of Trial; Rule 413. Not Guilty Pleas—Notice of Trial; Rule 423. Not Guilty Pleas—Notice of Trial.[4]

The proposed amendments to Rules 408, 413, and 423 add to paragraph (B) the phrase "or entering a not guilty plea as required in Rule 407" to conform paragraph (B) with the new procedure of entering a not guilty plea on behalf of the defendant when the defendant fails to respond to the citation.

Rule 412. Pleas in Response to Summons; and Rule 422. Pleas In Response to Summons.

Both Rules 412 and 422 include the same timing procedures concerning when the issuing authority may enter a not guilty plea after a defendant has failed to respond that are in Rule 407, as previously described. The trigger for the time periods in these rules differ from Rule 407 because, in these cases, the summary proceedings are instituted by mailing a summons to the defendant and the time within which the defendant must respond is 10 days after receipt of the summons. *See* paragraph (A). The 15-day time period for when a "DL 38" notice may be issued set forth in proposed new paragraph (B)(1) and the 30-day time period before the issuing authority may enter a not guilty plea on behalf of the defendant set forth in proposed new paragraph (B)(2) runs from the date of service. The Committee agreed to use the date of service in paragraphs (B)(1) and (B)(2) rather than the date of receipt that is in paragraph (A) because the issuing authority may not know when the summons was served.

Ordinarily, the summons initially is mailed by first class mail. As required in Rule 451 (Service) and proposed new paragraph (C), if a defendant fails to respond to the summons, the issuing authority must serve the summons either in person or by certified mail, return receipt requested, before any of the subsequent actions may be taken. If the summons is returned undelivered, then the issuing authority is required to issue an arrest warrant to initiate the proceedings as provided in Rule 430(A). This is explained in the Comment to Rules 412 and 422.

The Committee considered but rejected providing that proof of service in these cases would be similar to the proof of service provided for summonses in court cases pursuant to Rule 511(B). Rule 511(B) provides that proof of service by mail includes a return receipt signed by the defendant or a returned summons showing that the certified mail was not signed by a defendant and a notation on the transcript that the first class mail was not returned. The Committee noted that, under the proposed new procedures in which the issuing authority will enter a not guilty plea on behalf of a defendant who has failed to respond and the case will proceed through trial, there has to be actual proof of service. They agreed that the fact the first class mail is not returned, which is

[3] Rule 470 (Procedures Related to License Suspension After Failure to Respond to Citation or Summons), which implements the procedures in 75 Pa.C.S. § 1533 (Suspension of Operating Privilege for Failure to Respond to Citation), requires that, before a license may be suspended for failure to respond to the citation or summons, the issuing authority must give the defendant notice that the license will be suspended.

[4] The procedures when a citation is issued, Chapter 4, Part B(1), when a citation is filed and a summons is issued, Chapter 4, Part B(2), and when a complaint is filed, Chapter 4, Part C, are, for the most part, the same after the case is instituted. Therefore, for example, the procedures following an entry of a not guilty plea in Rules 408, 413 and 423 are the same.

sufficient in the context of Rule 511, does not satisfy proof of actual service on the defendant for purposes of the case proceeding to trial.

The Comment includes a new paragraph explaining the option to use the postal service's electronic return receipt for the certified mailing to conform Rules 412 and 422 with comparable recent changes to the Criminal Rules recognizing the validity of the postal service's electronic return option.

Rule 430. Issuance of Warrant.

Rule 430(B)(1) and (B)(2) would be modified to conform to the proposed new procedures. Under paragraph (B)(1), with the proposed changes, the only time it will be mandatory that a bench warrant issue is when the defendant has failed to appear for execution of sentence pursuant to Rule 454(F)(3). The paragraph (B)(2) discretionary bench warrant procedures include the situation under the proposed new procedures when the issuing authority enters the not guilty plea on behalf of the defendant and may issue a bench warrant when the defendant fails to appear for the trial *de novo*.

Proposed new paragraph (B)(5) establishes a mandatory 365-day time limit on a bench warrant issued when a defendant has failed to pay fines, costs, and restitution. After the 365-day time period, the bench warrant automatically will expire and, as provided in the proposed changes to Rules 455 and 456 described as follows, the case will be closed and forwarded to the court of common pleas for further proceedings. The Committee reasoned providing a full year within which to find a defendant who has failed to pay is sufficient time before other action in the case may be taken.

The first three paragraphs of the Rule 430 Comment would be deleted as no longer necessary. Pursuant to the proposed new procedures, because the issuing authority is required to enter a not guilty plea on behalf of the defendant, there never will be a warrant issued when a defendant fails to respond to the citation. In addition, with the new "entry of a not guilty plea" procedure, the special summons procedures for juveniles are no longer necessary.

Rule 454. Trial in Summary Cases.

Paragraph (F) would be amended by the addition of a new paragraph (F)(2) that would require at the conclusion of the summary trial that the issuing authority give notice to the defendant of the consequences of the defendant's failure to pay the fine, costs, and restitution as ordered. These consequences include the issuance a bench warrant for the arrest of the defendant, the referral of the collection of the fines, costs, and restitution of a defendant to a collection agency, the entry of a judgment against the defendant, the attachment of the defendant's wages, or the institution of a contempt proceeding.

Rule 455. Trial in Defendant's Absence.

The proposed changes to Rule 455 include a substantially re-written paragraph (F) that enumerates the proposed new procedures when a defendant fails to appear for the summary trial that is held in the defendant's absence, is convicted, and sentenced to pay fines and costs, and a change in the time set forth in paragraph (D).

Currently, paragraph (D) requires in cases in which the collateral posted is insufficient to pay the full amount of the fines and costs, that the issuing authority to send a notice to the defendant of the amount of fines and costs he or she owes. The notice also informs the defendant that he or she must pay the outstanding fines and cost or appear for a hearing within 10 days of the notice or a bench warrant will be issued.

During the Joint Subcommittee's discussions about the proposed changes to Rule 455, several of the MDJ members explained that they allow a 30-day time period for the defendant to respond to the notice before issuing a warrant so the time is consistent with the 30-day time period that the defendant has for filing an appeal pursuant to Rule 460. If the defendant does not take an appeal and does not respond to the notice, then they issue the warrant. The Committee agreed with this expansion of the time within which the defendant has to pay or appear, and is proposing the "10-day" time limits be changed to "30 days." Thus, under the proposed new procedures, within the 30-day time period after the fines and costs notice is sent to the defendant, the defendant has three options—to respond to the notice by paying the outstanding fines and costs, to respond to the notice by appearing for a payment determination hearing, or to file an appeal.

Proposed new paragraph (F) sets forth the procedures when a defendant does not respond to the 30-day notice. As previously explained in the discussion about Rule 430, the Committee agreed that the procedure when a defendant fails to respond to the notice following a trial *in absentia* would be that a bench warrant would issue and have a 365-day life. The warrant would expire 365 days after issuance of the citation or service of the summons.

Proposed new paragraph (F)(1) addresses the procedures when a defendant appears before the bench warrant expires. The case is to proceed as provided in Rule 456 by having a payment determination hearing.

Proposed new paragraph (F)(2) sets forth the procedures when the defendant has not been apprehended and therefore has not paid the fines and costs, or has not set up a payment plan within the 365-day period. The issuing authority is required to close the case and forward it to the court of common pleas. Paragraph (F)(2)(a) requires the issuing authority to prepare and forward the transcript.

Proposed new paragraph (F)(2)(b) requires that once the case is forwarded to the court of common pleas, it remains in that court for further proceedings. This is consistent with the Court's stated policy that once a case is forwarded to common pleas court from the magisterial district court, the case is required to remain in the common pleas court. "Further proceedings" are explained to include the entry of a judgment against the defendant for the full amount of fines, costs, and restitution, the referral of the case to a collection agency for the collection of the fines and costs, the attachment of the defendant's wages, or the institution of contempt proceedings against the defendant.

The Rule 455 Comment has been revised to elaborate on the provisions of paragraph (F). In the ninth paragraph of the Comment, the Committee has included cross references to the various statutes that provide the court of common pleas with the authority to enter the judgment, 42 Pa.C.S. § 9728 (Collection of Restitution, Reparation, Fees, Costs, Fines and Penalties), use a collection agency, 42 Pa.C.S. § 9730.1 (Collection of Court Costs, Restitution and Fines by Private Collection Agency), or attach wages, 42 Pa.C.S. § 8127 (Personal Earnings Exempt From Process). In addition, the Comment makes it clear that the judgments in these summary cases is for the amount of the outstanding fines, costs, and restitution, even if the amount is less than $1000.00 notwithstanding the provisions of 42 Pa.C.S. § 9728(b)(2).

During the Committee's discussions about the proposed changes to Rule 455, the members also considered the practical effects of the proposed new procedures on the driver's license suspension that was imposed when the defendant failed to respond to the citation or summons. When the defendant has failed to respond to the citation or summons, Rules 407, 412, and 423 include a provision for the issuing authority to issue the DL 38 notice. If the defendant still does not respond, then the defendant's license is suspended. If the defendant does not respond during the time before trial and fails to appear for trial, the trial is conducted in the defendant's absence. If the defendant is found guilty and a fine and costs are imposed, and if the defendant fails to pay or come in for a payment determination hearing, then the posture of the case has changed from one in which the defendant has not responded to the citation to one in which the defendant has not paid fines and costs. At this point, the defendant would be subject to the provisions of 75 Pa.C.S. § 1533 that require a license suspension for failure to pay the fines and costs. The Committee concluded that the original license suspension that had been imposed when the defendant failed to respond, and that has been in effect throughout the proceedings, should remain in effect until such time as the defendant pays the fines and costs in full or appears before the issuing authority to set up a payment plan.

Rule 456.

The proposed changes to Rule 456 include a new paragraph (D) that enumerates the proposed new procedures when a defendant fails to pay the fines and costs or to set up a payment plan, and amendments to paragraph (B) adding to the information that must be included in the 10-day notice that is issued following a default in payment of fines and costs.

When a defendant defaults on the payment of fines and costs, current paragraph (B) requires the issuing authority to send a notice to the defendant advising him or her that if there is no response within 10 days of the notice, a warrant will be issued. The Committee agreed that, to conform with the proposed new procedures, this notice to the defendant also should include the list of the possible consequences for failing to respond to the 10-day notice. The consequences are the same as those set forth in proposed new paragraph (F)(2)(b) of Rule 455.

Proposed new paragraph (D) and the correlative provisions in the Rule 456 Comment are the same as the procedures provided in Rule 455(F) and the correlative Rule 455 Comment that are previously explained.

[Pa.B. Doc. No. 10-863. Filed for public inspection May 14, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

In Re: Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 28th day of April 2010, Dauphin County Local Rules of Civil Procedure 205.2(a)(1)(n) is promulgated as follows:

Rule 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers.

(1)(n) Unless required by an applicable law or rule of court or unless so directed by the court, parties or their attorneys may include only:

(1) the last four digits of the social security number or the taxpayer identification number;

(2) the year of the individual's birth;

(3) the last four digits of the financial account information

in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with the rule.

Comment

Pursuant to 23 Pa.C.S.A. § 4304.1(a)(3), the complete Social Security Number is required when the divorce file is submitted to the court for entry of a divorce decree. Dauphin County uses a form entitled 'Divorce Information Sheet' for the collection of this information. This sheet is pulled from the Prothonotary's file after the entry of the divorce decree and is never available to the public.

These amendments shall be effective upon publication on the UJS web portal.

By the Court

TODD A. HOOVER,
President Judge

[Pa.B. Doc. No. 10-864. Filed for public inspection May 14, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Clinical Examinations

The State Board of Dentistry (Board) amends § 33.103 (relating to examinations).

Effective Date

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

Statutory Authority

The final-form rulemaking is authorized under section 3(c), (d), (e) and (o) of the Dental Law (act) (63 P. S. § 122(c), (d), (e) and (o)). Section 3(c) and (d) of the act authorizes the Board to license dentists and dental hygienists by examination. Section 3(e) of the act authorizes the Board to provide for the conduct of licensure examinations. Section 3(o) of the act provides the general authority of the Board "to adopt, promulgate and enforce such rules and regulations as may be deemed necessary by the Board."

Background, Purpose and Description of the Amendments

Currently, the Board requires that applicants for licensure as a dentist or dental hygienist take and pass the written National Board Dental or Dental Hygiene Examination administered by the Joint Commission on National Dental Examinations, Inc. and the clinical examination administered by the Northeast Regional Board of Dental Examiners, Inc. (NERB). Over the last few years, the Board has been, and will continue to be involved in the efforts to adopt a National clinical examination, but to date it has not come to fruition. Therefore, the Board determined that it was most prudent at this time to look to the existing regional examining agencies as a means of opening up the possibility of licensure in this Commonwealth to as many qualified individuals as possible. This final-form rulemaking provides that applicants for licensure by examination as a dentist or dental hygienist may take any one of the five regional clinical examinations, that is, those clinical examinations administered by NERB, the Southern Regional Testing Agency, Inc., the Western Regional Examining Board, the Central Regional Dental Testing Service, Inc. or the Council of Interstate Testing Agencies, Inc.

The Board published the proposed rulemaking at 39 Pa.B. 5595 (September 26, 2009), requesting public comments by October 26, 2009. No public comments were received. On October 21, 2009, the House Professional Licensure Committee (HPLC) met and voted to take no formal action on the proposed rulemaking until the final-form rulemaking was promulgated. The HPLC did not comment on the proposed rulemaking. Likewise, the Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). On November 25, 2009, the Board received a letter from the Independent Regulatory Review Commission (IRRC) indicating that it did not have objections, comments or recommendations to offer on the proposed rulemaking. The Board met on December 11, 2009, and voted to adopt the final-form rulemaking without change.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions because the costs associated with examinations will be borne by candidates for licensure. The final-form rulemaking should not have an adverse fiscal impact on applicants because the fees for the various regional examinations are comparable and an applicant could choose the most cost-effective examination to take.

The final-form rulemaking should not result in additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 16, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5595, to the HPLC, the SCP/PLC and IRRC for review and comment.

Public comments were not received, nor did the HPLC, SCP/PLC or IRRC submit comments to the Board regarding the proposed rulemaking.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), this final-form rulemaking was approved by the HPLC on March 10, 2010, and was deemed approved by the SCP/PLC on April 7, 2010. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective April 7, 2010.

Contact Person

Further information may be obtained by contacting Cynthia Montgomery, Regulatory Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

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 no public comments were received.

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

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending § 33.103 to read as set forth at 39 Pa.B. 5595.

(b) The Board shall submit this order and 39 Pa.B. 5595 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 39 Pa.B. 5595 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN V. REITZ, D.D.S.,
Chairperson

(*Editor's Note*: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2194 (April 24, 2010).)

Fiscal Note: Fiscal Note 16A-4620 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-865. Filed for public inspection May 14, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401a, 434a, 438a AND 441a]

Preliminary Provisions; Onsite Shopkeeper Certification, Labor Organizations; and Slot Machine Licenses

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(15) and (30) (relating to general and specific powers) and the authority in 4 Pa.C.S. §§ 1102(8) and (9) and 1313 (relating to legislative intent; and slot machine license application financial fitness requirements), amends Chapters 438a and 441a (relating to labor organizations; and slot machine licenses), to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking replaces the permitting requirements for individuals in labor organizations with registration requirements and makes minor revisions to provisions in Chapter 441a relating to agreements. At proposed, this rulemaking also would have added a new Chapter 434a (relating to onsite shopkeeper certification) setting forth the requirements for certification of onsite shopkeepers and their regulatory responsibilities. Those provisions have been deleted from the final-form rulemaking.

Explanation of Amendments to Chapters 438a and 441a

Chapter 438a has been amended to replace the permitting requirement for labor organization officers, agents and management employees with a requirement that these individuals seek registration. These individuals typically do not work in a licensed facility and rarely would need to be in a restricted area. Accordingly, the Board has determined that registration, rather than obtaining a permit, is more appropriate for these individuals.

More specifically, § 438a.3 (relating to registration of labor organization officers, agents and management employees) has been amended to replace all references to permits with references to registration. Additionally, since registrations do not require renewals, subsection (d) has been revised to reflect that a registration will be valid for as long as the individual holds his current position and subsections (e) and (f) have been deleted.

Minor revisions were made to Chapter 441a in §§ 441a.12 and 441a.13 (relating to maintaining agreements; filing of agreements; and Board review of agreements and records of agreements). The amendments to § 441a.12 will require slot machine licensees to submit to the Board copies of all written agreements or a written description of any oral agreement with a person which involves or may involve payments of $500,000 or more per year to a slot machine licensee. This will allow the Board to review the appropriateness of these significant financial transactions to determine their impact on the slot machine licensees and the integrity of gaming.

The addition to § 441a.13 will require slot machine licensees to include a provision in all contracts requiring that a person who has contracted with a slot machine applicant or licensee comply with 4 Pa.C.S. Part II (relating to gaming) and regulations promulgated thereunder, including obtaining all required licenses, permits, certifications and registrations. This will allow slot machine licensees to void contracts with parties that should, but refuse to, file an application for a license, permit, certification or registration.

Comment and Response Summary

Notice of proposed rulemaking was published at 38 Pa.B. 3980 (July 26, 2008).

The Board received comments from Downs Racing, L.P. (Downs), Greenwood Gaming and Entertainment, Inc. (Greenwood) and Washington Trotting Association, Inc. (WTA) during the public comment period. On September 24, 2008, the Independent Regulatory Review Commission (IRRC) also filed comments on the proposed rulemaking. All of these comments were reviewed by the Board and are discussed in detail as follows.

The bulk of the comments received raised questions and concerns with the proposed Chapter 434a relating to shopkeepers. Because of the comments received, the Board elected not to proceed with this final-form rulemaking until the Board revised its regulations pertaining to vendors which was done in Regulation #125-100, which was published as final at 40 Pa.B. 975 (February 20, 2010). However, on January 7, 2010, Act 1 of 2010 went in to effect. One of the changes in Act 1 was the addition of new provisions related to gaming service providers which will encompass both vendors and shopkeepers. The Board will be promulgating regulations to amend its existing vendor regulations to reflect the changes in Act 1 in the near future; however, there is no longer any need to promulgate separate regulations for shopkeepers. Accordingly, the Board has withdrawn the proposed revisions to Chapter 401a and withdrawn the proposed Chapter 434a in its entirety. Since these provisions have been deleted, the Board's discussion of the comments it received will be confined to the remaining amendments for Chapters 438a and 441a.

The only comments filed relating to the remaining provisions in this final-form rulemaking were from WTA. WTA asked that the Board clarify whether or not the requirement to file copies of any agreements involving payments of $500,000 was intended to apply to agreements with just shopkeepers or apply to all agreements. This comment appears to have been prompted by WTA's misunderstanding that this provision had been included in Chapter 434a as § 434a.12.

It was, and is, the Board's intent that this provision apply to all agreements. That is why this provision was added to § 441a.12, instead of being part of the proposed Chapter 434a.

Additional Revisions

As proposed, § 438a.3(b) would have required submission of an original and two copies of the Labor Organization Registration Application. The Board only needs one copy of this application, so this provision has been revised to only require submission of one copy with the original.

Affected Parties

This final-form rulemaking will affect slot machine licensees, labor organization officers, agents and management employees.

Fiscal Impact

Commonwealth

These amendments will eliminate the requirement that annual renewal applications be filed for labor organization officers, agents and management employees. This will reduce the number of permit renewal applications that will have to be processed by the Bureau of Licensing and the Bureau of Investigations and Enforcement.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

Labor organization officers, agents and management employees will experience some cost savings because the application fee and investigation costs for registrations are less than they are for permits and registrations do not require annual renewals.

Slot machine licensees will be required to file copies of agreements under which the slot machine licensee may receive payments of $500,000 or more.

General Public

This final-form rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

Labor organization officers, agents and management employees will no longer have to file annual renewal applications.

Slot machine licensees will be required to file copies of agreements under which the slot machine licensee may receive payments of $500,000 or more.

Effective Date

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

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 16, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 3980 and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees).

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on April 7, 2010. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 8, 2010, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 438a and 441a, are amended by amending §§ 438a.3, 441a.12 and 441a.13 to read as set forth in Annex A with ellipses.

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

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

GREGORY C. FAJT
Chairperson

(*Editor's Note*: The proposal to amend § 401a.3 and the addition of §§ 434a.1—434a.8 included in the proposed rulemaking at 38 Pa.B. 3980, has been withdrawn by the Board.)

(*Editor's Note*: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2194 (April 24, 2010).)

Fiscal Note: Fiscal Note 125-91 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION, AND REGISTRAION

CHAPTER 438a. LABOR ORGANIZATIONS

§ 438a.3. Registration of labor organization officers, agents and management employees.

(a) Every labor organization officer, agent and management employee shall be registered in accordance with this section.

(b) Every labor organization officer, agent and management employee shall file an original and one copy of a completed Labor Organization Registration Application Form with the registration fee posted on the Board's web site (pgcb.state.pa.us).

(c) Applicants and registrants under this section shall be subject to the general application requirements of Chapters 421a and 423a (relating to general provisions; and applications).

(d) Registrations issued under this section will be valid for as long as the individual holds the position which required the individual to seek registration.

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441a. SLOT MACHINE LICENSES

§ 441a.12. Maintaining agreements; filing of agreements.

(a) *Maintaining agreements*. Each slot machine applicant and licensee shall maintain the following:

(1) A fully signed copy of every written agreement.

(2) Records with respect to any oral agreement.

(b) *Changes or amendments to agreements*. Slot machine applicants and licensees shall maintain changes or amendments to the terms of the agreements subject to subsection (a).

(c) *Filing agreements*. Each slot machine licensee shall submit the following to the Board:

(1) A fully signed copy of written agreements with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and with vendors subject to certification under § 437a.1(b) (relating to general vendor requirements).

(2) A precise written description of any oral agreement, in accordance with subsection (f), with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and vendors subject to certification under § 437a.1(b).

(3) A fully signed copy of all written agreements relating to land and real estate.

(4) A fully signed copy of all written agreements or a written description of any oral agreement with a person which involves or may involve payments of $500,000 or more per year to a slot machine licensee.

(d) *Changes or amendments to filed agreements*. Slot machine applicants and licensees shall file all changes or amendments to the terms of the agreements subject to subsection (c).

(e) *Additional agreements*. Notwithstanding the requirements of subsections (c) and (d), slot machine applicants or licensees may be required to submit a copy of any other written agreement, change or amendment or a precise written description of any other oral agreement, change or amendment as requested by the Board.

(f) *Oral agreements*. A written description submitted under this section must provide, at a minimum, the following:

(1) The nature of the goods or services to be provided to or by the slot machine licensee or applicant.

(2) The full name and business address of the nonslot machine licensee or applicant party to the agreement.

(3) The duration of the agreement, or if provided in the agreement, the specific date or dates of performance.

(4) The financial terms of the agreement.

(5) A description of the goods or services provided, including the expected duration and compensation.

§ 441a.13. Board review of agreements and records of agreements.

(a) The Board may review an agreement and record maintained or filed under § 441a.12 (relating to maintaining agreements; filing of agreements) to determine the following:

(1) The reasonableness of the terms of the agreement, including the terms of compensation.

(2) The qualifications of the persons involved in and associated with the agreement, after which the Board may make a finding as to the suitability of the persons to be involved or associated with the slot machine applicant or licensee.

(3) Whether any person involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a slot machine applicant or licensee or its employees which requires a license, permit, certification, registration or notification under the act or this part, in which case the Board will direct that the appropriate application be promptly filed by the person.

(4) Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any vendor industry or to encourage or preserve competition in any vendor industry.

(b) If the Board finds that an agreement is not in the public interest or is inimical to the interest of gaming in this Commonwealth, the Board may, by order, require the termination of the agreement or association of any person associated therewith or pursue any remedy or combination of remedies provided for in the act or this part. If the agreement or association is not thereafter promptly terminated, the Board may pursue any remedy or combination of remedies provided for in the act or this part.

(c) Each agreement maintained or filed under § 441a.12 shall be deemed to include a provision for its termination without liability on the part of the slot machine applicant or licensee, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon the agreement, if the Board orders that the agreement be terminated in accordance with subsection (b).

(d) Each agreement maintained or filed under § 441a.12 must include a provision requiring that the person who has contracted with the slot machine applicant or licensee comply with the act and this part, including obtaining required licenses, permits, certifications and registrations.

[Pa.B. Doc. No. 10-866. Filed for public inspection May 14, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 435a, 461a, 465a, 467a AND 501a]

Employee Credentials, Design Standards and Internal Controls

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3), (5), (9) and (11) and 1322 (relating to regulatory authority of board; and slot machine accounting controls and audits), amends Chapters 435a, 461a, 465a, 467a and 501a to read as set forth in Annex A.

Purpose of the Final-form Rulemaking

The final-form rulemaking amends the Board's requirements for the display of Board issued credentials, permits the use of nonfixed seating and makes a number of other

changes related to internal controls which improve the clarity of the current requirements and make revisions which will simplify, improve the effectiveness of or add some additional flexibility to existing provisions.

Explanation of Amendments to Chapters 435a, 461a, 465a, 467a and 501a

Section 435a.6(c) (relating to Board credentials) has been amended to relax the existing requirement that all of a slot machine licensee's employees display their Board credentials when they are working in the licensed facility. Employees whose jobs require them to be on the gaming floor or in restricted areas will continue to be required to display their Board credentials, but employees who are not required to be on the gaming floor or in a restricted area will only have to carry their credential. This will allow employees who do not work in sensitive areas for whom the display of their credential might interfere with the performance of their jobs to just carry their credential. Also, to give slot machine licensees some addition flexibility, food and beverage employees working on the gaming floor will be allowed to just carry their Board credential if their employer issued access badge displays a unique employee identification number. This will insure that the surveillance department and the Board's casino compliance representatives will still have a means to visually verify the identity of these individuals.

Section 461a.7(s) (relating to slot machine minimum design standards) has been amended to give slot machine licensees the option of using fixed or nonfixed seating for slot machines. Currently, slot machine licensees must use fixed seating unless they file a petition asking for a waiver of the fixed seating requirement. Under this amendment, slot machine licensees will be allowed to use nonfixed seating if the slot machine licensee provides a 48-inch minimum aisle width and submits, to the Bureau of Gaming Operations, a certification from local building and fire safety officials or a certification from an architect registered in this Commonwealth that the use of nonfixed seating complies with all building and fire safety codes.

The provisions in § 461a.10(g), (i) and (o) (relating to automated gaming voucher and coupon redemption machines) regarding internal controls have been deleted and relocated to new § 465a.34 (relating to automated gaming voucher and coupon redemption machine accounting controls). Since Chapter 461a (relating to slot machine testing and control) deals mainly with equipment standards and Chapter 465a (relating to accounting and internal controls) contains internal control requirements, the internal control requirements regarding automated gaming voucher redemption machines, automated coupon redemption machines, bill breakers or some combination thereof are more appropriately placed in Chapter 465a. Similarly, § 461a.11 has been rescinded in its entirety and the provisions in § 461a.11 have been moved to § 465a.34.

Also in § 461a.10(t)(4)(iv) and (v), the word "dispensed" has been replaced with "accepted." This correction reflects the fact that the gaming voucher, coupon and currency storage box contains the currency that has been inserted into the automated gaming voucher and coupon redemption machine, and has nothing to do with the currency that is dispensed by the automated gaming voucher and coupon redemption machine. Additionally, § 461a.10(t)(4)(vi), (viii) and (x) have been deleted. The information listed in these subparagraphs is captured by the software for the automated gaming voucher and coupon redemption machine and is found on the other reports. Therefore, there is no need for this information to also be provided as part of the gaming voucher, coupon and currency storage box report.

Section 461a.19(c) (relating to remote system access) has been amended to require that a slot machine licensee must establish and obtain Board approval of internal controls that will be used to protect the integrity of the slot machine licensee's computer systems and related data before the slot machine licensee may allow a licensed manufacturer's employee to have remote access to its computer systems when there is an emergency. Because it would be difficult for the slot machine licensee to monitor what the manufacturer's employee is doing in this situation, it is imperative that the slot machine licensee have adequate protocols in place to prevent any unauthorized access to systems that are unaffected by the emergency. Requiring that these protocols be included in a slot machine licensee's internal controls will provide a mechanism for the Board to make sure that adequate protections are in place.

In § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions) and § 465a.33 (relating to access to areas containing central computer control equipment), the information required to be recorded in the access log books for the surveillance room and the areas containing central computer control equipment has been amended so that these requirements are the same for both log books. Making these formats the same should make compliance easier for the slot machine licensees.

Section 465a.18(d)(2) (relating to transportation of slot cash storage boxes to and from bill validators; storage) is amended to make the key control requirements consistent with the key control requirements for slot cash storage boxes that are in bill validators. The existing key control requirements in subsection (d)(2) are unnecessarily more restrictive. The revised language will make the requirements in subsection (d)(2) the same as the requirements in subsection (c)(1)(ii).

In § 465a.33, a number of changes have been made to improve the clarity of this section and ensure that the operator of the central computer control system and the casino compliance representatives are notified whenever someone is going to enter the areas that contain the central computer control equipment. Also, as noted earlier, the log book requirements in this section and in § 465a.9 have been revised so that they are the same. This should make compliance easier for the slot machine licensees.

The citation in § 467a.1(a)(2)(iv) (relating to gaming floor plan) has been amended to read "§ 467a.7(s)." The subsections in § 461a.7 were previously amended but this citation was not changed as part of that amendment.

Section 501a.6(b) (relating to check cashing) has been amended to allow a slot machine licensee to cash checks for patrons that have been issued by the slot machine licensee. Currently, if a slot machine licensee issues a check to a patron, which frequently happens when the patron wins a large jackpot, the slot machine licensee can not cash that check for the patron later. However, the slot machine licensee may accept that check to establish a customer deposit, which the customer can then close and receive cash. This amendment will eliminate the need to open a customer deposit just to cash a check that the slot machine licensee has issued to the patron.

Comment and Response Summary

Notice of proposed rulemaking was published at 39 Pa.B. 6073 (October 17, 2009).

The Board received comments from Greenwood Gaming and Entertainment, Inc. (Greenwood) and Downs Racing, L.P. (Downs) during the public comment period. On December 16, 2009, the Independent Regulatory Review Commission (IRRC) also filed comments on the proposed rulemaking. These comments were reviewed by the Board and are discussed in detail as follows.

On § 435a.6, Greenwood and Downs both suggested that the exemption provided to food and beverage employees from the requirement that they display their Board credential be expanded to include other employees who have direct contact with patrons. Additionally, Downs objected to the requirement that food and beverage employees' access badge contain a unique identification number to take advantage of the exemption from displaying their Board credential.

Similarly, IRRC asked the Board: to explain how the Board determined which employees would be required to display their Board credentials; if it had considered additional exemptions; if the Board was aware of any instances where the display of credentials has jeopardized a slot machine licensee's employees safety or resulted in identity theft; and why is the alternative in § 435a.6(c)(2) needed.

Concerning the comments on expanding the scope of this provision and how the Board determined which employees should continue to be required to display their Board credential, what the Board has done with this amendment is to strike a balance between the requests of some slot machine licensees to eliminate the requirement for employees to display their Board credentials and the Board's overall mandate to protect the integrity of gaming. Requiring employees who are working in critical areas of a licensed facility to display their Board credentials gives the Board an effective means to quickly confirm the identity of individuals who are in a restricted area or on the gaming floor. Accordingly, the Board does not believe that it is appropriate to expand the proposed exemption for employees who work in these areas. For employees who are not working in these sensitive areas, the Board agrees that the need for immediate confirmation of whether or not the individual has the proper credential is less critical. Therefore, the Board agrees that carrying the Board credential, rather than wearing it, is appropriate.

On Down's concern about the expense associated with the alternative of having an access badge with a unique employee identification number, the Board would note that this is an option, not a requirement. If Down's is concerned about possible costs, it can simply continue to have its food and beverage employees display their Board credential. As to the need for the unique employee identification number, if the employees are not displaying the Board credential, an alternate means of identifying the employees must be provided. An employee identification number will allow the Board's casino compliance representatives and the slot machine licensee's surveillance department to quickly verify the employee's identity.

Finally, as to the concerns voiced that display of a Board credential could threaten the welfare or safety of employees, the Board is not aware of any instances where identity theft has occurred. Furthermore, while the Board is aware of various instances, through reports from the Board's casino compliance representatives and incident reports supplied by licensees, of patrons who have made unwanted advances or rude remarks and where patrons have made verbal threats, in none of these incidences has the display of the Board credential been a factor or created a greater threat to the employee's welfare.

For these reasons, the Board has not amended the regulation as suggested by the commentators. However, to clarify the purpose of the requirement for having a unique employee number on the employees access badge, the phrase "and which can be read by the slot machine licensee's surveillance system" has been added to § 435a.6(c)(2).

Greenwood offered a general comment on § 461a.19 suggesting that the Board rescind the technical standards in § 461b.5 (relating to remote computer access) or make them part of § 461a.19 so that they will go through the regulatory review process.

The Board has decided not to rescind § 461b.5 or add those provisions to § 461a.19. To give slot machine licensees some flexibility and in recognition of the rapid changes that can occur in computer systems, the Board believes that the more detailed technical requirements should remain in the technical standards. However, if Greenwood or another slot machine licensee believes that particular changes should be made to the technical standards, the Board encourages slot machine licensees to submit these changes to the Board for its review.

Greenwood and IRRC both asked the Board to clarify what the phrase "environmental adjustments" in § 465a.33(a)(5) meant.

The Board's intent behind using this phrase was to give slot machine licensees wide latitude to respond to emergencies, such as the failure of heating or air conditioning equipment, electrical failures or plumbing leaks. However, the Board agrees that using this term alone could make it hard for slot machine licensees to interpret. To provide further clarification, the Board is amending § 465a.33 (a)(5) by adding the phrase "such as electrical, plumbing or HVAC malfunctions."

Affected Parties

Slot machine licensees will benefit from the additional operating flexibility some of these amendments provide. Slot machine licensees who allow remote access to their computer systems will also be required to submit internal controls governing that access and will be required to notify the Board's casino compliance agents and the Department of Revenue's contractor whenever access is being provided to the areas housing the central computer control equipment.

Fiscal Impact

Commonwealth

The Board does not anticipate that there will be any significant costs or savings to the Board or any other Commonwealth agency as a result of this final-form rulemaking.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

This final-form rulemaking may result in some small savings or additional costs to slot machine licensees. However, the Board does not expect that these savings or costs will be significant.

General Public

This final-form rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will simplify the log book requirements and reduce the need for slot machine licensees to file petitions with the Board regarding the use of nonfixed seating or display of Board credentials. It will also make it easier for patrons to cash checks issued by a slot machine licensee as payment for jackpot winnings.

Effective Date

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

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review, (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 6, 2009, the Board submitted a copy of the proposed rulemaking, published at 39 Pa.B. 6073, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees).

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on April 7, 2010. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 8, 2010, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 435a, 461a, 465a, 467a and 501a, are amended by rescinding § 461a.11 and amending §§ 461a.7, 461a.10, 461a.19, 465a.9, 465a.18, 465a.34, 467a.1 and 501a.6 to read as set forth at 39 Pa.B. 6073; and by amending §§ 435a.6 and 465a.33 to read as set forth in Annex A.

(b) The Chairperson of the Board shall certify this order, 39 Pa.B. 6073 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

GREGORY C. FAJT,
Chairperson

(*Editor's Note*: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2094 (April 24, 2010).)

Fiscal Note: Fiscal Note 125-106 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 435a. EMPLOYEES

§ 435a.6. Board credentials.

(a) The following individuals shall obtain a Board credential:

(1) A principal whose duties are required to be performed at a licensed facility in excess of 12 days in a 12-month period.

(2) Key employees.

(3) Gaming employees.

(4) Nongaming employee registrants.

(5) State employees whose duties require the employee's presence at a licensed facility more frequently than once a month.

(b) The credential will contain the following information:

(1) The name, date of birth, sex, height, weight, hair color and eye color of the licensee, permittee or registrant.

(2) A photograph of the face of the individual to whom the credential has been issued which meets the standards of the Commonwealth Photograph Imaging Network.

(3) The inscription "Pennsylvania Gaming Control Board."

(4) The seal of the Commonwealth.

(5) A license, permit or registration number.

(6) The type of license, permit or registration.

(7) An expiration date.

(8) The signature of the employee.

(9) Other security features as determined by the Board.

(c) A State employee required to obtain a Board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee, who is required to obtain a Board credential and whose duties do not require the individual to be on the gaming floor or in a restricted area, shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee, who is required to obtain a Board credential and whose duties require the individual to be on the gaming floor or in a restricted area, shall display the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. A food and beverage employee of a slot machine licensee who is required to obtain a Board

credential and whose duties require the individual to be on the gaming floor may carry, instead of display, the employee's Board credential if:

(1) The employee displays the access badge required under § 465a.12 (relating to access badges).

(2) The access badge displays a unique identification number that has been assigned to that employee and which can be read by the slot machine licensee's surveillance system.

(d) Except as provided in § 435a.7 (relating to emergency credentials), slot machine and management company licensees are prohibited from allowing a principal who is required to obtain a credential, key employee, gaming employee or nongaming employee registrant to perform his duties on the premises of a licensed facility unless the employee has his Board credential.

(e) Notwithstanding subsection (a), the Board may, upon written request by a slot machine or management company licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section.

(f) An employee whose license, permit or registration has been suspended or revoked by the Board shall surrender the Board credential to the Board.

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.33. Access to areas containing central computer control equipment.

A slot machine licensee shall develop and submit to the Board and the Department, as part of the submission required under § 465a.2 (relating to internal control systems and audit protocols), procedures for safeguarding and limiting access to the central control computer (CCC) equipment housed within the licensed facility. At a minimum, these procedures must include the following requirements:

(1) The area containing CCC equipment must:

(i) Be secured with a manual key lock system, the keys to which must be different from any other keys used in the licensed facility.

(ii) Have a door, that when opened, audibly signals the surveillance monitoring room.

(iii) Have adequate surveillance camera coverage to record all activity in the area.

(2) Access to the area containing the CCC system equipment may not be permitted unless prior arrangements have been made with the operator of the CCC system and the casino compliance representatives at the licensed facility.

(3) All keys which access the area containing CCC equipment shall be maintained by the slot machine licensee's security department. The keys may only be signed out by the director of security or the security shift manager to employees of the Department or the operator of the CCC system who are on the authorized access list. The authorized access list shall be obtained from the Department and made available to the casino compliance representatives at the licensed facility. A verbal notification shall be made to the surveillance monitoring room, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to signing out the keys.

(4) The slot machine licensee shall maintain an access log for the area containing CCC equipment. The log shall be maintained in a book with bound numbered pages that cannot be readily removed and placed in close proximity to the CCC equipment. Casino compliance representatives at the licensed facility may review the log upon request. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a log:

(i) The date and time of each entry.

(ii) The entering person's name, Board-issued credential number and department or affiliation.

(iii) The reason for entering the area containing CCC equipment.

(iv) The name of the person authorizing the person's entry into the area containing CCC equipment.

(v) The date and time of exiting the area containing CCC equipment.

(5) Individuals who are not authorized to have access to the area containing CCC equipment may only be granted access for emergency situations requiring environmental adjustments, such as electrical, plumbing or HVAC malfunctions, with a security escort. When emergency access is granted, the slot machine licensee shall provide notice to the Department and the casino compliance representatives at the licensed facility prior to permitting entry to the area containing CCC equipment.

[Pa.B. Doc. No. 10-867. Filed for public inspection May 14, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 521 AND 525]

Table Game General Provisions and Internal Controls

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. § 1325A (relating to table game accounting controls and audit protocols), adopts temporary regulations in Chapters 521 and 525 (relating to general provisions; and table game internal controls) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking adds additional definitions, the procedures for submission of table game internal controls and specific provisions related to organization requirements, submission of the jobs compendium and staffing requirements for table games.

Explanation of Chapters 521 and 525

In Chapter 521, a definition of the term "pit clerk" has been added to § 521.1 (relating to definitions).

A new Chapter 525 is being added. In § 525.1, definitions of the terms "count team" and "fill" which are used in this chapter appear.

Section 525.2 (relating to internal controls) requires certificate holders to submit their initial internal controls

to the Board for approval at least 45 days prior to the desired date of the commencement of table games. This chapter also sets forth the processes that will be used for the review of a certificate holder's initial set of table game internal controls and any subsequent amendments. These processes mirror the processes used for review of internal controls related to the operation of slot machines.

Section 525.3 (relating to gaming day) establishes the gaming day for table gaming as 6:00 a.m. to 5:59.59 a.m. which is the same as the gaming day for slot machine operations.

Section 525.4 (relating to certificate holder's organization requirements related to table games) supplements the organization requirements in § 465a.11 (relating to slot machine licensee's organization). It adds additional surveillance requirements related to the operation of table games, requires credit to come under the director of finance and requires a certificate holder to have a table games department or a gaming department which includes slot machine and table game operations.

Section 525.5 (relating to jobs compendium submission) requires a certificate holder to submit a jobs compendium which includes organization charts of each department or division and detailed job descriptions for each position. This information will be reviewed by the Board to ensure that there is a proper segregation of duties to protect the integrity of gaming and to verify that the proper licensing, permitting or registration requirements will be met. This section also sets forth the process to be used to amend the jobs compendium and requires that an updated jobs compendium be filed annually.

Section 525.6 (relating to personnel assigned to the operations and conduct of table games) sets forth minimum staffing requirements for the operation and supervision of table games. These requirements are similar to requirements used in other jurisdictions. To give certificate holders additional operating flexibility, this section permits the supervision of a greater number of table games per floorperson when electronic gaming tables (other than fully automated gaming tables) are being used and allows a certificate holder to file a request to use of a staffing plan that differs from what is required under this section.

Affected Parties

Table games certificate holders will be required to modify and expand their existing internal controls to meet the additional requirements in this rulemaking.

The Board will experience increased regulatory demands to review the new and revised internal controls related to table games that are submitted by the certificate holders.

Fiscal Impact

Commonwealth

The Board will have to review each certificate holder's initial table games internal control submissions and any subsequent amendments thereto. These reviews will be conducted by existing Bureau of Gaming Operations staff, so the Board does not project that it will incur any significant cost increases as a result of this rulemaking.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to revise and expand the scope of their internal controls to cover table games operations. These revisions could cost between $20,000 and $50,000 per certificate holder to prepare depending on the scope of the revisions and if the revisions are prepared internally or by consultants.

To meet the minimum staffing requirements in § 525.6, the Board does not anticipate that certificate holders will have to hire many, if any, additional employees. This is because the staffing requirements are similar to what other jurisdictions require and common industry standards. Additionally, certificate holders will have the opportunity to request the use of alternate staffing patterns to meet unique situations at their facilities.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork Requirements

This rulemaking will require certificate holders to draft and submit to the Board for its approval revised internal controls, including the new jobs compendium. A certificate holder who wants to use staffing levels that differ from what is called for under § 525.6, will have to prepare a written Alternate Staffing Plan which provides the justification for the requested staffing levels.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-117.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P. S. §§ 745.1—745.12); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth

Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 521 and 525, are amended by amending § 521.1 and adding §§ 525.1—525.6 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective May 15, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-117. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 521. GENERAL PROVISIONS

§ 521.1. Definitions.

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

* * * * *

Pit clerk—An employee of a certificate holder whose primary function is to prepare documentation required for the operation of table games, including requests for fills, requests for credits, counter checks or other documents that evidence the exchange of gaming chips.

* * * * *

CHAPTER 525. TABLE GAME INTERNAL CONTROLS

Sec.
525.1. Definitions.
525.2. Internal controls.
525.3. Gaming day.
525.4. Certificate holder's organization requirements related to table games.
525.5. Jobs compendium submission.
525.6. Personnel assigned to the operations and conduct of table games.

§ 525.1. Definitions.

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

Count team—The employees of the certificate holder who are responsible for counting the contents of table game drop boxes.

Fill—The distribution of gaming chips, coins and plaques to a gaming table to replenish the table inventory.

§ 525.2. Internal controls.

(a) A certificate holder shall submit to the Board a written description of its table games initial internal control systems and audit protocols (collectively referred to as its table games internal controls) pertaining to the conduct of table games at least 45 days before table gaming operations are to commence. The written system of table games internal controls must demonstrate how the certificate holder will comply with this chapter and other internal control requirements in this subpart.

(b) The initial table games internal controls submission must be accompanied by:

(1) An attestation by the chief executive officer or other competent person with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted table games internal controls conform to the requirements of the act and this subpart.

(2) An attestation by the chief financial officer or other competent person with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted table games internal controls are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including the act and this subpart.

(c) The Board will review each table games initial submission made under subsection (a) and determine whether it conforms to the requirements of the act and this subpart and provides adequate and effective controls to ensure the integrity of the operation of table games at the licensed facility. If the Board determines that the submission is deficient in any area, the Board will provide a written notice of the deficiency to the certificate holder and allow the certificate holder to submit a revision to its initial submission. A certificate holder is prohibited from commencing table gaming operations until its system of table games internal controls is approved by the Board.

(d) If a certificate holder intends to make a change or amendment to its table games internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations using the Internal Controls Amendment Request Form posted on the Board's web site (www.pgcb.state.pa.us). A request for a change or amendment must include electronic copies of the attestations required under subsection (b)(1) and (2). The certificate holder may implement the change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of a complete submission unless the certificate holder receives a notice under subsection (e) tolling the change or amendment or written notice of disapproval from the Board's Executive Director.

(e) If during the 30-day review period in subsection (d), the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of table game operations or the control of gross table game revenue, the Bureau of Gaming Operations, by written notice to the certificate holder, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (d) be tolled and that any internal controls at issue not be implemented until approved under subsection (g).

(f) Examples of submissions that may be determined to contain a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of table games operations or the control of gross table game revenue may include the following:

(1) Submissions that fail to provide an audit trail sufficient to permit the review of table gaming operations or the reconstruction of gross table game revenue transactions.

(2) Submissions that fail to provide for the segregation of incompatible functions so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required by the act or this part that are essential elements of the internal controls.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board, unless the submissions are required as part of an authorized test of the equipment or related device or software.

(g) When a change or amendment has been tolled under subsection (e), the certificate holder may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The certificate holder may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (e) tolling the change or amendment or written notice of disapproval from the Board's Executive Director.

(h) A current version of the table games internal controls of a certificate holder shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the certificate holder and the Board's onsite facilities required under § 465a.8 (relating to licensed facility). The certificate holder shall also maintain a copy, either in paper or electronic form, of any superseded table games internal control procedures for a minimum of 5 years. The original signed two attestations required under subsection (b)(1) and (2) shall also be maintained for a minimum of 5 years. Each page of the table games internal controls must indicate the date on which it was approved by the Board.

§ 525.3. Gaming day.

(a) The beginning and ending times of the gaming day for the purposes of determining gross table game revenue will be 6:00 a.m. to 5:59.59 a.m.

(b) Prior to commencing table gaming operations, each certificate holder shall submit to the Board, in writing, its hours of table gaming operations. A certificate holder may not commence table gaming operations until its hours of table gaming operations are approved by the Board's Executive Director.

(c) Any change in the hours of table gaming operations shall be submitted to the Board, in writing, and may not be implemented until approved by the Board's Executive Director.

§ 525.4. Certificate holder's organization requirements related to table games.

(a) In addition to the requirements in § 465a.11(b)(1) (relating to slot machine licensee's organization), the surveillance department shall be responsible for the following:

(1) The clandestine surveillance of the operation of, and gaming conducted at, table games.

(2) The clandestine surveillance of the operation of any satellite cage or Poker room cage.

(3) The clandestine surveillance of storage areas used for the storage of chips, plaques, cards, dice, Sic Bo shakers, Pai Gow tiles and other equipment used to conduct table games.

(4) The video recording of movements of table games drop boxes.

(5) The installation, maintenance and repair of the surveillance system equipment used by the surveillance department.

(6) The submission of a surveillance staffing plan as part of the certificate holder's internal controls prior to the commencement of table gaming operations, detailing minimum staffing and the manner in which the responsibilities in § 465a.11(b)(1) and this subsection shall be met.

(b) In addition to the requirements in § 465a.11(b)(6), the director of finance shall be responsible for all finance functions including, the control and supervision of the inventory of gaming chips, Poker room cage and the issuance of credit. The person responsible for the supervision and issuance of credit shall report directly to the director of finance.

(c) Except as provided in subsection (d), in addition to the departments required under § 465a.11(b), a certificate holder shall have a table games department supervised by a person located at the licensed facility, who functions, for regulatory purposes, as the director of table games. The director of table games shall be licensed as a key employee and shall be responsible for all table game functions including the inventory of table game equipment, dice and cards.

(d) In lieu of the departments required under § 465a.11(b)(4) and subsection (c), a certificate holder may elect to have a gaming department supervised by a person located at the licensed facility, who functions, for regulatory purposes, as the director of gaming. The director of gaming shall be licensed as a key employee and shall be responsible for the overall operation and conduct of gaming at slot machines and table games within the licensed facility. A slot machine licensee may also elect to have a director of table games and a director of slot operations who report to the director of gaming.

§ 525.5. Jobs compendium submission.

(a) Each certificate holder shall prepare and maintain a jobs compendium consistent with the requirements of this section detailing job descriptions and lines of authority for all personnel employed by the certificate holder.

The jobs compendium shall be submitted to the Board for approval as part of the certificate holder's internal controls required under § 525.2 (relating to internal controls) at least 45 days prior to the commencement of operations of table games at the licensed facility. The Board will review the jobs compendium to determine whether the job descriptions and the organization charts contained therein conform to the licensing, permitting and registration requirements and chain-of-command and segregation of duties requirements of the act and the Board's regulations as part of the Board's review of the certificate holder's internal controls required under § 525.2.

(b) A jobs compendium must include the following sections:

(1) An alphabetical table of contents listing the position title, job code and department for each job description and the page number on which the corresponding job description may be found.

(2) An organization chart for each department and division, including all positions and illustrating by position title, direct and indirect lines of authority within the department or division. Each page of an organization chart shall specify the following:

(i) The date the organization chart was approved.

(ii) The effective date of the previously submitted organization chart that the revised organization chart supersedes.

(iii) A unique title or other identifying designation for that organization chart.

(3) Job descriptions of each employee position which accurately correspond to a position title listed in the organization charts and in the alphabetical table of contents. Each job description must be contained on a separate page, organized by departments or divisions, and include, at a minimum, the following:

(i) The job title and corresponding department.

(ii) Job duties and responsibilities.

(iii) Detailed descriptions of experience or educational requirements.

(iv) The type of license, permit or registration required under the act and the Board's regulations.

(v) The date of submission of each employee job description and the date of any prior job description it supersedes.

(vi) The page number of each organization chart on which the employee job title is included.

(vii) The access code that will be assigned to the employee job description for the access badge required under § 465a.12 (relating to access badges).

(c) Any proposed amendment to a previously approved jobs compendium, including any amendment to an organization chart, which involves the departments listed in §§ 456a.11(b) and 524.4 (relating to slot machine licensee's organization; and certificate holder's organization requirements related to table games) shall be submitted as an amendment to the slot machine licensee's internal controls in accordance with § 456a.2 (relating to internal controls and audit protocols). Amendments that are required to be submitted under this subsection may be implemented by the certificate holder prior to approval of the amendment, if:

(1) The amendment is immediately recorded in the copy of the jobs compendium maintained by the certificate holder on its premises.

(2) The amendment is submitted to the Bureau of Gaming Operations by the end of the business day on the date of implementation, including at a minimum, the proposed changes to the information required by subsection (b), including the corresponding revised job descriptions and organization charts, contained on pages which may be used to substitute for those sections of the jobs compendium previously approved by the Board.

(d) For departments that are not listed in § 456a.11(b) or § 524.4, unless otherwise directed by the Board, a certificate holder will not be required to submit amendments to its jobs compendium for approval. Instead, the certificate holder will be required to notify the Bureau of Licensing by the end of the business day on the date of implementation for newly created positions or changes to job descriptions and tables of organizations. The notification must include properly formatted job descriptions and organization charts for the affected departments. After the notification has been submitted, the Bureau of Licensing may require changes to the job descriptions and organization charts to ensure compliance with licensing, permitting or registration requirements.

(e) Notwithstanding other requirements of this section, each certificate holder shall submit a complete and up-to-date jobs compendium to the Bureau of Gaming Operations and the Bureau of Licensing 12 months after its receipt of authorization to commence table gaming operations and every 12 months thereafter.

(f) Each certificate holder shall maintain on its premises a complete, updated copy of its jobs compendium, in a written or electronic form, which shall be made available for review upon request of the Board, the Department or the Pennsylvania State Police.

(g) No provision of this section may be construed to limit a certificate holder's discretion in utilizing a particular job title for any position in its jobs compendium.

§ 525.6. Personnel assigned to the operations and conduct of table games.

(a) The following personnel shall be used to operate table games in a licensed facility:

(1) Pit clerks.

(2) Dealers.

(3) Stickpersons.

(4) Boxpersons.

(5) Floorpersons

(6) Pit managers.

(7) Poker shift managers.

(8) Assistant table games shift managers.

(9) Table games shift managers.

(b) Certificate holders shall maintain the following minimum levels of staffing whenever table games are being operated:

(1) One pit clerk.

(2) One dealer for any table game other than Craps or Baccarat.

(3) Two dealers for each Baccarat table.

(4) Three dealers for each Craps table, one of whom shall act as the stickperson.

(5) One boxperson for each craps table.

(c) Certificate holders shall provide a sufficient number of floorpersons to supervise the operation of table games in accordance with the standards in this subsection. A floorperson may not supervise more than the number of tables specified in one of the following paragraphs:

(1) Four tables comprised of any combination of banking table games excluding:

(i) Baccarat.

(ii) Midibaccarat, when using the dealing procedure permitted under § 543.9(c)(3) (relating to hands of player and banker; procedure for dealing initial two cards to each hand).

(iii) Craps.

(iv) Mini-Craps.

(v) Pai Gow.

(2) One Baccarat table.

(3) Two Midibaccarat tables using the dealing procedure permitted under § 543.9(c)(3).

(4) One Midibaccarat table using the dealing procedure permitted under § 543.9(c)(3) and one table of any other banking table game excluding Baccarat, Craps, Mini-Craps and Pai Gow.

(5) Three Craps tables.

(6) One Craps table and one table of any other banking table game excluding Baccarat, Midibaccarat, using the dealing procedure permitted under § 543.9(c)(3), Mini-Craps and Pai Gow.

(7) One Mini-Craps table, if only one dealer is assigned to the table.

(8) Two Mini-Craps tables, if the there is a dealer and a stickperson assigned to the tables.

(9) Two Pai Gow tables, if the tables are in a side-by-side configuration.

(10) One Pai Gow table and one table of any other banking table game excluding Baccarat, Midibaccarat, using the dealing procedure permitted under § 543.9(c)(3), Craps and Mini-Craps.

(11) Eight Poker tables.

(12) Ten Poker tables, if no floorperson assigned to Poker has any responsibilities for seating players.

(d) If the gaming tables being supervised by a floorperson are electronic gaming tables other than fully automated electronic gaming tables, the maximum number of gaming tables that the floorperson may supervise may be increased by 50%. For example, under subsection (c)(1) the floorperson would be allowed to supervise six banking gaming tables instead of four.

(e) Certificate holders shall provide a sufficient number of pit managers or assistant table games shift managers to supervise the operation of table games subject to the limitation that a pit manager or assistant table games shift manager may not directly supervise more than six floorpersons.

(f) Certificate holders shall provide a Poker shift manager to supervise all open Poker tables. If no more than three Poker tables are open, a floorperson is not required.

(g) Certificate holders shall provide a table games shift manager to supervise the operation of table games during every shift. An assistant table games shift manager may be designated to act as the table games shift manager in the table games shift manager's absence, but that assistant table games shift manager may not be counted toward the number of pit managers or assistant table games shift managers required under subsection (e).

(h) A certificate holder may request to use a staffing plan that differs from the minimum standards in this section by filing a written Alternate Minimum Staffing Plan with the Board's Executive Director. The Alternate Minimum Staffing Plan, at a minimum, must include:

(1) The pit number and configuration of any pit affected.

(2) The type, location and table number of any table affected.

(3) The standard staffing level required for the gaming table or tables by this section and the proposed alternative staffing.

(4) The days, shifts or times during which the alternative staffing would be in effect.

(5) A narrative explaining the rational for the proposed alternative staffing and how the alternative staffing will protect the integrity of gaming at the affected gaming tables.

(i) A certificate holder that has filed a request to use an Alternate Minimum Staffing Plan may not implement that plan until the certificate holder has received written approval from the Board's Executive Director.

(j) Nothing in this section may be construed to limit a certificate holder from utilizing personnel in addition to those described in this section nor may anything in this section be construed to limit the discretion of the Board to order the utilization of additional personnel in a licensed facility.

[Pa.B. Doc. No. 10-868. Filed for public inspection May 14, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 524]
Electronic Gaming Tables

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1) and (2) (relating to regulatory authority), adopts temporary regulations in Chapter 524 (relating to electronic gaming tables) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking contains standards and requirements for electronic wagering systems, electronic gaming tables, fully automated electronic gaming tables and progressive table game systems.

Explanation of Chapter 524

Section 524.1 (relating to definitions) provides definitions of the following terms: "electronic gaming table;" "electronic wagering system;" "fully automated electronic gaming table;" "game account;" and "progressive table

game system." These definitions mirror the definitions of these terms from the act or reflect commonly used definitions used in the gaming industry.

Section 542.2 (relating to electronic wagering systems) sets forth the requirements that must be met by any electronic wagering system. An electronic wagering system allows players to place wagers electronically on some form of display and will add winnings or deduct losses automatically. This section specifies the minimum requirements for these systems and requires that they be approved by the Bureau of Gaming Laboratory Operations.

Section 524.3 (relating to procedures for buying in to and cashing out of a table game using an electronic wagering system) provides the procedures whereby a player may "buy in to" a table game, which is how the player may purchase credits that can be used to play the game, and the procedures for "cashing out" of the game, which is how the player will receive any funds remaining in his gaming account when he is ready to leave the game.

Section 524.4 (relating to electronic gaming tables) contains the requirements that electronic gaming tables must meet. An electronic gaming table uses an electronic wagering system, but still requires a dealer or boxman to conduct the game. These requirements included: technical requirements the tables must meet; the meters the table must have; and the requirement that the tables be approved by the Bureau of Gaming Laboratory Operations.

Section 524.5 (relating to fully automated electronic gaming tables) contains the requirements that fully automated electronic gaming tables must meet. The difference between an electronic gaming table and a fully automated electronic gaming table is that a fully automated electronic gaming table operates without a dealer, boxperson or any other certificate holder employee. This section is structured in the same manner as § 524.4 and contains: the technical requirements these tables must meet; the meters these tables must have; and the requirement that these tables be approved by the Bureau of Gaming Laboratory Operations.

Section 524.6 (relating to integrated live Roulette wheels used on fully automated electronic gaming tables) contains the specific statistical requirements that the Roulette wheels used on fully automated electronic gaming tables must meet related to the randomness of the resulting spins and the actions that are to occur if the roulette wheel does not satisfy the statistical test.

Section 524.7 (relating to progressive table game systems): sets forth meter requirements for progressive table game systems; requires approval of progressive jackpots being offered and testing by the Bureau of Gaming Laboratory Operations; and limits the circumstances under which a progressive jackpot can be turned back to a lesser amount. These provisions are similar to the provisions in Chapter 461a (relating to slot machine testing and control) governing progressive jackpots offered on slot machines.

Affected Parties

Slot machine licensees who elect to become certificate holders and who decide to install electronic gaming tables or fully automated electronic gaming tables will be required to comply with the requirements in this chapter. Additionally, manufacturers of electronic gaming tables or fully automated gaming tables will be required to submit their tables to the Bureau of Gaming Laboratory Operations for testing and will have to meet the design requirements contained in this chapter.

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

Fiscal Impact

Commonwealth

The Board expects that its Bureau of Gaming Laboratory Operations will experience increased costs related to the review of electronic and fully automated electronic gaming tables that manufacturers elect to offer for sale in Pennsylvania, but these costs will be recovered directly from these manufacturers.

The Board also anticipates that additional demands will be placed on existing staff related to the inspection of these tables when they are installed in a licensed facility. However, because most certificate holders are not planning on using many of these tables when they initially open their table games operations, the Board does not expect it will need to hire additional personnel at this time to meet these demands.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

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

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

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork Requirements

This rulemaking will require manufacturers to submit manuals and other technical information related to the particular electronic or fully automated electronic gaming tables that they submit to the Bureau of Gaming Laboratory Operations for approval.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Penn-

sylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-118.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P. S. §§ 745.1—745.12); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations shall expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapter 524, are amended by adding §§ 524.1—524.7 to read as set forth in Annex A.

(2) The temporary regulations are effective May 15, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-118. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 524. ELECTRONIC GAMING TABLES

Sec.

524.1. Definitions.
524.2. Electronic wagering systems.
524.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.
524.4. Electronic gaming tables.
524.5. Fully automated electronic gaming tables.
524.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.
524.7. Progressive table game systems.

§ 524.1. Definitions.

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

Electronic gaming table—

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

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

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

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

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

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

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

§ 524.2. Electronic wagering systems.

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

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

(c) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested and approved by the Bureau of Gaming Laboratory Operations.

(d) An electronic wagering system must:

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

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

(3) Debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game

accounts of the winning players in the appropriate amounts, in the game of Poker.

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

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

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

(7) Make each player's balance or table stakes visible to all players in the game, in the game of Poker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 524.4. Electronic gaming tables.

(a) An electronic gaming table must comply with § 524.3 (relating to electronic wagering systems).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 524.5. Fully automated electronic gaming tables.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 524.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.

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

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

(1) 10,000 outcomes have been generated.

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

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

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

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

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

(1) The time and date the test was performed.

(2) The table ID or any comparable identifier.

(3) The number of games used to perform the test.

(4) The outcome of the test.

§ 524.7. Progressive table game systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Pa.B. Doc. No. 10-869. Filed for public inspection May 14, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 27, 2010.

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

BANKING INSTITUTIONS

Voluntary Dissolutions

Date	*Name and Location of Institution*	*Action*
4-22-2010	Nesquehoning Savings Bank Nesquehoning Carbon County	Effective

Branch Applications

De Novo Branches

Date	*Name and Location of Applicant*	*Location of Branch*	*Action*
4-19-2010	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	3751 Easton-Nazareth Highway Easton Northampton County	Opened
4-27-2010	Northwest Savings Bank Warren Warren County	275 Meadow Drive North Tonawanda Niagara County, NY	Approved

Articles of Amendment

Date	*Name and Location of Institution*	*Action*
4-27-2010	Jonestown Bank and Trust Company of Jonestown, PA Jonestown Lebanon County	Approved and Effective

Amendment to Article V of the institution's Articles of Incorporation authorizes the issuance of common stock and preferred stock.

SAVINGS INSTITUTIONS

Branch Applications

De Novo Branches

Date	*Name and Location of Applicant*	*Location of Branch*	*Action*
3-19-2010	ESSA Bank & Trust Stroudsburg Monroe County	PA Route 390 and Oak Lane Mountainhome Monroe County	Opened
4-2-2010	ESSA Bank & Trust Stroudsburg Monroe County	5580 Crawford Drive Bethlehem Northampton County	Opened
4-14-2010	ESSA Bank & Trust Stroudsburg Monroe County	1500 North Cedar Crest Boulevard Allentown Lehigh County	Opened

CREDIT UNIONS

Articles of Amendment

Date	*Name and Location of Institution*	*Action*
4-27-2010	PPL GOLD Credit Union Allentown Lehigh County	Approved and Effective
	Amendment to Article 8 of the credit union's Articles of Incorporation provides for the inclusion of "Employees, officials, and persons who regularly work under contract in the Lehigh Valley for PPL Corporation, Inc. and subsidiaries" and "associations composed of PPL GOLD Credit Union Members" in the credit union's field of membership.	

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-870. Filed for public inspection May 14, 2010, 9:00 a.m.]

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 4, 2010.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

Date	*Name and Location of Applicant*	*Location of Branch*	*Action*
4-19-2010	PeoplesBank, A Codorus Valley Company York York County	Autumn House East 2618 East Market Street York York County (Limited Service Facility)	Opened
4-30-2010	Susquehanna Bank Lititz Lancaster County	5002 Lincoln Drive West Evesham Township Burlington County, NJ	Approved
5-3-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	34 South Sycamore Street Newtown Township Bucks County	Filed
5-4-2010	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	2000 Penny Lane Jeanette Westmoreland County	Filed
5-4-2010	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	2001 Lincoln Way White Oak Allegheny County	Filed

Branch Discontinuances

Date	*Name and Location of Applicant*	*Location of Branch*	*Action*
4-29-2010	Integrity Bank Camp Hill Cumberland County	100 Senate Avenue Camp Hill Cumberland County	Filed

Date	Name and Location of Applicant	Location of Branch	Action
4-30-2010	Susquehanna Bank Lititz Lancaster County	8000 Sagemore Drive Marlton Burlington County, NJ	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

Branch Relocations

Date	Name and Location of Applicant		Location of Branch	Action
4-26-2010	PPL GOLD Credit Union Allentown Lehigh County	*To:*	4703 Hamilton Boulevard Allentown Lehigh County	Effective
		From:	827 Hausman Road Allentown Lehigh County	

Change of Principal Place of Business

Date	Name and Location of Institution		Address	Action
4-28-2010	Greensburg Teachers Credit Union Greensburg Westmoreland County	*To:*	508 Cochran Drive Greensburg, PA 15601 Westmoreland County	Effective
		From:	1014 Country Club Drive Jeannette, PA 15644 Westmoreland County	

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-871. Filed for public inspection May 14, 2010, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2010

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), determines that the maximum lawful rate of interest for residential mortgages for the month of June, 2010, is 6 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 his 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 4.19 to which was added 2.50 percentage points for a total of 6.69 that by law is rounded off to the nearest quarter at 6 3/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-872. Filed for public inspection May 14, 2010, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 26, 2010, 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-873. Filed for public inspection May 14, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[Correction]

Applications, Actions and Special Notices

An error occurred in the notice which appeared at 40 Pa.B. 2292, 2297 (May 1, 2010). Application No. PA 0026441, Sewage, Lemoyne Borough, Three Lowther Street, Lemoyne, PA 17043 was printed in error. The Southcentral Regional Office retracts the application.

[Pa.B. Doc. No. 10-777. Filed for public inspection April 30, 2010, 9:00 a.m.]

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

Location	*Permit Authority*	*Application Type or Category*
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 Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

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

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

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

I. NPDES Renewal Applications

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

NPDES No. (Type)	*Facility Name & Address*	*County & Municipality*	*Stream Name (Watershed #)*	*EPA Waived Y/N?*
PA0061450 (Sewage)	Elmhurst Township Sewer Authority P. O. Box 204 Main Street Elmhurst, PA 18416-0204	Lackawanna County Elmhurst Township	Roaring Brook 05A	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

NPDES No. (Type)	*Facility Name & Address*	*County & Municipality*	*Stream Name (Watershed #)*	*EPA Waived Y/N?*
PA0063606 (Industrial Waste)	Permittee address: Reliant Energy, Inc. 121 Champion Way Canonsburg, PA 15317-5817 Facility address: Reliant Energy, Inc.—Bangor Quarry Ash Disposal Site P. O. Box 238 Portland, PA 18351	Northampton County Bangor Borough	Brushy Meadow Creek, a Tributary to Martins Creek 01F	Y

PA0063045, Industrial Waste, SIC Code 2013, **Polarized Meat Co., Inc.**, 105 Keystone Industrial Park, Dunmore, PA 18512. Facility Name: Polarized Meats. This existing facility is located in Scott Township, **Lackawanna County**.

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

The receiving stream(s), South Branch Tunkhannock Creek, is located in State Water Plan watershed 4-F and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

	Mass (lb/day)			*Concentration (mg/l)*		
Parameters	*Average Monthly*	*Daily Maximum*	*Minimum*	*Average Monthly*	*Daily Maximum*	*Instantaneous Maximum*
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
Total Residual Chlorine				1.2		2.8
$CBOD_5$	3.9	7.7				
Total Suspended Solids	4.7	8.7				
Oil and Grease				15.0		30.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200 Geometric Mean		
Oct 1 - Apr 30				400 Geometric Mean		
Nitrate-Nitrite as N (Interim)				Report		
Nitrate-Nitrite as N (Interim)	Report Total Mo					
Total Nitrogen (Interim)				Report		
Total Nitrogen (Interim)		Report Total Annual				
Total Nitrogen (Interim)	Report Total Mo					
Ammonia-Nitrogen (Interim)				Report		
Ammonia-Nitrogen (Interim)		Report Total Annual				
Ammonia-Nitrogen (Interim)	Report Total Mo					
Total Kjeldahl Nitrogen (Interim)				Report		

	Mass (lb/day)			Concentration (mg/l)		
Parameters	*Average Monthly*	*Daily Maximum*	*Minimum*	*Average Monthly*	*Daily Maximum*	*Instantaneous Maximum*
Total Kjeldahl Nitrogen (Interim)	Report Total Mo					
Total Phosphorus				2.0		4.0
Total Phosphorus (Interim)		Report Total Annual				
Total Phosphorus (Interim)	Report Total Mo					

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

- Chesapeake Bay.

The EPA waiver is in effect.

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

NPDES No. (Type)	*Facility Name & Address*	*County & Municipality*	*Stream Name (Watershed #)*	*EPA Waived Y/N ?*
PA0010375—IW (Transfer)	Lehigh Cement Co., LLC (York Facility) 7660 Imperial Way Allentown, PA 18195-1040	York City York County	UNT Codorus Creek 7H	Y
PA0024457 (Sew)	Halifax Area Water and Sewer Authority P. O. Box 443 Halifax, PA 17032-0443	Dauphin County Halifax Borough	Susquehanna River 6C	Y

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-0532.

NPDES No. (Type)	*Facility Name & Address*	*County & Municipality*	*Stream Name (Watershed #)*	*EPA Waived Y/N?*
PA0114286 (Sewage)	New Albany Borough Sewer System STP Main Street New Albany, PA 18833-0067	Bradford County New Albany Borough	South Branch Towanda Creek 4-C	Y
PA0228931 (Sewage)	Kathy Weaver and Robert Martin SFTF 2495 Valley View Road Bellefonte, PA 16823	Centre County Benner Township	Unnamed Tributary of Buffalo Run 9-C	Y

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

NPDES No. (Type)	*Facility Name & Address*	*County & Municipality*	*Stream Name (Watershed #)*	*EPA Waived Y/N ?*
PA0024392	Borough of Rouseville P. O. Box 317 Rouseville, PA 16344	Venango County Cornplanter Township	Oil Creek 16-E	Y

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

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

PA0055034, Sewage, SIC Code 4952, **Jonna and Kevin McCoy**, 9 Hilldale Road, Malvern, PA 19355-2964. Facility Name: McCoy SRSTP. This existing facility is located in Willistown Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Crum Creek, is located in State Water Plan watershed 3-G and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

		Concentration (mg/l)	
Parameters	*Minimum*	*Average Monthly*	*Instantaneous Maximum*
pH (S.U.)	6.0		9.0
Total Residual Chlorine	Report Instantaneous Minimum	Report	Report
$CBOD_5$		25	50
Total Suspended Solids		30	60
Fecal Coliform (CFU/100 ml)		200 Geometric Mean	

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

1. AMR to DEP.
2. Abandon STP.
3. Remedial Measures.
4. No stormwater.
5. Property Rights.
6. Change of Ownership.
7. Proper Sludge Disposal.
8. Laboratory Certification.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

PA0058190, Sewage, SIC Code 8811, **Brenda Phelan**, 191 Hill Road, Green Lane, PA 18054-2415. Facility Name: Phelan SRSTP. This existing facility is located in Salford Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Unami Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters-Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

	Mass (lb/day)		*Concentration (mg/l)*			
Parameters	*Average Monthly*	*Daily Maximum*	*Minimum*	*Average Monthly*	*Daily Maximum*	*Instantaneous Maximum*
Flow (MGD)	Report					
pH (S.U.)			6.0			9.0
Dissolved Oxygen			6.0 Instantaneous Minimum			
$CBOD_5$				10		20
Total Suspended Solids				10		20
Fecal Coliform (CFU/100 ml)				200 Geometric Mean		
Nitrate-Nitrite as N				10		20
Ammonia-Nitrogen						
May 1 - Oct 31				1.5		3.0
Nov 1 - Apr 30				3.0		6.0

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

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

Application No. PA0248274, Concentrated Animal Feeding Operation (CAFO), Woglemuth Fairview Farm, 2914 Orchard Road, Mount Joy, PA 17552. Doug Woglemuth has submitted an NPDES Permit application for Woglemuth Fairview Farm, a poultry layer and swine finishing operation located in Mount Joy and West Donegal Townships, **Lancaster County**. The CAFO is situated near unnamed tributaries to Donegal Creek (Watershed 7-G), the steams are

classified as cold water fisheries. The CAFO has a target animal population of approximately 1,262 animal equivalent units consisting of 100,000 laying hens and 7,200 finishing swine. 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.

You may make an appointment to review the Department's files by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA0246603, Concentrated Animal Feeding Operation (CAFO), Chris Hoffman, R. R. 1, Box 295, McAlisterville, PA 17049. Chris Hoffman has submitted an application to renew the existing Individual NPDES permit for an existing CAFO known as the Lazy Hog Farm, located in Fayette Township, **Juniata County**.

The CAFO is situated near Lost Creek, which is classified as a high-quality, cold water fishery. The CAFO includes four animal housing units designed to maintain an annual population of approximately 754 animal equivalent units consisting of 1,264 gestating sows, 165 sows with litters, 11 boars, 440 replacement gilts, 3,300 nursery pigs, five goats and two steers. Manure is stored in concrete manure storage structures and applied onsite or exported to local farmers in accordance with an approved Nutrient Management Plan. 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.

You may make an appointment to review the Department's 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. All 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.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA 0260495, Concentrated Animal Feeding Operation (CAFO), Steve Hershey Farm, 2040 Donegal Springs Road, Mount Joy, PA 17552. Steve Hershey has submitted an NPDES permit application for Steve Hershey Farm, a poultry layer and beef finishing operation located in East Donegal Township, **Lancaster County**. The CAFO is situated near Donegal Springs (Watershed 7-G), the stream is classified as a high-quality, cold water fishery. The CAFO has a target animal population of approximately 430 animal equivalent units consisting of 110,000 laying hens and 270 finishing steers. A release or discharge to waters of the 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 the 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.

You may make an appointment to review the Department's files by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

PA0035670, Sewage, **Department of Transportation, Bureau of Design**, P. O. Box 3060, Harrisburg, PA 17105-3060. This application is for renewal of an NPDES permit to discharge treated sewage from Satelite Maintenance Facility Sewage Treatment Plant in Kiskiminetas Township, **Armstrong County**.

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

Outfall 001: existing discharge, design flow of 0.0005 mgd.

	Concentration (mg/l)			
Parameter	*Average Monthly*	*Average Weekly*	*Maximum Daily*	*Instantaneous Maximum*
$CBOD_5$	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0093262, Sewage, **Department of General Services, Bureau of Engineering & Architecture**, 18th and Herr Streets, Harrisburg, PA 17125. This application is for renewal of an NPDES permit to discharge treated sewage from Washington County Maintenance Facility Office STP in North Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale to Little Chartiers Creek, which are classified as a high-quality warm water fishery 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 Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.002 mgd.

	Concentration (mg/l)			
Parameter	*Average Monthly*	*Average Weekly*	*Maximum Daily*	*Instantaneous Maximum*
$CBOD_5$	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
May 1 to Oct 31	1.5			3.0
Nov 1 to Apr 30	4.5			9.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218162, Sewage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Creekside STP in Washington Township, **Indiana County**.

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

Outfall 001: existing discharge, design flow of 0.45 mgd.

	Concentration (mg/l)			
Parameter	*Average Monthly*	*Average Weekly*	*Maximum Daily*	*Instantaneous Maximum*
$CBOD_5$				
May 1 to Oct 31	15	23		30
Nov 1 to Apr 30	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
May 1 to Oct 31	7.5	11.3		15.0
Nov 1 to Apr 30	22.5	33.8		45.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
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.

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

PA0263699, Sewage, NAICS Code 81400, **Kris Ellis**, 7 South Court, Cranberry, PA 16066. Facility Name: Kris Ellis SFTF. This proposed facility is located in Forward Township, **Butler County**.

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

The receiving stream(s), an Unnamed Tributary to Breakneck Creek, is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

	Mass (lb/day)			*Concentration (mg/l)*		
Parameters	*Average Monthly*	*Daily Maximum*	*Minimum*	*Average Monthly*	*Daily Maximum*	*Instantaneous Maximum*
Flow (MGD)	Report					
pH (S.U.)			6.0			9.0
$CBOD_5$				10		20
Total Suspended Solids				10		20
Fecal Coliform (CFU/100 ml)				200 Geometric Mean		

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is in effect.

PA0263681, Sewage, NAIC Code 84100, **Ralph and Cecilia LaRoche**, 15 Yohe Road, Bradford, PA 16701. Facility Name: Cecilia and Ralph LaRoche SFTF. This proposed facility is located in Corydon Township, **McKean County**.

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

The receiving stream(s), Unnamed Tributary to Willow Creek, is located in State Water Plan watershed 16-B and is classified for High Quality Waters-Cold Water Fishes, aquatic life water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.004 MGD.

	Mass (lb/day)			*Concentration (mg/l)*		
Parameters	*Average Monthly*	*Daily Maximum*	*Minimum*	*Average Monthly*	*Daily Maximum*	*Instantaneous Maximum*
Flow (MGD)	Report					
pH (S.U.)			6.0			9.0
Total Residual Chlorine				Report		
$CBOD_5$				10		20
Total Suspended Solids				10		20
Fecal Coliform (CFU/100 ml)				200 Geometric Mean		

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is in effect.

PA0263702, Sewage, NAICS Code 722110, **Daniel and Tracy Scott, d/b/a Rainbow Valley Restaurant**, 70 Baker Road, Greenville, PA 16125. Facility Name: Rainbow Valley Restaurant. This proposed facility is located in Perry Township, **Mercer County**.

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

The receiving stream(s), an unnamed Tributary to Little Shenango River, is located in State Water Plan watershed 20-A and is classified for Trout Stocking fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00284 MGD.

	Mass (lb/day)			*Concentration (mg/l)*		
Parameters	*Average Monthly*	*Daily Maximum*	*Minimum*	*Average Monthly*	*Daily Maximum*	*Instantaneous Maximum*
Flow (MGD)	Report					
pH (S.U.)			6.0			9.0
Total Residual Chlorine				0.5		1.2
$CBOD_5$				25		50

	Mass (lb/day)			Concentration (mg/l)		
Parameters	*Average Monthly*	*Daily Maximum*	*Minimum*	*Average Monthly*	*Daily Maximum*	*Instantaneous Maximum*
Total Suspended Solids				30		60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200 Geometric Mean		
Oct 1 - Apr 30				2,000 Geometric Mean		

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is in effect.

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

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

WQM Permit No. 4010404, Sewerage, **Lower Lackawanna Valley Sanitary Authority**, P. O. Box 2067, Coxton Road, Duryea, PA 18642-2067. This proposed facility is located in Duryea Borough, **Luzerne County**.

Description of Proposed Action/Activity: The project involves modifications to the Authority's existing wastewater treatment facility to provide for biological and chemical nutrient removal, consisting of the following: conversion of the four existing contact/stabilization tanks to the IFAS process, addition of two new IFAS process tanks, addition of two new settling tanks, a new aeration system, addition of a gravity belt sludge thickener, addition of a second belt filter press, a lime feed system for sludge stabilization, an alum feed system, and electrical and HVAC system upgrades.

WQM Permit No. 3510401, Sewerage, **Sewer Authority of the City of Scranton**, 312 Adams Avenue, Scranton, PA 18503. This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity. The project involves modifications to the Authority's existing wastewater treatment facility to provide for biological and chemical nutrient removal, consisting of the following: addition of a fifth primary settling tank and associated primary sludge pumping facilities; modifications of existing bioreactors to create two-pass anoxic/aerobic treatment trains; addition of a similarly configured fifth bioreactor; addition of fifth and sixth final settling tanks; addition of a new return sludge pump station; upgrade of various process equipment; addition of a supplemental carbon storage and feed system; addition of a chemical feed system for phosphorus removal; modification and upgrade of scum collection, concentration and handling equipment; and modification/upgrade of the SCADA system.

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

WQM Permit No. 2010401, Sewerage, **Robert L. Braymer**, 17258 Silverling Road, Saegertown, PA 16433. This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Adding a diffused air aeration system to an existing wastewater treatment lagoon.

WQM Permit No. 4210401, Sewerage, **Kris Ellis**, 7 South Court, Cranberry, PA 16066. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. 4210401, Sewerage, **Ralph and Cecilia LaRoche**, 15 Yohe Road, Bradford, PA 16701. This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. 4310401, Sewerage, **Nilda Flores**, 1970 Mercer Road, Fredonia, PA 16124. This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

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

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

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

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

NPDES Permit No.	*Applicant Name & Address*	*County*	*Municipality*	*Receiving Water/Use*
PAI01 151006	Steven and Robin Shenberger 228 Cambridge Road Coatesville, PA 19320	Chester	West Caln Township	West Branch Brandywine Creek HQ-TSF-MF Birch Run HQ-TSF-MF
PAI01 151007	Malvern Preparatory School 418 South Warren Avenue Malvern, PA 19355	Chester	Malvern Borough	Crum Creek HQ-CWF
PAI01 151008	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF

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

Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, 570-278-4600.

NPDES Permit No.	*Applicant Name & Address*	*County*	*Municipality*	*Receiving Water/Use*
PAI025810001	Thomas J. Simrell, DDS 514 North Blakely Street Dunmore, PA 18512	Susquehanna	Clifford Township	Tinker Creek HQ-CWF, MF

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

Washington County Conservation District, 401 602 Courthouse Square, Washington, PA 15301, (724-228-6774).

NPDES Permit No.	*Applicant Name & Address*	*County*	*Municipality*	*Receiving Water/Use*
PAI056310004	Department of Transportation District 12-0 825 Gallatin Avenue Ext. Uniontown, PA 15401	Washington	South Strabane Township	Little Chartiers Creek HQ-WWF

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

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

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

Agricultural Operation Name and Address	*County*	*Total Acres*	*Animal Equivalent Units*	*Animal Type*	*Special Protection Waters (HQ or EV or NA)*	*Renewal/New*
Valley M Pork Farm Noah Martin 289 Maxwell Drive Quarryville, PA 17566	Lancaster	160	3.64	Swine	HQ	Renewal
Huston Hollow Farm 2994 South Madden Road Hustontown, PA 17229 c/o Country View Family Farm 2315 Norman Road Lancaster, PA 17601	Fulton	12.0	1,362	Swine	HQ	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4610511, Public Water Supply.

Applicant	**Pennsylvania American Water**
Township	Norristown
County	**Montgomery**
Responsible Official	David R. Kaufman 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	PA American Water 4 Wellington Boulevard Wyomissing, PA 19610
Application Received Date	April 15, 2010
Description of Action	Utilize liquid ammonium sulfate to produce chloramines. Prechloramination will be substituted in place of prechlorination, in an attempt to reduce DBP's in the Norristown Water Treatment Plant.

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

Application No. 4496031-A17—Construction, Public Water Supply.

Applicant	**Tulpehocken Spring Water, Inc.**
Township or Borough	Point Township
County	**Northumberland**
Responsible Official	Greg Miles Plant Operations Manager Tulpehocken Spring Water, Inc. 750 Point Township Drive Northumberland, PA 17857
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Thomas G. Pullar, P. E. EarthRes Group, Inc. P. O. Box 468 Pipersville, PA 18947
Application Received	May 4, 2010
Description of Action	Addition of a permitted raw water source to the Oak Park Bottling Plant.

MINOR AMENDMENT

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

Application No. 4810501MA.

Applicant	**Bethlehem Authority**
Township or Borough	Bethlehem City **Northampton County**
Responsible Official	Steve Repasch Executive Director 10 East Church Street Room B311 Bethlehem, PA 18018
Type of Facility	Community Water System
Consulting Engineer	Kirt L. Ervin, P. E. US Engineering, LLC 13742 Mary Lane Aviston, IL 62216
Application Received Date	March 8, 2010
Description of Action	Application for repainting and repair of the South Mountain finished water storage tank.

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

Application No. 3480037.

Applicant	**Cedar Grove Park, LLC**
Township or Borough	Lower Mount Bethel Township **Northampton County**
Responsible Official	Jeffrey T. Russell, Manager Cedar Grove Park, LLC 2041 Lawfer Avenue Allentown, PA 18104 610-433-6047
Type of Facility	Community Water System
Consulting Engineer	NA
Application Received Date	April 13, 2010
Description of Action	Application to transfer permit No. 3480037, for operation of the community water system serving Cedar Grove Mobile Home Park, from HFLP, Ltd to Cedar Grove Park, LLC.

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 Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

Lewis J. Kennedy Trucking Co. I80 Westbound Accident, Delaware Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Lewis J. Kennedy Trucking Co., 342 Schuyler Avenue, Kearny, NJ 07032 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Item* on April 20, 2010. The site will remain a right-of-way along the interstate highway.

Barry L. Kuhns Accident, Penn Township, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Charles and Ruth Knouse, 2242 SR 204, Selinsgrove, PA 17870 has submitted a Notice of Intent to Remediate soil contaminated

with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a residential home and agricultural farming area.

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

Mairdale Avenue Site, City of Pittsburgh, **Allegheny County**. D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of the City of Pittsburgh, 414 Grant Street, City County Building, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. The Site was filled with historic fill consisting of construction waste, asphalt millings and other wastes by the City of Pittsburgh Public Works. Lead, arsenic and PAH's exceed the Statewide Health Standards for direct contact for residential areas. The intended use of the Site is to be recreational. The NIR was published in the *Pittsburgh Post-Gazette* on March 22, 2010.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 10702. PA Waste Transfer, LLC, R. R. 3, Box 1, Coal Township, PA 17866, Coal Township, **Northumberland County**. The application is for a new municipal waste transfer facility with an average daily volume of 350 tons per day and a peak volume of 500 tons per day. The application was submitted to the Northcentral Regional Office on April 19, 2010. A Local Municipal Involvement Process meeting will be scheduled.

Permit Application No. 101649. Phoenix Resources, Inc., 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. A major modification application for acceptance of gas well development wastes in the cells meeting Class I residual waste liner requirements was submitted to the Northcentral Regional Office on April 26, 2010. A Local Municipal Involvement Process meeting will be scheduled.

Comments concerning the application should be directed to Lisa D. Houser, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection 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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: M. Gorog and B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

63-00015A: Flexsys America, LP (829 Route 481, Monongahela, PA 15063) to make a case-by-case maximum Available Control Technology determination for the Industrial, Commercial, and Institutional (ICI) Boilers at their Monongahela Plant in Carroll Township, **Washington County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

37-181B: Xaloy, Inc.—Tanner Plating Division (925 Industrial Street, New Castle, PA 16102) for construction of Chrome Tank No. 1 subject to 40 CFR 63 Subpart N in New Castle City, **Lawrence County**. This is a State-only facility.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

01-05022B: Knouse Foods Cooperative, Inc. (1505 Orrtanna Road, Orrtanna, PA 17353) for construction of a turbine and waste heat boiler at their Orrtanna Plant in Hamiltonban Township, **Adams County**. The source has the potential to emit 38 tons per year of oxides of nitrogen, 62 tons per year of carbon monoxide and 9.2 tons per year of volatile organic compounds. The plan approval and subsequent operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment) at a later date.

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

41-00025C: Lycoming County Resource Management Services (P. O. Box 187, Montgomery, PA 17752) for a plan approval application to expand the landfill to include fields 11 and 12 and for installation of a new 5,000 cubic feet per minute (cfm) enclosed flare to destroy the landfill gas generated by the landfill which will replace the existing two (2) 2,000 cfm candlestick flare currently operating at the landfill in **Lycoming County**. Additionally, the application proposes to construct a new back-up open flare to be used when the enclosed flare is down for maintenance. This facility is a major facility for which a Title V operating permit has been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Lycoming County Resource Management indicates that the proposed landfill expansion will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive particulate matter emission limitation of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.11, the Federal New Source Performance Standards of 40 CFR Parts 60.30c—60.33c and 40 CFR Parts 60.750—60.759 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the proposed construction and operation of the sources and air cleaning devices. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 41-00025 by means of an administrative amendment pursuant to 25 Pa. Code § 127.450.

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

1. Source ID P175 consists of fields 11 and 12 of the municipal solid waste (MSW) landfill which includes a landfill gas extraction, and collection system (ID C003). Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 fields 11 and 12 shall not accept more than 4,360,909 Megagrams of waste.

2. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the landfill gas generated by field 1—12 of the municipal solid waste landfill shall be destroyed by a 5,000 cfm John Zink model ZULE enclosed flare (ID C175A). The landfill gas may also be destroyed by the existing two (2) 860 horsepower (each) landfill gas fired Caterpillar 3516 reciprocating engines (ID C002) and two (2) 2.4 mmBtu/hr (each) landfill gas fired Bryan RV350-W-FDGO water-tube boilers (ID C006).

3. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, for emergency purposes the landfill gas generated by fields 1—12 may be destroyed by a 5,000 cfm John Zink open flare (ID C175B).

4. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the piping incorporated in the grid of horizontally-oriented piping located above the liner, as well as all other piping incorporated in the gas extraction and collection system (ID C003), shall be sized to accommodate the maximum gas generation rate to be associated with Fields 11 and 12. The gas collection rate shall at no time be less than the gas generation rate.

5. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no "passive" or direct atmospheric vents associated with Fields 11 and 12.

6. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the flares (ID C175A and C175B) used for destruction of the collected landfill gas shall at any given point in time, in aggregate, be capable of accommodating the maximum gas collection rate which will exist at that point in time while maintaining compliance with the limitations and requirements specified in, or established under, all applicable rules and regulations contained in 25 Pa. Code Chapters 121—145 as well as compliance with all conditions contained in this operating permit and compliance with all applicable provisions of 40 CFR Part 60 Subpart WWW.

7. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emissions from the John Zink model ZULE enclosed flare (ID C175A) shall not exceed the following levels:

i. nitrogen oxides (NOx)—0.025 lbs/mmBtu, 3.75 lbs/hr and 16.43 tons in any 12 CMP

ii. carbon monoxide (CO)—0.06 lbs/mmBtu, 9.00 lbs/hr and 39.42 tons in any 12 CMP

iii. formaldehyde—0.22 lbs/hr and 0.97 ton in any 12 CMP

iv. sulfur oxides (SOx)—400 ppm and 88.50 tons in any 12 CMP

v. particulate matter (PM)—2.53 lbs/hr and 11.07 tons in any 12 CMP

vi. volatile organic compounds (VOCs)—0.28 lbs/hr and 1.23 tons in any 12 CMP

8. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emissions from the John Zink open flare (ID C175B) shall not exceed the following levels:

i. nitrogen oxides (NOx)—0.068 lbs/mmBtu, 10.2 lbs/hr and 2.23 tons in any 12 CMP

ii. carbon monoxide (CO)—0.37 lbs/mmBtu, 55.5 lbs/hr and 12.15 tons in any 12 CMP

iii. formaldehyde—0.22 lbs/hr and 0.05 tons in any 12 CMP

iv. sulfur oxides (SOx)—400 ppm and 9.9 tons in any 12 CMP

v. particulate matter (PM)—2.53 lbs/hr and 0.55 ton in any 12 CMP

vi. volatile organic compounds (VOCs)—0.28 lbs/hr and 0.06 ton in any 12 CMP

9. The permittee shall keep records on a monthly basis that verifies compliance with the emissions limitations for the flares associated with Source IDs P101 and P175. These records shall be retained for a minimum of five years and shall be presented to the Department upon request.

10. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, both the John Zink model ZULE enclosed flare (ID C175A) and the open flare (ID C175B) shall achieve at a minimum an NMOC destruction efficiency of 98%.

11. (a) Within 180 days of initial startup of the John Zink model ZULE enclosed flare (ID C175A), the permittee shall conduct stack testing for nitrogen oxide, carbon monoxide, sulfur oxides, formaldehyde and NMOC destruction efficiency to verify compliance with the plan approval requirements for the enclosed flare.

(b) At least 60 days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(c) The Department shall be given at least 15 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

(d) Within 60 days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

12. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the open flare (ID C175B) shall only be used for emergency purposes. Additionally, the open flare shall not be operated in excess of 438 hours in any 12 consecutive month period.

13. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the John Zink model ZULE enclosed flare (ID C175A) shall have a minimum operating temperature of 1,600° F at a residence time of at least 0.7 second.

14. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the enclosed flare (ID C175A) shall be equipped with an ignition system that utilizes propane as a separate fuel source which ensures complete and immediate combustion of the landfill gas. In addition, ID C175A shall be equipped with an automatic cutoff switch which shuts down the flame in the event that enough landfill gas is not present or the main flame becomes extinguished.

15. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the open flare (ID C175B) shall be equipped with an automatic pilot ignition source. Additionally, if ID C175B flames out and fails to automatically reignite, the gas flow to that flare shall automatically cease

16. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the enclosed flare (ID C175A) shall be equipped with instrumentation that continuously monitors the operating temperature of the enclosed flare.

17. The permittee shall continuously record the operating temperatures of the enclosed flare. These records shall be retained onsite for a minimum of 5 years and shall be presented to the Department upon request.

18. The permittee shall report to the Department within 24 hours of the enclosed flare (ID C175A) being out of operation for any reason and the anticipated duration of it being down. Additionally, the permittee shall notify the Department when the enclosed flare is back in operation.

19. Source IDs P101 and P175 are subject to 40 CFR Part 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, 60.750—60.759. The permittee shall comply with all applicable regulations of this subpart.

20. Source ID P101 and P175 are subject to 40 CFR Part 60 Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, 60.30c—60.33c. The permittee shall comply with all applicable regulations of this subpart.

21. An operable water truck equipped with a pressurized water spray mechanism shall be kept onsite and filled with water at all times (except when refilling the truck). The permittee shall implement any effective winterization measures necessary to render this water truck capable of use under all weather conditions.

22. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall, on a daily basis, determine the total amount of landfill gas generated by the landfill and the total amount of landfill gas combusted by the flares. The total volume of landfill gas generated shall be determined using the EPA Landfill Gas Emissions Model (2.0 or latest version) by inputting actual waste landfilling rates and actual landfill gas (NMOC) concentrations.

23. All conditions contained in operating permit TVOP 41-00025 remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition or requirement contained in the plan approval and a condition contained in operating permit 41-00025, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in operating permit 41-00025.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or re-

quests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

47-00005A: Geisinger Health System (100 North Academy Avenue, Danville, PA 17822-2455) for construction of a nominal 4.2 MW, natural gas-fired combustion turbine (Source ID P201) to produce electricity and steam at the Geisinger Medical Center located in Mahoning Township, **Montour County**. The combustion turbine will be single-shafted, and the waste heat in its exhaust will generate steam in a heat recovery steam generator (HRSG).

The Department of Environmental Protection's (Department) review of the information submitted by Geisinger Health System indicates that the air contamination sources to be constructed will comply with applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the Federal New Source Performance Standards for Stationary Combustion Turbines of 40 CFR Part 60 Subpart KKKK and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from Source ID P201 shall not exceed on any 12-consecutive month period (CMP) basis; 16.2 tons of nitrogen oxides, 17.1 tons of carbon monoxide, 2.6 tons of volatile organic compounds, 0.5 ton of sulfur dioxide, 4.8 tons of total particulate matter (filterable and condensable). Additionally, the formaldehyde and total HAP emissions shall not respectively exceed 0.7 ton and 0.8 ton in any 12 CMP. To demonstrate compliance with the emissions limitations, Geisinger is required to conduct initial Environmental Protection Agency (EPA) reference method testing on the turbine's exhaust for nitrogen oxides, carbon monoxide, volatile organic compounds, and formaldehyde to measure the average emissions concentration/rate over at least three (3), 1-hour periods. Source ID P201 shall not exceed the following emission limitations:

nitrogen oxides—15 ppm, dry basis at 15% oxygen (O_2)

carbon monoxide—25 ppm, dry basis at 15% oxygen (O_2)

volatile organic compound—0.6 lb/hr

formaldehyde—0.17 lb/hr

In addition to the emission limitations previously listed, the following is a summary of the types of conditions the Department intends to place in Plan Approval 47-00005A to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Annual EPA reference method testing requirement for nitrogen oxides and carbon monoxide in addition to triennial testing for volatile organic compounds and formaldehyde emissions.

Work practice requirements to construct and operate the turbine in accordance with the manufacturer's recommendations and good air pollution control practices.

Parametric monitoring requirements to indicate low-NOx (SoLoNOx mode) operation.

Recordkeeping and reporting conditions to verify compliance with the emission limitations and applicable regulatory requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing shall be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512 within 30 days of the publication date for this notice.

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

AMS 10010: NSWCCD-SSES (5001 South Broad Street, Philadelphia, PA 19112) for installation of a 806 Hp Caterpillar Marine Emergency Diesel Generator at the DD(X) Test Cell. The generator will be used for testing and evaluation and not for emergency power use. The Generator will also be subject nitrogen oxide (NOx) emission of 2.41 tons per rolling 12-month, 0.24 ton of sulfur dioxide (SO_2) per rolling 12-month and 0.07 ton of particulate matter (PM) per rolling 12-month. The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-00044: Sunoco Partners Marketing and Terminals, LP—Marcus Hook (No. 2) Tank Farm (7 Commerce Road, Aston, PA 19014) for renewal of the Title V Operating Permit which was initially issued on November 13, 1995 in Upper Chichester Township, **Delaware County**. The facility's main sources of emissions include twelve (12) internal floating roof and two (2) external floating roof tanks which store various petroleum products, a wastewater separator and fugitive emissions. The facility has the potential to emit more than 25 tons per year of VOC, and is therefore characterized as a Title V facility. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

TV-65-00693 Renewal: USA Valley Facility, Inc.—Valley Landfill, (625 Cherrington Parkway, Moon Township, PA 15108) for their municipal solid waste landfill in Penn Township, **Westmoreland County**. Company operates landfill, gas control system, and soil processing system at this site. Landfill's design capacity makes it subject to the operating permit requirements of Title V of the Federal Clean Air Act, and 25 Pa. Code Chapter 127, Subchapter G. Proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

15-00041: Eastern Shore Natural Gas Co.—Daleville Compressor Station (609 Street Road, Cochranville, PA 19330) for a non-Title V facility, State-only, Synthetic Minor Operating Permit in Londonderry Township, **Chester County**. The permit is for the operation of five (5) natural gas-fired internal combustion compressor engines and one (1) natural gas-fired internal combustion emergency generator. This action is a renewal of the State-only Operating Permit. The initial permit was issued on 12-9-2005. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-00026: Air Products and Chemicals, Inc. (7201 Hamilton Boulevard, Allentown, PA 18195-1526) a renewal State-only (Synthetic Minor) operating permit for an Industrial Gas manufacturing support facility in Upper Macungie Township, **Lehigh County**. The permittee is taking limitations on emissions, operating hours, production throughput and fuel type to maintain Synthetic Minor status. The State-only (Synthetic Minor) operating permit includes emissions, monitoring, recordkeeping, reporting, testing and additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

07-05021: Albemarle Corp. (2858 Black Vail Road, Tyrone, PA 16686) for operation of their specialty chemical plant in Tyrone Borough, **Blair County**. This is a renewal of the Synthetic Minor operating permit issued in March 2005.

28-03023: Valley Quarries, Inc. (169 Quarry Road, P. O. Box 2009, Chambersburg, PA 17201) for operation of Mt. Cydonia II quarry in Greene Township, **Franklin County**. This is a renewal of the State-only operating permit issued in October 2004.

67-05068: Highway Materials, Inc.—Wrightsville Plant (1750 Walton Road, Blue Bell, PA 19422) for their asphalt plant in the Borough of Hellam, **York County**. This is renewal of a synthetic minor operating permit issued in March 2006.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

25-00052: Ames True Temper, Inc. (55 Pleasant Street, Union City, PA 16438-1337) to re-issue the Natural Minor Operating Permit for this wooden tool handle manufacturing and coating facility in Union City Borough, **Erie County**. The facility's primary emissions are from surface coating operations.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Brawn, Chief—Telephone: 215-685-9476.

S09-013: Nazareth Hospital (2601 Holme Avenue, Philadelphia, PA 19134) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 400 horsepower (hp) boiler firing No. 4 oil or natural gas, one (1) 500 hp boiler firing No. 4 or natural gas, one (1) 450 kilowatt (kw) emergency generator firing No. 2 oil, one (1) 150 kw emergency generator firing No. 2 oil, and one (1) 125 kw emergency generator firing natural gas.

The operating permit will be reissued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PLAN APPROVALS

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

PA48-399-065: Dixie Consumer Products, LLC (605 Kuebler Road, Easton, PA 18040-9282) for their facility in Forks Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Dixie Consumer Products, LLC (605 Kuebler Road, Easton, PA 18040-9282) for their facility in Forks Township, Northampton County. This Plan Approval No. 48-399-065 will be incorporated into the companies Synthetic Minor Permit 48-00031 through an administrative amendment at a later date.

Plan Approval No. 48-399-065 is for the construction and operation of eleven (11) new cup forming machines at the facility. Particulate emissions will be controlled by the use of existing cyclones. These limits will meet BAT requirements for this source. PM emissions will be 5.87 tpy, PM2.5 emissions will be 1.4 tpy, VOC emissions will be 12.01 tpy, HAPs emissions will be 0.21 tpy. The Plan Approval and Operating permit will contain additional

recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 48-399-065.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

37-181B: Xaloy Inc.—Tanner Plating Division (925 Industrial Street, New Castle, PA 16102) for construction of Chrome Tank No. 1 subject to 40 CFR 63 Subpart N in New Castle City, **Lawrence County**. This is a State-only facility.

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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated above each 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 the certification.

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

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; 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, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated

previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	*30-Day Average*	*Daily Maximum*	*Instantaneous Maximum*
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH[1]		greater than 6.0; less than 9.0	
Alkalinity greater than acidity[1]			

[1]The parameter is applicable at all times.

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

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

11031701 and NPDES Permit No. PA0235601, ArcelorMittal Pristine Resources, Inc., (P. O. Box 36, 129 Bethlehem Road, Revloc, PA 15948), to renew the permit for the Mine 31 AMD Plant in Jackson Township, **Cambria County** and related NPDES permit. No additional discharged. Application received: January 6, 2010.

32951301 and NPDES Permit No. PA0215821, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Toms Run Mine in Burrell Township and Blairsville Borough, **Indiana County** and related NPDES permit to add underground permit and subsidence control plan area acres. Underground Acres Proposed 1,893.1, Subsidence Control Plan Acres Proposed 1,893.1. No additional discharges. Application received: November 13, 2009.

30081601 and NPDES Permit No. PA0235792, Coresco, LLC, (308 Dents Run Road, Morgantown, WV 26501-2006), to revise the permit for the Overland Conveyor in Dunkard Township, **Greene County** to replace two sediment traps with a sedimentation pond and to revise the NPDES permit to add a new discharge point. Receiving stream: Unnamed Tributary to Crooked Run, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is East Dunkard Township Water Authority and Monongahela River. Application received: March 11, 2010.

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

63100101 and NPDES Permit No. PA0251933. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Somerset Township, **Washington County**, affecting 293 acres. Receiving streams: unnamed tributaries to Center Branch Pigeon Creek, Pigeon Creek and South Branch Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: April 16, 2010.

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

61050101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous strip operation to change the post-mining land use from Forestland to Residential in Irwin Township, **Venango County**. Receiving streams: Unnamed tributary to Gilmore Run, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 27, 2010.

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

17030121 and NPDES No. PA0243671. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Renewal of an existing bituminous surface and auger mine located in Penn Township, **Clearfield County** affecting 43.2 acres. Receiving streams: unnamed tributary to Bell Run and Bell Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 15, 2010.

17060113 and NPDES No. PA0256471. Black Cat Coal, LLC (107 West First Avenue, Clearfield, PA 16830). Transfer of an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 60.9 acres. Receiving streams: unnamed tributaries to Stump Creek classified for Cold Water Fishery and unnamed tributary to Limestone Run classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Transfer application received: April 12, 2010.

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

54921601C2 and NPDES Permit No. PA0224847. Gale Mining Company, (1441 Oak Road, Pottsville, PA 17901), boundary correction to add 6.8 acres to an existing anthracite coal preparation plant operation in Rush Township, **Schuylkill County** for a total of 17.1 permitted acres and the addition of NPDES Permit for discharge of treated mine drainage, receiving stream: Little Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: April 19, 2010.

40850203R5. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Newport Township, **Luzerne County** affecting 49.0 acres, receiving stream: South Branch Newport Creek. Application received: April 22, 2010.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	*30-day Average*	*Daily Maximum*	*Instantaneous Maximum*
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

08830301 and NPDES No. PA0608874. Dalrymple Gravel & Contracting, Inc., (2105 South Broadway, Pine City, NY 14871). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Athens Township, **Bradford County** affecting 305.0 acres. Receiving streams: Chemung River classified for Warm Water Fishery. Application received: April 12, 2010.

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

66100301 and NPDES Permit No. PA0224839. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 220.7 acres, receiving stream: unnamed tributaries to Meshoppen Creek, classified for the following use: warm water fishery. Application received: April 16, 2010.

52980301C4 and NPDES Permit No. PA0223905. ER Linde Construction Corp., (9 Collan Park, Honesdale, PA 19431), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lackawaxen Township, **Pike County**, receiving stream: Little Blooming Grove Creek, classified for the following uses: High Quality-cold water fishery and migratory fishes. Application received: April 20, 2010.

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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-482. Conoco Phillips Company, Trainer Refinery, 4101 Post Road, Trainer, PA 19061, Marcus Hook Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain five new pipe racks of 32-foot by 60-foot Modules, which will be supported by (22) 30-inch diameter piles at their existing dock facility (E23-482) located along the Delaware River.

The site is located at Conoco Phillips Trainer Refinery near the intersection of Market Street and Post Road (SR 0013) (Marcus Hook, PA USGS Quadrangle N: 5.6 inches; W: 1.5 inches).

E09-944. Chalfont Borough, 40 North Main Street, Chalfont, PA 18914, Chalfont Borough, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a 130-foot long by 8-foot wide pedestrian bridge across the North Branch of the Neshaminy Creek (PMF) in Twin Streams Park associated with the construction of the proposed trail system in the floodplain.

The site is located approximately 1,000 feet southeast of the intersection of Route 202 and South Limekiln Pike (SR 0152) (Doylestown, PA USGS Quadrangle N: 6.3 inches; W: 11.3 inches).

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

E38-167. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, ACOE Baltimore District.

The applicant has proposed to: (1) remove the existing structure and to construct and maintain a 31.0 foot wide, three span bridge having a normal span of 248.7 feet and an underclearance of 6.9 feet across Swatara Creek (WWF); (2) relocate and maintain 180.0 feet of an unnamed tributary to Swatara Creek (WWF); (3) remove the existing structure and to construct and maintain a 6-inch depressed, 24-inch diameter corrugated metal pipe culvert with a length of 43.0 feet in an unnamed tributary to Swatara Creek (WWF); (4) to permanently place and maintain fill in 0.05-acre of PFO wetlands; and (5) to temporarily place and maintain fill within 0.01-acre of PFO wetlands in North Annville and East Hanover Townships, Lebanon County (Indiantown Gap, PA Quadrangle N: 0.2 inch; W: 10.1 inches, Latitude: 40° 22′ 34″; Longitude: 76° 34′ 20″) all for the purpose of improving transportation safety and roadway standards by replacing the SR 4014 (Black Mill Road) bridge over Swatara Creek. The amount of wetland impact is considered a *de minimis* impact of 0.05 acre and wetland replacement is not required. The project will involve the use of a temporary causeway and cofferdams.

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

E19-279. Benton Borough, P. O. Box 520, 150 Colley Street, Benton, PA 17814. Park Street Improvements, in Benton Borough, **Columbia County**, ACOE Baltimore District (Benton, PA Quadrangle Latitude: 41° 12′ 1″; Longitude: 76° 22′ 44.4″).

The permit application proposes a full depth roadway reclamation project in the FEMA detailed floodfringe of Fishing Creek. The 600 linear foot re-pave will not increase the existing grades within the floodplain. Driveway aprons, curbs, sidewalks, along with a new stormwater pipe and inlet system, improved stormwater drainage. This project is intended to improve safety of pedestrian and vehicular traffic. The project is located between North Street and SR 487. This project is not water dependent and does not impact any wetlands.

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

E02-1631. Sheetz, Inc., 817 Brookfield Drive, Seven Fields, PA 16046. To construct pre-fabricated, open bottomed concrete culvert in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 2.8″; W: 1.3″, Latitude: 40° 30′ 55.6″; Longitude: 80° 00′ 33.4″). The applicant proposes to construct and maintain a pre-fabricated, open bottomed concrete culvert with a span of approximately 30′ a width of approximately 32.5′ and an underclearance of 7′, to place and maintain approximately 28′ of rip-rap stream bank protection, and to construct and maintain two utility line stream crossings, to remove an existing bridge, wing wall and retaining wall on Girty's Run (WWF), for the purpose of constructing a convenience store.

E02-1633. L S Fiore Partnership, 5506 6th Avenue, Altoona, PA 16602. To construct stream enclosure in Ohio Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 9.8″; W: 15.9″, Latitude: 40° 33′ 17.1″; Longitude: 80° 6′ 54.3″) The applicant proposes to construct and maintain a 254′ 54″ CMP stream enclosure and to relocate and enhance 312′ of stream channel, all for the purpose of developing a convenience store and drive thru bank. The project is located at the intersection of Red Mud Hollow Road and Mt. Nebo.

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

E37-182, Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. SR 0224-L02/L05 State Street Bridge Replacement, in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41° 01′ 06″; W: 80° 26′ 21.5″):

To conduct the following activities associated with the replacement of the SR 0224 State Street Bridge:

1. To remove the existing bridge and construct and maintain a 43.5 foot wide steel multi-girder bridge having four spans totaling 525 feet and an underclearance of 31.5 feet across the Mahoning River. As part of the construction, the new bridge will be constructed on temporary abutments and piers downstream of the existing bridge, the existing bridge will be demolished and new piers and abutments constructed. Upon completion of the new piers and abutments, the superstructure will be

relocated onto the original bridge alignment and the temporary piers and abutments will be removed.

2. To place temporary fill within the 100-year flood plain of Mahoning River for construction of the south approach to the temporary bridge occupying an area approximately 500 feet wide extending south from the south bank and 100 feet long downstream of the existing SR 224 embankment. Upon completion of the project, the temporary fill will be removed and the original flood plain contours restored and replanted.

3. To temporarily enclose approximately 265 feet of a tributary to Mahoning River for the construction of the north approach to the temporary bridge. Upon completion of the bridge, the temporary approach fill and pipe will be removed and the channel reconstructed. Work within the tributary will include replacement of an existing 46.9-foot long, 24-inch diameter vitrified clay pipe with a 45.8-foot long pipe and the replacement of an existing 22.7-foot long corrugated metal pipe under the Stavich Trail with a 28.5-foot long pipe. The temporary and replacement pipes will be either concrete, corrugated metal or HDPE plastic.

4. To construct temporary causeways and cofferdams within the channel of Mahoning River for the construction of the temporary bridge, demolition of the existing bridge and construction of the new bridge. Causeway 1 will be located along the south bank adjacent to the proposed Pier No. 1 and will extend approximately 40 feet into the river and will be approximately 160 feet long. Causeway 2 will be located along the north bank and extend approximately 80 feet into the river and will be approximately 160 feet long.

E42-349, Bradford Area School District, 150 Lorana Avenue, Bradford, PA 16701. Bradford High School Fitness Center Addition, in the City of Bradford, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41° 57′ 36″; W: 78° 39′ 47″).

The applicant proposes to construct and maintain an approximately 4,265 square foot fitness center addition to Bradford High School and resurface the existing adjacent parking lot within the floodway (50 feet from the top of the bank) and within the FEMA approximate floodplain of Bennett Brook approximately 400 feet northeast of the intersection of Fairbanks and Willard Avenues. Bennett Brook is a perennial stream classified as a cold water fishery.

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.

Location	*Permit Authority*	*Application Type or Category*
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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	*Facility Name & Address*	*County & Municipality*	*Stream Name (Watershed #)*	*EPA Waived Y/N ?*
Berks County New Morgan Borough	New Morgan Landfill Company, Inc. 420 Quarry Road Morgantown, PA 19543-0128	Berks County New Morgan Borough	Conestoga River 7-J	Y
Bedford County Juniata Township	Carol Rose 238 South Richards Street Bedford, PA 15522	Bedford County Juniata Township	UNT to Kegg Run 11-C	Y

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

NPDES No. (Type)	*Facility Name & Address*	*County & Municipality*	*Stream Name (Watershed #)*	*EPA Waived Y/N ?*
PA0209236 (Sewage) Public	Tioga Borough Wastewater Treatment Plant P. O. Box 158 Tioga, PA 16946	Tioga County Tioga Borough	Tioga River SWP 4A	Y

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

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

NPDES Permit No. PAG040148, Sewage, **William L. and Patricia A. Kratz**, 1021 Copeland School Road, West Chester, PA 19380-1829. This proposed facility is located in East Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 400 gpd of treated sewage to Broad Run in Watershed 3-H.

NPDES Permit No. PA0058882, Industrial Waste, **Trans-Fleet Concrete, Inc.**, 101 First Avenue, P. O. Box 26483, Collegeville, PA 19426. This proposed facility is located in West Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for renewal to discharge stormwater runoff from the site of a ready mix concrete batch plant located at 606 Jeffers Circle to an Unnamed Tributary to Valley Creek in Watershed 2H.

NPDES Permit No. PA0244007, Sewage, **Edward and Jane Bacon**, 1900 Fairview Road, Glenmore, PA 19343. This proposed facility is located in East Nantmeal Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 400 gpd of treated sewage to an Unnamed Tributary to Beaver Run in Watershed 3D.

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

NPDES Permit No. PA0009920, Amendment No. 1, Industrial Waste, **Mr. Thomas Dougherty, Exelon Generation Company, LLC (Three Mile Island Nuclear Station)**, Route 441 South, P. O. Box 480, Middletown, PA 17057-0480. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of Permit.

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

NPDES Permit No. PA0037991, Sewage, **Mainlines, Manholes & Wastewater Treatment, Inc.**, 9214 Tannery Road, Girard, PA 16417. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: New/Transfer of NPDES permit for existing disharge of treated sewage

NPDES Permit No. PA0032042, Sewage, **Allegheny Highlands Council, Inc., The Boy Scouts of America**, 50 Hough Hill Road, Falconer, NY 14733-00261. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a new permit replacing an expired permit for an existing discharge of treat sewage at a campground.

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

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

WQM Permit No. WQG02501001, Sewage, **Marysville Borough**, 200 Over Crest Road, Marysville, PA 17053. This proposed facility is located in Marysville Borough, **Perry County**.

Description of Proposed Action/Activity: Approval to separate the combined sewers into separate sanitary and storm sewer by construction of a new sanitary sewer system parallel to the existing combined sewer system.

WQM Permit No. 0610401, Sewage, **Township of Spring**, 2800 Shillington Road, Sinking Spring, PA 19608-1682. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of modifications to the chlorine contact tank, UV system, effluent pumping system, and chemical storage and pumping facilities.

WQM Permit No. 0509406, Sewage, **Carol Rose**, 238 South Richards Street, Bedford, PA 15522. This proposed facility is located in Juniata Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a SFTF serving a single residence with a septic tank, peat filter, tablet chlorinator, chlorine contact tank and discharge to UNT to Kegg Run.

WQM Permit No. 0109403, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Hanover Borough, **York County**.

Description of Proposed Action/Activity: Approval for construction/operation of sewerage facilities consisting of: A new Headworks building to house a parshall flume, fine screens, conveyor, screenings washer, slide gates, raw pumps, grit pumps and grit classifier. A new vortex grit removal system will be provided outside of the new building. The addition of a new primary clarifier and miscellaneous flow distribution improvements to improve flow distribution to oxidation ditches. New variable speed brush rotors and submerged mixers for oxidation ditch No. 1 and No. 2. The addition of a new final clarifier and miscellaneous flow distribution improvements to improve flow distribution to the final clarifiers. The addition of new Denitrification filters and methanol feed and abandonment of the existing filters. Improvements to the existing chlorine contact tanks and the addition of a new outfall line. The proposed project is designed to treat Maximum Monthly Flow of 7.28 mgd. Maximum Peak hourly flow of 22.40 mgd and a Maximum Monthly BOD load of 13,371 lbs/day under the intermittent aeration operation and 13,731 lbs/day during the Simultaneous Nitrification Denitrification Operation. The project is designed to meet Chesapeake Bay effluent limit requirements for TN and TP at design flow conditions.

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

WQM Permit No. WQG018744, Sewerage, **Fairview Township**, 7471 McCray Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: This is a replacement of a malfunctioning onlot system for a Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018754, Sewerage, **Kirt Snyder**, 87 Pullman Drive, West Middlesex, PA 16159. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit No.	*Applicant Name & Address*	*County*	*Municipality*	*Receiving Water/Use*
PAI025208013(2)	Pike County Commissioners 506 Broad Street Milford, PA 18337	Pike	Blooming Grove Township	Billings Creek HQ-CWF, MF

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

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

NPDES Permit No.	*Applicant Name & Address*	*County*	*Municipality*	*Receiving Water/Use*
PAI041409007	Sandy Ridge Wind, LLC 1801 Market Street Suite 2200 Philadelphia, PA 19107	Centre Blair	Rush, Taylor and Snyder Townships	Three Springs and Sand Spring Runs HQ Sink and Decker Runs TSF Vanscoyoc Run CWF Big Fill Run EV

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
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	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

Facility Location: Municipality & County	*Permit No.*	*Applicant Name & Address*	*Receiving Water/Use*	*Contact Office & Phone No.*
City of Philadelphia Philadelphia County	PAG0201 5109042	Department of Veterans Affairs 3900 Woodland Avenue Philadelphia, PA 19104-4551	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Foster Township Luzerne County	PAG2004009018	Historical Museum Commission Attn: James A. Caufield 400 North Street Room N118 Harrisburg, PA 17120	Black Creek CWF, MF	Luzerne County Conservation District 570-674-7991
City of Scranton Lackawanna County	PAG2003510004	David Dale US Army Corps of Engineers CD—T—R Attn: Matthew Lowe Room 713 P. O. Box 59 Louisville, KY 40201-0059	Lackawanna River CWF, MF	Lackawanna County Conservation District 570-281-9495
Washington Township Northampton County	PAG2004809005	James Ohland 1070 5-Points Richmond Road Bangor, PA 18013	Martins Creek TSF, MF	Northampton County Conservation District 610-746-1971
Mahoning and East Penn Townships Parryville Borough Carbon County	PAG2001306006(1)	Turnpike Commission Attn: Mr. Frank Kempf P. O. Box 67676 Harrisburg, PA 17106	Lehigh River TSF, MF Pohopoco Creek CWF, MF	Carbon County Conservation District 610-377-4894

Facility Location: Municipality & County	*Permit No.*	*Applicant Name & Address*	*Receiving Water/Use*	*Contact Office & Phone No.*
Wysox Township Towanda Borough Bradford County	PAG2000810008	Robert Williams Wysox Township Municipal Authority 724 Main Street Towanda, PA 18848	Susquehanna River WWF Wysox Creek CWF Laning Creek WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Muncy Township Lycoming County	PAG2004110002	William P. Manos Wilfred Associates P. O. Box 308 Montoursville, PA 17754	Carpenters Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Muncy Creek Township Lycoming County	PAG2004110003	William Brown 85 Griffith Road Muncy, PA 17756	Muncy Creek WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Muncy Creek Township Lycoming County	PAG2004110005	Chad Hall Hall's Marine New Store 10145 Wallis Run Road Trout Run, PA 17771	Wolf Run CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Somerset County Somerset Township	PAG2005609007	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	UNT to East Branch of Coxes Creek TSF	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4352
Westmoreland County Hempfield and East Huntingdon Townships	PAG2006505007-R	Jay Bandieramonte, WCIDC Fifth Floor Suite 520 40 North Pennsylvania Avenue Greensburg, PA 15601	UNT to Wilson Run WWF	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Upper Burrell Township	PAG2006509031	Roger Onufer 2101 Ardmore Boulevard Pittsburgh, PA 15221	UNT to Pucketa Creek TSF	Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774
Jefferson County Clover Township	PAG2093310003	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Welch Run to Red Bank Creek and Red Bank Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
Armstrong County Mahoning Township	PAG2090310004	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed tributaries to Mahoning Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-3

Facility Location: Municipality & County	*Permit No.*	*Applicant Name & Address*	*Receiving Water/Use*	*Contact Office & Phone No.*
Berks County Muhlenberg Township	PAR233509	CRYOVAC Food Packaging Division P. O. Box 295 177 Tuckerton Road Reading, PA 19603-0295	Schuylkill River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York City	PAR403503	Envirite of Pennsylvania, Inc. 730 Vogelsong Road York, PA 17404-1725	UTN to Codorus Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Mill Hall Borough Clinton County	PAR704817	Glenn O. Hawbaker, Inc. 711 East College Avenue Bellefonte, PA 16823	Fishing Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
City of Williamsport Lycoming County	PAR804861	Fisher Mining Company 40 Choate Circle Montoursville, PA 17754	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Union County White Deer Township	PAR144801	NGC Industries, LLC P. O. Box 210 West Milton, PA 17886	UNT West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Wayne Township Crawford County	PAG049566	Betty J. Bartok 7458 Sugar Lake Road Cochranton, PA 16314	Sugar Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Fairview Township Erie County	PAG049574	Fairview Township 7471 McCray Road Fairview, PA 16415	Unnamed tributary to Lake Erie 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Lackawannock Township Mercer County	PAG049585	Kirt Snyder 87 Pullman Drive West Middlesex, PA 16159	Unnamed tributary to West Branch Little Neshannock Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Brookville Borough Jefferson County	PAG058386	CoGo′s Company 638 Rostraver Road Belle Vernon, PA 15012	Storm sewer to Clement Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-10

Facility Location: Municipality & County	*Permit No.*	*Applicant Name & Address*	*Receiving Water/Use*	*Contact Office & Phone No.*
Armstrong Township Lycoming County	PAG104803	Gulf Oil Limited Partnership 100 Crossing Boulevard Framingham, MA 01702-5401	WB Susquehanna CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Statewide: discharge points to be provided at least 15 days prior to any discharge.	PAG109619 NEW	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002	Statewide Use-Water/use information to be provided to the Department of Environmental Protection and Fish and Boat Commission before any discharge.	Bureau of Wayer Standards and Facility Regulation Department of Environmental Protection Central Office 400 Market Street, Harrisburg, PA 17105 (717) 787-8184

General Permit Type—PAG-12

Facility Location: Municipality & County	*Permit No.*	*Applicant Name & Address*	*Receiving Water/Use*	*Contact Office & Phone No.*
East Fallowfield Township Crawford County	PAG128301	John Sperry, Vice President Sperry Poultry Farms 11420 Sperry Road Atlantic, PA 16111	UNT Conneaut Outlet WWF Little Shenango River TS	Department of Environmental Protection NW Regional Office 230 Chestnut Street Meadville, PA 16335

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

Agricultural Operation Name and Address	*County*	*Total Acres*	*Animal Equivalent Units*	*Animal Type*	*Special Protection Waters (HQ or EV or NA)*	*Approved or Disapproved*
Dave Groff 262 Pawling Road Lewisburg, PA 17837	Union	0	604.8	Swine	NA	Approved

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a 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 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

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

Permit No. 1009501, Public Water Supply.

Applicant	**Edgar Mountain Management Co., LLC, d/b/a Woodbine Oakes Mobile Home Park**
Township or Borough	Oakland Township
County	**Butler County**
Type of Facility	Public Water Supply
Consulting Engineer	William J. McGarvey, P. E.
Permit to Construct Issued	05/04/2010

Permit No. 3704501-MA1, Public Water Supply.

Applicant	**New Wilmington Municipal Authority**
Township or Borough	New Wilmington Borough
County	**Lawrence County**
Type of Facility	Public Water Supply
Consulting Engineer	Thomas E. Bankson, P. E.
Permit to Construct Issued	05/04/2010

Operations Permits issued to **Mr. David Russell, d/b/a Country Gables Apartments**, PWSID No. 6250095, Girard Township, **Erie County**, April 26, 2010, for the operation of the water supply treatment facilities at the Country Gables Apartments. This action is in response to an inspection by Department of Environmental Protection personnel, and as approved under construction permit 2509502, issued February 22, 2010.

Cancellation of Operations Permits issued to **Salvation Army, Camp Allegheny**, PWSID No. 6370810, Wayne Township, **Lawrence County**, on April 28, 2010. This action represents the cancellation of Permit No. 361W8, issued June 29, 1961 for the Intake, Filtration Plant & Distribution System; Permit No. 361W8-MA1, issued May 3, 1990, for the 24,000 gallon Tank and Hypalon Lining, and Permit No. 3790503, issued October 22, 1992, for Intake, Filtration Plant, Disinfection, Pump Stations and System Storage. This action is a result of applicant request through their engineer, and an inspection by Department of Environmental Protection personnel verifying the physical disconnection and abandonment of the system. Camp Allegheny is now a customer of Pennsylvania American Water Company-Ellwood.

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

Permit No. 1509510, Public Water Supply.

Applicant	**Camp Hill Special Schools** 1784 Fairview Road Glenmoore, PA 19343
Township	East Vincent
County	**Chester**
Type of Facility	PWS
Consulting Engineer	Rettew Associates, Inc. 3020 Columbia Avenue Lancaster, PA 17603
Permit to Construct Issued	September 23, 2009

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

Permit No. 0610501 MA, Minor Amendment, Public Water Supply.

Applicant	**Borough of Fleetwood**
Municipality	Ruscombmanor Township
County	**Berks**
Responsible Official	Eric Burkert, Water Department Head 110 West Arch Street Suite 104 Fleetwood, PA 19522
Type of Facility	Addition of 500,000 gallon finished water storage tank to existing system.
Consulting Engineer	Bradley D. Smith, P. E. ARRO Consulting, Inc. 50 Berkshire Court Suite 104 Wyomissing, PA 19610
Permit to Construct Issued:	4/23/2010

Permit No. 3610502, Public Water Supply.

Applicant	**Mt. Hope Nazerene Community**
Municipality	Rapho Township
County	**Lancaster**
Responsible Official	Joseph G. Mraz, Administrator 3026 Mt. Hope Home Road Manheim, PA 17545-9529
Type of Facility	Convert UV disinfection to sodium hypochlorite disinfection system.
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued:	4/29/2010

Permit No. 3610503, Public Water Supply.

Applicant	**Columbia Water Company**
Municipality	West Hempfield Township
County	**Lancaster**
Responsible Official	David T. Lewis General Manager 220 Locust Street Columbia, PA 17512
Type of Facility	Additon of Chlorine Booster Pump Station on Marietta Avenue.
Consulting Engineer	David T. Lewis, P. E. Columbia Water Company 220 Locust Street Columbia, PA 17512
Permit to Construct Issued:	4/29/2010

Permit No. 0110502 MA, Minor Amendment, Public Water Supply.

Applicant	**Gettysburg Municipal Authority**
Municipality	Cumberland Township
County	**Adams**
Responsible Official	Mark Guise, Manager 601 East Middle Street Gettysburg, PA 17325-3307
Type of Facility	Replacement of the filter underdrains and the replacement of the filter meida.
Consulting Engineer	Diana M. Young, P. E. Buchart-Horn 445 West Philadelphia Street York, PA 17405-7040
Permit to Construct Issued:	4/27/2010

Operations Permit issued to **United Water Pennsylvania**, 7220015, Hummelstown Borough, **Dauphin County** on 4/29/2010 for the operation of facilities approved under Construction Permit No. 2205504.

Operations Permit issued to **Delta Borough**, 7670070, Delta Borough, **York County** on 4/28/2010 for the operation of facilities approved under Construction Permit No. 6707511.

Operations Permit issued to **Cherry Lane Motor Inn**, 7360353, East Lampeter Township, **Lancaster County** on 4/30/2010 for the operation of facilities approved under Construction Permit No. 3609503.

Operations Permit issued to **Wernernersville Municipal Authority**, 3060076, South Heidelberg Township, **Berks County** on 4/23/2010 for the operation of facilities approved under Construction Permit No. 0609516 MA.

Source Water Protection Program Approval issued to **Dover Township Water System**, 2480 West Canal Road, Dover, PA 17315, PWSID 7670073, Dover Township, **York County** on April 26, 2010.

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

Operations Permit issued to **Pennsylvania-American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID No. 5020039) Mt. Pleasant Township, **Washington County** on May 3, 2010 for the operation of facilities approved under Construction Permit No. 0208515MA.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

Borough or Township	*Borough or Township Address*	*County*
Duboistown Borough	2651 Euclid Avenue Duboistown, PA 17702	Lycoming

Plan Description: The approved plan provides for the construction of a one (1) million gallon wet weather management tank located at the northeast corner of Arch and Brook Streets, a third submersible pump will be added to the existing wet well at the Valley Street Pump Station, and a new 6-inch aerial force main will be constructed coincidental with the new Arch Street Bridge which will convey flow from Duboistown to the WSA West

wastewater treatment facility. Finally, rehabilitation of the sewer system will occur through various projects to reduce inflow and infiltration. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

Borough or Township	*Borough or Township Address*	*County*
Hepburn Township	P. O. Box 3083 Williamsport, PA 17701	Lycoming

Plan Description: The approved plan provides for the construction of several small flow sewage treatment facilities (SFTF) in the Smokey Corners area of Hepburn Township, to resolve several onlot sewage malfunctions. The SFTF's will discharge into a Hepburn Township permitted, constructed and maintained outfall sewer. The municipal outfall sewer will convey the treated effluent to an unnamed tributary of Miller's Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

Borough or Township	*Borough or Township Address*	*County*
North Middleton Township	2051 Spring Road Carlisle, PA 17013	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The proposed Barrick Subdivision consists of one new residential building lot proposing a three bedroom dwelling to be served by a small flow sewage treatment facility and a residual lot. The plan was disapproved because the information requested within the Department of Environmental Protection's letter dated October 14, 2005 was never received. This proposed development is located at 951 North Middleton Road, Carlisle, PA.

Plan Location:

Borough or Township	*Borough or Township Address*	*County*
Juniata Township	16 Milford Road Newport, PA 17074	Perry

Plan Description: Disapproval of a revision to the Official Sewage Plan of Juniata Township, Perry County. The proposed Carl Coble Property consists of one existing residential building lot proposing a three bedroom dwelling to be served by a small flow sewage treatment facility. The plan was disapproved because the information requested within the Department of Environmental Protection's letter dated January 4, 2005 was never received. This proposed development is located .1 mile south of Walnut Grove along Frog Hollow Road.

Plan Location:

Borough or Township	*Borough or Township Address*	*County*
Tuscarora Township	R. R. 1 Box 56 Honey Grove, PA 17035	Juniata

Plan Description: Disapproval of a revision to the Official Sewage Plan of Tuscarora Township, Juniata County. The proposed Dean Wagner/Steve Cisney Subdivision consists of a Laundromat and two apartments to generate 1,525 gallons per day of sewage to be treated by an onlot sewage disposal system. The plan was disapproved because the information requested within the Department of Environmental Protection's letter dated November 2, 2000 was never received. This proposed development is located on the south side of Route 75, .9 mile northeast of its intersection with Route 850.

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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Stefko Boulevard Shopping Center, 1802—1880 Stefko Boulevard, Bethlehem City, **Northampton County**. George H. Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 has submitted a Cleanup Plan (on behalf of his client, Regency Centers, LP, 1 Independent Drive, Suite 114, Jacksonville, FL 32202), concerning the remediation of soil found to have been impacted by dry cleaning solvents (PCE) as a result of historical dry cleaning operations at the site. The Report was submitted in partial fulfillment of the Site-Specific Standard for soils and the Non-Residential Statewide Health Standard for soils. A public notice regarding the submission of the Cleanup Plan was published in *The Express-Times* on April 14, 2010.

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

Westminster Place at Stewartstown (former Fypon Manufacturing Site), Stewartstown Borough, **York County**. GTA Environmental Services, Inc., 3445 Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of Central PA Equities 12, LLC, 146 Pine Grove Circle, Suite 200, York, PA 17403, submitted a Final Report concerning remediation of site soils contaminated with tetrachloroethene (PCE). The soils had previously been remediated to a Site-Specific Standard. This Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard to be developed as an adult residential community.

Worley & Obetz, Inc./Kathleen Klawitter Residence, Lower Swatara Township, **Dauphin County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Preferred Realty Management, 26 South Market Street, Elizabethtown, PA 17022-2307 and Worley & Obetz, Inc., P. O. Box 429, Manheim, PA 17545, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Double Tree Conference Center Garage, City of Reading, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 91606, on behalf of the Reading Parking Authority, 613 Franklin Street, Reading, PA 19602, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons from an unregulated underground storage tank. The combined Report is intended to document remediation of the site to meet the Site-Specific Standard.

Marquette Transportation, Inc., West Manchester Township, **York County**. Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of Venezia, Inc., 86 Airport Road, Pottstown, PA 19464 and Marquette Transportation, Inc., 630 Loucks Mill Road, Suite 3, York, PA 17404, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from unregulated underground storage tanks. The Report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard.

Members 1st Federal Credit Union/329 and 345 East Main Street Property, Borough of Middletown, **Dauphin County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Members 1st Federal Credit Union, P. O. Box 40, Mechanicsburg, PA 17055, submitted a Final Report for site soils contaminated with heating oil, leaded gasoline, waste oil/solvents and hydraulic fluid from 12 unregulated underground storage tanks. The Report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard.

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

Lewis J. Kennedy Trucking Co. I80 Westbound Accident, Delaware Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Lewis J. Kennedy Trucking Co., 342 Schuyler Avenue, Kearny, NJ 07032 has submitted a Final Report concerning Remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

XTL Transport, Route 15N Accident. Kelly Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of XTL Transport, 2350 Henry Ford Street, Vaudreuil-Dorion, Quebec, Canada J7V9H5 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Former Reliance Electric Company Facility, Chartiers Township, **Washington County**. RMT, Inc., 2025 East Beltline Avenue SE, Suite 402, Grand Rapids, MI 49546 on behalf of Baldor Electric Company, 320 Reliance Drive, Chartiers Township, PA 15301 has submitted a Final Report concerning the remediation of site groundwater contaminated with TCE and PCE. The Final Report intends to demonstrate attainment of the Background 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Ayres Property, 763 Jackson Avenue, Susquehanna Depot Borough, **Susquehanna County**. Richard Doran and Timothy McClintock, Dorson Environmental Management, Inc., 45 Knollwood Road, Elmsford, NY 10523 submitted a Final Report (on behalf of their client, Virginia Ayers, 763 Jackson Avenue, Susquehanna, PA 18847), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an overfill from a delivery of home heating oil to the interior 275-gallon aboveground storage tank. The Report documented attainment of the Statewide Health Standard for soil and was approved on April 27, 2010.

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

Munroe Farm Site, Castanea Township, **Clinton County**. American Color & Chemical, LLC, P. O. Box 88, Lock Haven, PA 17745 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with dichlorobenzene, nitroamiline, chloroanilne, aluminum, antimony, benzene, bis(2-ethylhexy) phthalate, chlorobenzene, nickel and nitrobenzene. The Remedial Investigation Report was approved by the Department of Environmental Protection on April 16, 2010.

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

Latrobe Foundry, Derry Township, **Westmoreland County**. J.P. Evers Geosciences, P.C., 4000 Hempfield Plaza Boulevard, Suite 916, Greensburg, PA 15601 on behalf of Latrobe Foundry and Machine, P. O. Box 431, Latrobe, PA 15650 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils and groundwater contaminated with lead, aluminum, iron and manganese. A combination of Statewide Health Standards for soils and Site-Specific Standards for groundwater will be used to attain liability relief. The Remedial Investigation Report and Cleanup Plan was approved on April 22, 2010.

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 Residual 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. WMGM017D006. Arborganic Acres, Inc., 308 Grubb Road, Pottstown, PA 19465.

General Permit Number WMGM017D006 is for the composting of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, sources-separated newspaper, and sources-separated corrugated paper (cardboard) for beneficial use as a soil amendment, soil substitute, soil conditioner, fertilizer or mulch. The finished compost material is generated at the Sunny High Farm facility, located in North Coventry Township, **Chester County**. The general permit was issued by Central Office on April 29, 2010.

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. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

P1-67-03007: Dallastown Area School District (700 New School Lane, Dallastown, PA 17313-9242) on April 29, 2010, for their boilers in York Township, **York County**.

GP4-31-03007: Huntingdon Electric Motor Service, Inc. (7th and Penn Streets, Huntingdon, PA 16652-0542) on April 23, 2010, for their two burn-off ovens in Huntingdon Borough, **Huntingdon County**.

GP7-67-03082C: The YGS Group (3650 West Market Street, York, PA 17404) on April 28, 2010, for their two sheet fed offset lithographic printing presses in West Manchester Township, **York County**.

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

GP3-57-07B: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 20, 2010, to construct and operate a portable nonmetallic mineral crusher and associated water spray dust suppression system under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Dushore Materials facility in Cherry Township, **Sullivan County**.

GP9-57-02B: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 20, 2010, to construct and operate one Caterpillar Model C9 diesel-fired engine with a rating of 275 brake horsepower (bhp) under the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or No. 2 fuel-fired Internal Combustion Engines, at their Dushore Materials facility located in Cherry Township, **Sullivan County**.

GP1-12-01A: Emporium Hardwoods Operating Co., LLC (15970 Route 120, Emporium, PA 15834-3756) on April 21, 2010, for continued operation of a natural gas-fired boiler under the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in the Borough of Emporium, **Cameron County**. GP1-12-01A authorizes the new owner/operator to continue to operate the boiler at this facility.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP5-32-000343A: XTO Energy, Inc. (810 Houston Street, Fort Worth, TX 76102) on April 29, 2010, to construct and operate two natural gas compressor engines and one natural gas dehydrator at their Dilltown Station in Buffington Township, **Indiana County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

GP5-25-997A: Enervest Operating—Gates Compressor Station (Lindsey Hallow Road, Erie, PA 16502) on April 29, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Concorde Township, **Erie County**. This permit was previously permitted under EXCO North Coast Energy, Inc.

GP5-43-330B: Enervest Operating—Bauder Compressor Station (Greenville Jamestown Road, Jamestown, PA 16134) on April 29, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Greene Township, **Mercer County**. This permit was previously permitted under EXCO North Coast Energy, Inc.

GP5-43-342A: Enervest Operating—Collins Compressor Station (Kinsman Road, Mercer, PA 16137) on April 29, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in West Salem Township, **Mercer County**. This permit was previously permitted under EXCO North Coast Energy, Inc.

GP5-61-196A: Belden & Blake Corp—Windy Hills Compressor Station (Route 8, Titusville, PA 16354) on April 26, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Cherrytree Township, **Venango County**.

GP3-62-184A: Allegheny Aggregate, Inc.—Pittsfield Site (34715 Route 6, Pittsfield, PA 16340) on April 30, 2010, to operate a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) in Pittsfield Township, **Warren 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. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

15-0060F: Southeastern Chester County Refuse Authority—SECCRA (P. O. Box 221, Kennett Square, PA 19348) on April 30, 2010, for installation of two (2), 233 HP IC engine/electric generator at the SECCRA municipal solid waste landfill at 219 Street Road, West Grove, PA 19390, London Grove Township, **Chester County**. The installation of the engine/electric generator will utilize landfill gas generated on site to produce electricity; it will result in an increase in VOC, CO, PM, SOx, NOx and HAP emissions. The facility is a synthetic minor and operates under Operating Permit 15-00060. The permittee will take limitations to remain a synthetic minor facility for all pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

67-03143C: ESAB Group, Inc. (801 Wilson Avenue, Hanover, PA 17331-7948) on April 27, 2010, to install a mill scale dust collector system at their facility in Hanover Borough, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

03-00215A: Allegheny Mineral Corp. (P. O. Box 1022, One Glade Park East, Kittanning, PA 16201) on April 23, 2010, for construction and temporary operation of a new limestone preparation facility by Allegheny Mineral Corporation in Franklin Township, **Armstrong County**. Sources at this facility will consist of crushers, screens, conveyors, storage piles and other miscellaneous equipment associated with this type of operations. Plan Approval has been conditioned to ensure compliance with all applicable rules.

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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: M. Gorog and B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

32-00375A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on 4/27/2010, for an extension, with an expiration date of 11/14/2010, to the Lowry Deep Mine facility located in White Township, **Indiana County**. At the current time, company has applied for another Plan Approval (PA-32-00375B) to authorize increased throughput for the facility. It is anticipated that PA-32-00375B, when issued, will incorporate all of the

requirements of PA-32-00375A. This extension of PA-32-00375A has been issued to cover current operations until the second Plan Approval can be issued.

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

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Thomas Huynh, Chief—Telephone: 215-685-9476.

V04-011: Temple University, Health & Sciences Campus (3401 North Broad Street Avenue, Philadelphia, PA 19140) on May 3, 2010, to operate a hospital, college, university, and professional school in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include the following: three (3) 74.6 mmBtu/hr boilers firing natural-gas (NG) or No. 6 fuel oil; one (1) 1.01 mmBtu/hr boiler firing NG or No. 2 fuel oil; one (1) 0.947 mmBtu/hr boiler firing NG; four (4) fire pumps, each rated 250 kilowatt (kw) or less, firing No. 2 fuel oil; three (3) emergency generators, each rated 250 kw or less, firing natural gas; five (5) emergency generators, each rated 746 kw or greater, firing No. 2 fuel oil; and (10) emergency generators, each rated less than 500 kw, firing No. 2 fuel oil.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00161: Giles & Ransome, Inc.—Bensalem (2975 Galloway Road, Bensalem, PA 19020) on April 30, 2010, for a renewal of State-only (Synthetic Minor) Operating Permit No. 09-00161, which was originally issued on August 24, 2004 in **Bucks County**. Aside from the addition of eight cold parts cleaners and two emergency generators, no major changes have occurred at the facility since the permit was originally issued. The renewed permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

06-05016: Grafika Commercial Printing, Inc. (710 Johnson Street, Sinking Spring, PA 19608) on April 28, 2010, for their facility in Sinking Spring Borough, **Berks County**. This is a renewal of the State-only operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00230: IA Construction Corp.—Zelienople Plant (158 Lindsay Road, Zelienople, PA 16063) on April 28, 2010, for re-issuance of a Synthetic Minor Permit to operate a hot mix asphalt plant in Jackson Township, **Butler County**. The significant sources are hot mix batch plant; fugitives from transfer points. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

***De Minimis* Emissions Increases Authorized under 25 Pa. Code § 127.449.**

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

10-00281: II-VI, Inc. (375 Saxonburg Boulevard, Saxonburg, PA 16056) Per 25 Pa. Code § 127.449(i), this Notice is for the following *de minimis* emission increase at the II-VI Incorporated, Saxonburg Plant, located in Clinton Township, **Butler County**:

Less than 0.040 ton per year for VOC and 0.0080 ton per year HAPs resulting from the installation and operation of one crystalline powder process including absorbent mold and three electric ovens, based on the maximum operation of 5 kg/month powder and 1 kg/month solvent.

The list of previously authorized *de minimis* increases at the facility is as follows:

August 2004:	Isopropanol Dryer
April 2006:	Diesel Generator < 100 Bhp
April 2006:	MPZ Spray Booth Conversion
April 2006:	MPZ Cleaning Booth
July 2006:	MPZ Oil Mist Filter Replacement
October 2007:	Gas Delivery Vault Scrubber Head Additions
April 2008:	Relocation of Gas House Scrubber to DH
June 2008:	Increase GTP Scrubber KOH Concentration
August 2008:	New MPZ Pray Booth
October 2008:	Modification of TFM lab Exhaust Fan and Rain Cap
December 2008:	15 AMDC Furnaces

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company, LLC (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to

revise the permit for the Enlow Fork Mine in East Finley, South Franklin and Morris Townships, **Washington County** to revise the longwall mining plan and perform stream restoration as may be necessary to two areas of Crafts Creek unnamed tributary as shown on the Prosperity USGS Quad from N: 10.28 inches; N: 9.31 inches to N: 11.20 inches; N: 9.72 inches, two areas of Sawhill Run as shown on the Claysville USGS Quad from N: 18.02 inches; N: 0.45 inch to N: 18.89 inches; W: 16.55 inches on the Prosperity USGS Quad, six areas of Buffalo Creek and Buffalo Creek unnamed tributary as shown on the Prosperity USGS Quad from N: 15.74 inches; N: 17.19 inches to N: 19.14 inches; N: 15.73 inches, and five areas of Tenmile Creek as shown on the Prosperity USGS Quad from N: 12.00 inches; N: 8.5 inches to N: 15.33 inches; W: 10.92 inches. No additional discharges. Application received: June 29, 2009. Permit issued: April 23, 2010.

30841313 and NPDES Permit No. PA0022594, Consolidation Coal Company, (1000 Consol Energy Drive, Canonsburg, PA 15317), to revise the permit for the Dilworth Mine in Cumberland Township, **Greene County** for a 22.4 acres land use change at the Rices Landing Loading Facility and AMD Plant from unmanaged natural habitat to commercial/industrial. No additional discharges. Application received: October 30, 2008. Permit issued: April 29, 2010.

02733702 and NPDES Permit No. PA0023370, Consolidation Coal Company, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317), to renew the permit for the Renton Refuse Area in Plum Borough, **Allegheny County** and related NPDES permit. No additional discharges. Application received: November 5, 2009. Permit issued: May 3, 2010.

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

56920113 and NPDES No. PA02123000. Action Mining, Inc., 117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface mine to add 4.0 acres for the purposes of constructing a small fill across the headwaters of the hollow in the center of the permit, changing the total SMP acres from 106.0 to 110.0, in Summit and Elk Lick Townships, **Somerset County**, affecting 106.0 acres. Receiving stream(s): unnamed tributaries to/and Casselman River classified for the following use(s): cold water fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2009. Permit issued: April 26, 2010.

11090101 and NPDES No. PA0262773. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, commencement, operation and restoration of a bituminous surface and auger mine in Blacklick Township, **Cambria County**, affecting 101.0 acres. Receiving stream(s): unnamed tributaries to South Branch of Blacklick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 19, 2009. Permit issued: April 29, 2010.

56090109 and NPDES No. PA0262838, Godin Mining, Inc., 128 Colton Drive, Stoystown, PA 15563 commencement, operation and restoration of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 20.5 acres. Receiving stream(s): UNTs to Quemahoning Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2009. Permit issued: April 29, 2010.

11040102 and NPDES No. PA0249688. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Chest Township, **Cambria County**, affecting 136.0 acres. Receiving stream(s): unnamed tributaries to/and Witmer Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 21, 2010. Permit issued: April 29, 2010.

32990110 and NPDES No. PA0235164. KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 41.3 acres. Receiving stream(s): unnamed tributaries to/and Harper Run; Blacklegs Creek, Kiskiminetas River classified for the following use(s): cold water fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 9, 2009. Permit issued: April 29, 2010.

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

24673003 and NPDES Permit No. PA0119849. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 56.2 acres. This renewal is issued for reclamation only. Receiving streams: Limestone Run. Application received: March 1, 2010. Permit Issued: April 26, 2010.

33040104 and NPDES Permit No. PA0242527. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Union Township, **Jefferson County** affecting 16.5 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Simpson Run. Application received: March 8, 2010. Permit Issued: April 29, 2010.

16050107 and NPDES Permit No. PA0257931. T. C. Mining (252 Lower Hayes Run Road, Kittanning, PA 16201) Renewal of an existing bituminous strip operation in Madison Township, **Clarion County** affecting 111.7 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to Catfish Run and unnamed tributaries to the Allegheny River. Application received: March 9, 2010. Permit Issued: April 29, 2010.

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

17030112 and NPDES No. PA0243566. U.S. Operating Co. (215 Lisbon Road, Kennerdell, PA 16374). Permit renewal for the continued operation and restoration of a bituminous surface mine located in Chest Township, **Clearfield County** affecting 148.9 acres. Receiving streams: unnamed tributaries to North Camp Run to Chest Creek to the West Branch of the Susquehanna River classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 22, 2010. Permit issued: April 21, 2010.

17980115 and NPDES No. PA0238074. Junior Coal Contracting, Inc. (2330 Six Miles Road, Philipsburg, PA 16866). Renewal of an existing bituminous surface mine located in Decatur and Woodward Townships, **Clearfield County** affecting 60.5 acres. Receiving streams: unnamed tributary to Beaver Run then to Beaver Run classified for Cold Water Fisheries. There are no potable water supply

intakes within 10 miles downstream. Application received: December 21, 2009. Permit issued: April 26, 2010.

17060112. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830), major permit revision to an existing bituminous surface mine located in Bell Township, **Clearfield County** affecting 279.0 acres. The revision is to increase the permit acreage to its original application area of 367.0 acres. Receiving streams: Lost Run, Laurel Run, classified for Cold Water Fisheries. The first downstream potable water supply intake from the point of discharge is Punxsutawney's back-up supply is an intake on the East Branch Mahoning Creek about 5 stream miles below the application area. Application received: March 8, 2010. Permit issued: April 28, 2010.

Noncoal Permits Actions

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

3374SM58T and NPDES Permit No. PA0591688. Coolspring Mining, Inc. (P. O. Box 1328, Uniontown, PA 15401). Permit renewal issued for continued operation and reclamation of a large noncoal surface mining site (limestone quarry) located in North Union Township, **Fayette County**, affecting 146.6 acres. Receiving streams: unnamed tributary to Coolspring Run and Coolspring Run to Shutes Run to Cove Run to Redstone Creek to the Monongahela River. Application received: February 18, 2010. Renewal issued: April 29, 2010.

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

33042803. Glenn Brothers Quarry (P. O. Box 5, Clarion, PA 16214) Final bond release for a small noncoal mining operation in Union Township, **Jefferson County**. Restoration of 4.0 acres completed. Receiving streams: Simpson Run. Application received: January 20, 2010. Final bond release approved: April 22, 2010.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

30104002. Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425). Blasting activity permit for construction of Hilltop West ESCGP-1 gas/oil well sites, located in Dunkard Township, **Greene County**. The duration of blasting is expected to be 1 year. Permit issued: April 21, 2010.

26104007. Phillips Exploration, Inc. (502 Keystone Drive, Warrendale, PA 15086). Blasting activity permit for construction of the James G. Simon gas well site, located in Dunbar Township, **Fayette County**. The duration of blasting is expected to be 4 months. Permit issued: April 26, 2010.

26104008. Phillips Exploration, Inc. (502 Keystone Drive, Warrendale, PA 15086). Blasting activity permit for construction of the George F. Joseph gas well site, located in Dunbar Township, **Fayette County**. The duration of blasting is expected to be 4 months. Permit issued: April 26, 2010.

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

08104004. Mike Kipar (6005 SR 267, Meshoppen, PA 15630). Construction blasting for a gas pad located in Wyalusing Township, **Bradford County**. Permit issued: April 21, 2010. Permit expires: April 19, 2011.

08104005. Mike Kipar (6005 SR 267, Meshoppen, PA 15630). Blasting for Brink borrow pit located in Wyalusing Township, **Bradford County**. Permit issued: April 21, 2010. Permit expires: April 15, 2011.

08104006. Doug Wathen, LLC (16282 State Highway 13, Suite J, Branson West, MO 65616). Blasting for a gas well located in Wyalusing Township, **Bradford County**. Permit issued: April 21, 2010. Permit expires: March 7, 2011.

53104002. Precision Geophysical, Inc. (2695 SR 83 South, Millersburg, OH 44654). Blasting for PGE Pine Hill 2D located in Eulalia Township, **Potter County**. Permit issued: April 21, 2010. Permit expires: September 2010.

53104003. Precision Geophysical, Inc. (2695 SR 83 South, Millersburg, OH 44654). Blasting for PGE Fish Hollow 2D located in Pleasant Valley Township, **Potter County**. Permit issued: April 21, 2010. Permit expires: September 2010.

59104002. Doug Wathen, LLC (16282 State Highway 13, Suite J, Branson West, MO 65616). Blasting for the Signor Quarry located in Covington Township, **Tioga County**. Permit issued: April 23, 2010. Permit expires: March 29, 2011.

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

36104119. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for 2249 Furnace Hill Pike in Elizabeth Township, **Lancaster County** with an expiration date of April 22, 2011. Permit issued: April 26, 2010.

38104105. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Fox Ridge in South Lebanon Township, **Lebanon County** with an expiration date of April 22, 2011. Permit issued: April 26, 2010.

15054001. Explo-Craft, Inc., (P. O. Box 1332, West Chester, PA 19380), construction blasting for South View Sanitary Sewer Lines/Foundation Area in South Coatesville Borough, **Chester County** with an expiration date of April 30, 2011. Permit issued: April 27, 2010.

64104001. Northeast Blasting, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for the Reinfurt House Foundation in Dyberry Township, **Wayne County** with an expiration date of April 15, 2011. Permit issued: April 27, 2010.

58104016. M & S Blasting, LLC (943 Gontarski Road, Hallstead, PA 18822), construction blasting for Hinkley Well 2 and 3 and Tank Farm Pads in Springville and

Auburn Townships, **Susquehanna County** with an expiration date of April 15, 2011. Permit issued: April 27, 2010.

36104120. Abel Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting for Norfolk Southern at Dillerville Yard, Phase 2, West Yard in Manheim Township, **Lancaster County** with an expiration date of December 31, 2010. Permit issued: April 29, 2010.

52104105. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Nemanie Village in Palmyra Township, **Pike County** with an expiration date of April 25, 2011. Permit issued: April 29, 2010.

67104110. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Laurel Vista in Windsor Township, **York County** with an expiration date of April 28, 2011. Permit issued: April 29, 2010.

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a 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 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 Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E22-556: The Harrisburg Authority, 212 Locust Street, Suite 302, Harrisburg, PA 17101, Harrisburg City and Swatara Township, **Dauphin County**, ACOE Baltimore District.

To replace an existing 82-foot by 60-foot steel storage building with an 84-foot by 61-foot steel building, and to construct and maintain an 84-foot by 61-foot steel building with associated access and loading facilities in the floodplains of Spring Creek (CWF, MF) and the Susquehanna River (WWF), for the purpose of upgrading the existing wastewater treatment facility. The project is located near the intersection of SR 230 and Elliot Street (Steelton, PA Quadrangle N: 21.4 inches; N: 15.3 inches, Latitude: 40° 14′ 28″; Longitude: 76° 51′ 30″) in Harrisburg City and Swatara Township, Dauphin County.

E22-553: Middle Paxton Township Board of Supervisors, 1304 Overlook Street, Dauphin, PA 17018, Stoney Creek Road Culvert Replacement, Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To remove an existing 40-foot long, 36-inch diameter CMP, and to construct and maintain a 60-foot long, 42-inch diameter, 6-inch uniformly depressed SLCPP, including the relocation of 18.0 feet of an unnamed tributary to Stoney Creek (CWF) for the purpose of replacing an existing culvert carrying Stoney Creek Road over an unnamed tributary to Stoney Creek (CWF) (Enders, PA Quadrangle 3.0-inches North; 17.24 inches West, Latitude: 40° 23′ 29″ N; Longitude: 76° 52′ 22″ W) in Middle Paxton Township, Dauphin County.

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

E60-203. Northeast ITS, 6779 Engle Road, Middleburg Heights, OH, 44130. Wilderness Fiber Optic Project, in various Municipalities, **Union County**, ACOE Baltimore District.

To construct, operate and maintain a conduit fiber optic system across this Commonwealth along roadway right-of-ways. The project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 20.2 miles of Union County will be traversed by the project beginning at the Union County/Centre County boarder on SR 0045 and ending at the Union County/Snyder County border on SR 0304. The project will cross a total of 29 streams in Union County by means of boring. There are no wetland crossings Authorized with this permit. The proposed crossings are listed as follows:

Table 2. Union County Stream Crossing Specifics

Municipality	*Stream ID*	*Latitude (N)*	*Longitude (W)*	*Crossing Length in feet from Top-of-Bank*	*Crossing Method*	*Stream Name*	*Flow*	*Chapter 93 Designation*	*Wild Trout (Y/N)*	*Class A Wild Trout (Y/N)*
Hartley Township	S-UN-001	40° 54′ 32.50″	77° 16′ 10.24″	15	bore	Laurel Run	Perennial	CWF, MF	Y	N
Hartley Township	S-UN-002	40° 54′ 21.28″	77° 16′ 40.94″	30	bore	Sheesly Run	Perennial	CWF, MF	Y	N
Hartley Township	S-UN-003	40° 54′ 15.19″	77° 14′ 32.83″	1	bore	Tributary to Laurel Run	Perennial	CWF, MF	Y	N
Hartley Township	S-UN-004	40° 54′ 16.95″	77° 14′ 26.78″	1	bore	Hickernell Spring/Laurel Run	Perennial	CWF, MF	Y	N
Hartley Township	S-UN-005	40° 54′ 15.43″	77° 13′ 16.50″	12	bore	Tributary to Laurel Run	Perennial	CWF, MF	Y	N
Hartley Township	S-UN-006	40° 54′ 11.00″	77° 12′ 37.17″	15	bore	Story Run	Perennial	CWF, MF	N	N
Hartley Township	S-UN-007	40° 53′ 53.66″	77° 11′ 34.27″	60	bore	Spruce Run	Perennial	HQ-CWF, MF	Y	N
Hartley Township	S-UN-008	40° 53′ 52.16″	77° 11′ 30.39″	25	bore	Tributary to Spruce Run	Ephemeral	HQ-CWF, MF	Y	N
Hartley Township	S-UN-009	40° 53′ 52.85″	77° 10′ 53.39″	15	bore	Tributary to Laurel Run	Seasonal	CWF, MF	Y	N
Hartley Township	S-UN-010	40° 53′ 55.78″	77° 10′ 22.83″	25	bore	Tributary to Penns Creek	Intermittent	HQ-CWF, MF	N	N
Hartleton Borough	S-UN-011	40° 53′ 58.93″	77° 09′ 05.51″	12	bore	Cold Run	Perennial	TSF, MF	N	N
Hartleton Borough	S-UN-012	40° 53′ 56.65″	77° 08′ 53.61″	8	bore	Tributary to Cold Run	Seasonal	TSF, MF	N	N
Lewis Township	S-UN-013	40° 53′ 51.79″	77° 08′ 32.42″	3	bore	Tributary to Cold Run	Intermittent	TSF, MF	N	N
Lewis Township	S-UN-014	40° 53′ 18.67″	77° 07′ 21.62″	15	bore	Tributary to Penns Creek	Perennial	CWF, MF	N	N
Limestone Township	S-UN-015	40° 53′ 01.16″	77° 05′ 12.41″	25	bore	Cedar Run	Perennial	CWF, MF	N	N
Limestone Township	S-UN-016	40° 53′ 19.67″	77° 04′ 20.91″	15	bore	Tributary to Penns Creek	Seasonal	CWF, MF	N	N
Limestone Township	S-UN-017	40° 53′ 24.38″	77° 03′ 09.21″	4	bore	Tributary to Penns Creek	Perennial	CWF, MF	N	N
Limestone Township	S-UN-018	40° 53′ 24.73″	77° 02′ 22.23″	15	bore	Tributary to Sweitzers Run	Perennial	CWF, MF	N	N
Limestone Township	S-UN-019	40° 53′ 19.14″	77° 02′ 19.32″	50	bore	Sweitzers Run	Perennial	CWF, MF	N	N
Limestone Township	S-UN-020	40° 52′ 58.27″	77° 01′ 48.00″	20	bore	Tributary to Sweitzers Run	Seasonal	CWF, MF	N	N
Limestone Township	S-UN-021	40° 52′ 27.64″	77° 00′ 59.59″	15	bore	Tributary to Sweitzers Run	Perennial	CWF, MF	N	N
Limestone Township	S-UN-022	40° 52′ 27.36″	77° 00′ 26.67″	12	bore	Tributary to Penns Creek	Perennial	CWF, MF	N	N

Table 2. Union County Stream Crossing Specifics

Municipality	*Stream ID*	*Latitude (N)*	*Longitude (W)*	*Crossing Length in feet from Top-of-Bank*	*Crossing Method*	*Stream Name*	*Flow*	*Chapter 93 Designation*	*Wild Trout (Y/N)*	*Class A Wild Trout (Y/N)*
Limestone Township	S-UN-023	40° 52′ 40.47″	76° 59′ 44.27″	10	bore	Tributary to Penns Creek	Perennial	CWF, MF	N	N
Limestone Township	S-UN-024	40° 52′ 51.36″	76° 58′ 13.44″	10	bore	Tributary to Penns Creek	Perennial	CWF, MF	N	N
Union Township	S-UN-025	40° 53′ 05.59″	76° 57′ 07.31″	15	bore	Tributary to Penns Creek	Perennial	CWF, MF	N	N
Union Township	S-UN-026	40° 53′ 14.83″	76° 56′ 12.62″	30	bore	Tributary to Penns Creek	Perennial	CWF, MF	N	N
	btwn SUN 004 and -005	40.9048	-77.2318		bore	Tributary 18174 Laurel Run				
	btwn SUN023 and -024	40.8785	-76.99		bore	Tributary 18076 Penns Creek				
	btwn SUN025 and -026	40.8866	-76.9449		bore	Unknown 18				
			Sum	411						

(Woodward, Hartleton, Mifflinburg, Northumberland, Lewisburg and Middleburg, PA Quadrangles, with the previously referenced coordinates) Hartley, Lewis, Limestone, Union Townships, Hartleton and New Berlin Boroughs, Union County. This permit also includes 401 Water Quality Certification.

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

E56-351. David S. Herroltz, P. O. Box 214, Laughlintown, PA 15655-0214. To construct and maintain a boat slip by excavation in Indian Lake Borough, **Somerset County**, Pittsburgh ACOE District (Central City, PA Quadrangle N: 10.1 inches; N: 15.9 inches, Latitude: 40° 03′ 20″; Longitude: 78° 51′ 49″). To construct and maintain a boat slip by excavating approximately 30′ in the lake bank, along approximately 35 lf of the lake bank; to construct a retaining wall along approximately 45 lf of the lake bank north of the boat slip and along approximately 60 lf of the lake bank southwest of the boat slip, dock and a deck over the docking area; and to dredge 0.057 acre of the lake bottom to allow for boat access to the slip. As mitigation for shoreline impacts, one 12 foot wide ramp will be constructed within each of the two seawall sections to allow for aquatic and terrestrial organism passage. The project is located on Indian Lake.

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

E42-348, Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365. Scaffold Lick Road Wetland Project, in Liberty Township, **McKean County**, ACOE Pittsburgh District (Keating Summit, PA Quadrangle N: 41° 42′ 32.43″; N: 78° 13′ 32.84″).

Fill 0.2 acre of PEM/PSS/PFO exceptional value wetlands with a geotextile layer and rock west and adjacent to the intersection of Scaffold Lick and Rock Run Roads in Liberty Township, McKean County for roadway widening to allow access to Pennsylvania General Energy natural gas Well 2388 (DEP# 37-083-54476) and future gas well development. The project includes a payment to the PA Wetland Replacement Fund and removal of the fill when the widened road is no longer needed.

E61-290, Aqua Pennsylvania, Inc., 665 South Dock Street, Sharon, PA 16146. Emlenton Borough, **Venango County**, ACOE Pittsburgh District (Emlenton, PA Quadrangle N: 41° 10′ 36″; N: 79° 42′ 42″).

Demolish an existing water treatment plant located partially in the 100-year flood plain of the Allegheny River and to construct and maintain a new raw water pump station located in the 100-year flood plain of the Allegheny River approximately 125 feet southwest of the intersection of River Avenue and Main Street in Emlenton Borough, Venango County.

ENVIRONMENTAL ASSESSMENTS

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

EA17-008. Emigh Run/Lakeside Watershed Association, Inc., P. O. Box 204, Morrisdale, PA 16858. Graham Township, **Clearfield County**, ACOE Baltimore District.

The applicant has been authorized through the use of a restoration waiver to construct, operate and maintain an AMD abatement project consisting of three Anoxic Limestone Drains and two settling basins. Improvements to the Hubler Run 1 AMD Treatment System will result in 1.3 acres of disturbance and 0.07 acre of temporary PEM wetland impact and 0.01 acre of permanent wetland impact. Wetland replacement by the permittee has not been required as the wetland impacts are *de minimis*. The designated use for Hubler Run is Cold Water Fishery. This project is part of a larger restoration plan for the Hubler Run and Alder Run watershed (Frenchville Quadrangle Latitude: N 41° 1′ 0.9″; Longitude: W 78° 13′ 21.8″).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board′s rules of practice and procedure may be obtained from the Board. The appeal form and the Board′s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

3/31/10 Major Rev.
ESCGP-1 No.: ESX09-125-0038
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Washington Township(s): Deemston
Receiving Stream(s) and Classifications: UNT to Tenmile Creek, other

4/12/10
ESCGP-1 No.: ESX10-129-0008
Applicant Name: Williams Production Appalachia, LLC
Contact Person: David Freudenrich
Address: 1000 Town Center, Suite 130
City: Canonsburg State: PA Zip Code: 15317-5834
County: Westmoreland Township(s): Derry
Receiving Stream(s) and Classifications: UNT to Saxman and Union Runs, other WWF (Warm Water Fishes)

4/13/10 Major Rev.
ESCGP-1 No.: ESX09-063-0005
Applicant Name: XTO Energy, Inc.
Contact Person: Bernhart Kissel
Address: 395 Airport Road
City: Indiana State: PA Zip Code: 15701
County: Indiana Township(s): Center
Receiving Stream(s) and Classifications: Cherry Run, CWF, other

4/6/10
ESCGP-1 No.: ESX10-059-0024
Applicant Name: Eastern American Energy Corporation
Contact Person: Seth Berdette
Address: 1380 Route 286 Highway East, Suite 221
City: Indiana State: PA Zip Code: 15701
County: Greene Township(s): Cumberland
Receiving Stream(s) and Classifications: South Branch, Muddy Creek, Monongahela, other

4/12/10
ESCGP-1 No.: ESX10-051-0009
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield
State: PA Zip Code: 15478
County Fayette Township(s): Dunbar
Receiving Stream(s) and Classifications: Youghiogheny River, WWF, other

4/13/10
ESCGP-1 No.: ESX10-125-0026
Applicant Name: Range Resources—Appalachia, LLC
Contact Person: Carla Suszkowski
Address: 380 Southpointe Boulevard, Suite 300
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Somerset
Receiving Stream(s) and Classifications: UNT to North Branch Pigion Creek, other

4/7/10
ESCGP-1 No.: ESX10-059-0022
Applicant Name: EQT Gathering, LLC
Contact Person: Hanna Mccoy
Address: 625 Liberty Avenue, Suite 1700
City: Pittsburgh State: PA Zip Code: 15222
County: Greene Township(s): Morgan
Receiving Stream(s) and Classifications: Ruff Creek (WWF), other

4/21/10
ESCGP-1 No.: ESX10-125-0032
Applicant Name: Chesapeake Operating Appalachia Midstream Services
Contact Person: Eric Stewart
Address: 179 Chesapeake Drive, P. O. Box 1300
City: Jane Lew State: WV Zip Code: 26378
County: Washington Township(s): Independence
Receiving Stream(s) and Classifications: Sugar Camp Run, Haynan Creek/Cross Creek, HQ

4/15/10
ESCGP-1 No.: ESX10-125-0028
Applicant Name: Chesapeake Appalachia, LLC
Contact Person: Tal Oden
Address: P. O. Box 18496
City: Oklahoma City State: OK Zip Code: 73154
County: Washington Township(s): Smith
Receiving Stream(s) and Classifications: UNT (WWF)-Raccoon Creek (WWF)-Ohio River (WWF), other

4/15/10
ESCGP-1 No.: ESX10-125-0029
Applicant Name: EQT Production
Contact Person: Todd Klaner
Address: 455 Racetrack Road
City: Washington State: PA Zip Code: 15301
County: Washington Township(s): West Bethlehem
Receiving Stream(s) and Classifications: UNT to Barr's Run-TSF, other

4/15/10
ESCGP-1 NO.: ESX10-125-0029
Applicant Name: EQT Production
Contact Person: Todd Klaner
Address: 455 Racetrack Road
City: Washington State: PA Zip Code: 15301
County: Washington Township(s): West Bethlehem
Receiving Stream(s) and Classifications: UNT to Barr's Run-TSF, other

4/7/10
ESCGP-1 No.: ESX10-059-0023
Applicant Name: Equitrans, LP, d/b/a Equitrans Gathering
Applicant Name: Hanna Mccoy
Address: 625 Liberty Avenue, Suite 1700
City: Pittsburgh State: PA Zip Code: 15222
County: Greene Township(s): Morris, Morgan, Washington
Receiving Stream(s) and Classifications: UNT Various, HQ, other

4/12/10 Major Rev.
ESCGP-1 No.: ESX10-125-0018
Applicant Name: Chesapeake Energy
Contact person: Randy Orsburn
Address: 179 Chesapeake Drive, P. O. Box 1300
City: Jane Lew State: WV Zip Code: 26378
County: Washington Township(s): Independence
Receiving Stream(s) and Classifications: UNT to Haynan Creek, Cross Creek, HQ

4/12/10 Major Rev.
ESCGP-1 No.: ESX09-059-0065
Applicant Name: Coal Gas Recovery, LLC
Contact Person: Joanne Reilly
Address: 158 Portal Road
City: Waynesburg State: PA Zip Code: 15370
County: Greene Township(s): Jefferson
Receiving Stream(s) and Classifications: UNT to Muddy Creek, other

4/12/10 Major Rev.
ESCGP-1 No.: ESX09-051-0006
Applicant Name: Atlas Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Fayette Township(s): Nicholson
Receiving Stream(s) and Classifications: Jacobs Creek, WWF, other

4/14/10
ESCGP-1 No.: ESX10-125-0027
Applicant Name: Range Resources—Appalachia, LLC
Contact Person: Carla Suszkowski
Address: 380 Southpointe Boulevard, Suite 300
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): West Pike Run
Receiving Stream(s) and Classifications: UNT to Little Pike Run, other

4/23/10
ESCGP-1 No.: ESX10-051-0010
Applicant Name: Atlas Resources, LLC
Contact: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Fayette Township(s): Redstone
Receiving Stream(s) and Classifications: UNT to Dunlap Creek and UNT to Lilly Run, other

4/22/10
ESCGP-1 No.: ESX10-059-0027
Applicant Name: CNX Gas Company, LLC
Contact Person: Kenneth Kormendy
Address: 200 Evergreene Drive
City: Waynesburg State: PA Zip Code: 15370
County: Greene Township(s): Morris
Receiving Stream(s) and Classifications: Bates Fork of Browns Creek, HQ

4/15/10
ESCGP-1 No.: ESX10-059-0025
Applicant Name: EQT Production
Contact: Todd Klaner
Address: 455 Racetrack Road
City: Washington State: PA Zip Code: 15301
County: Greene Township(s): Washington
Receiving Stream(s) and Classifications: Boyd Run-Warm Water Fishery (WWF), other

Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESX10-117-0084
Applicant Name East Resources, Inc.
Contact Person Jefferson Long
Address 301 Brush Creek Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Delmar Township
Receiving Stream(s) and Classification(s) UNT to Dantz Run/West Branch Susquehanna River Secondary—Dantz Run to Marsh Creek

ESCGP-1 # ESX10-117-0071
Applicant Name East Resources, Inc.
Contact Person Jefferson Long
Address 301 Brush Creek Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Richmond Township
Receiving Stream(s) and Classification(s) UNT to North Elk Run/West Branch Susquehanna River Secondary—North Elk Run to Elk Run to Tioga River

ESCGP-1 # 17-09-801(01)
Applicant Name EOG Resources, Inc.
Contact Person Nathan Wells
Address 400 Southpointe Boulevard, Suite 300
City, State, Zip Canonsburg, PA 15317-8548
County Clearfield
Township(s) Pine, Lawrence, Goshen and Girard Townships
Receiving Stream(s) and Classification(s) Little Laurel/Stone/Lick Run, Alex Branch, Coldstream, Anderson Creek; Little/Trout, West Branch Susquehanna River

ESCGP-1 # ESX10-117-0085
Applicant Name East Resources, Inc.
Contact Person Jefferson Long
Address 301 Brush Creek Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Delmar Township
Receiving Stream(s) and Classification(s) Marsh Creek Secondary—Pine Creek

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335.

ESCGP-1 #ESX10-083-0007
Applicant St. Mary Land & Exploration Co.
Contact Eric Percy
Address 7060 South Yale
Tulsa, OK 74136
County McKean Township(s) Norwich
Receiving Stream(s) and Classification(s) Walcott Brook Watershed (CWF); Colgrove Brook Watershed (HQ) (CWF)

ESCGP-1 #ESX10-083-0009
Applicant Seneca Resources Corp.
Contact Douglas Kepler
Address 51 Zents Boulevard
Brookville, PA 15825
County McKean Township(s) Sergeant
Receiving Stream(s) and Classification(s) Seven Mile Run (HQ); Five Mile Run (HQ)

ESCGP-1 #ESX10-083-0008
Applicant East Resources
Contact Jefferson Long
Address 301 Brush Creek Roadd
Warrendale, PA 15086
County McKean Township(s) Hamlin
Receiving Stream(s) and Classification(s) South Branch Kinzua Creek (HQ) (CWF); Allegheny River Basin (HQ) (CWF)

ESCGP-1 #ESX10-019-0029
Applicant Rex Energy
Contact Bradley Batterson
Address 476 Rolling Ridge Drive
State College, PA 16801
County Butler Township(s) Forward and Connoquenness-ing Connoquennessing
Receiving Stream(s) and Classification(s) Little Connoquennessing Creek (CWF); UT to Little Connoquennessing Creek (CWF); UT to Connoquennessing Creek (WWF)

ESCGP-1 #ESX10-065-0007
Applicant Flatirons Development
Contact Todd Huey
Address 303 East 17th Avenue
Denver, CO 80203
County Jefferson Township(s) Snyder
Receiving Stream(s) and Classification(s) Rattlesnake Creek (HQ)

ESCGP-1 #ESX10-053-0007
Applicant Catalyst Energy
Contact Douglas Jones
Address 800 Cranberry Woods Drive
Cranberry Township, PA 16066
County Forest Township(s) Kingsley
Receiving Stream(s) and Classification(s) Wolf Run (HQ); East Branch Ross Run (HQ)

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2010 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

Name	*Address*	*Type of Certification*
Accredited Radon of Allentown	2517 Treeline Drive Easton, PA 18040	Mitigation
Kevin Adams	113 North Main Street Washington, PA 15301	Testing
Robert Beattie	851 Bangor Road Nazareth, PA 18064	Testing
James Bucciarelli	474 Easton Road Horsham, PA 19044	Mitigation
Nathaniel Burden, Jr.	626 Jacksonville Road Suite 200 Warminster, PA 18974-4886	Mitigation
Frank Carey	120 Aster Court Exeter, PA 18643	Testing
Don Cessna	407 West Sample Street Ebensburg, PA 15931	Testing
Christopher Costigan	36 Candlewyck Drive Quarryville, PA 17566	Mitigation
Thomas D'Arcy Radon Testing Systems	P. O. Box 243 Newtown, PA 18940	Testing
James Davis	614 Lincoln Avenue Jermyn, PA 18433	Testing
DeMar Associates Testing Services	2332 Broomstick Road Green Lane, PA 18054	Testing
Eagle Home Inspections, LLC	543 Twele Road Greenock, PA 15047	Testing
Enviroquest, Inc.	1738 North 3rd Street Harrisburg, PA 17102	Mitigation
Timothy Ellis	508 Jennifer Lane Gibsonia, PA 15044	Testing
Tracy Fawley	P. O. Box 215 Lake Como, PA 18437	Testing
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Testing
Adam Ginocchi	407 Jenny Lane New Castle, PA 16101	Testing
Frank Glantz	P. O. Box 866 Lemont, PA 16851	Mitigation
Zach Juffe	1209 Laurel Oak Lane York, PA 17403-9124	Testing
Scott Latosky	722 Sue Street Houtzdale, PA 16651	Testing
Eric Levine	R. R. 5 Box 5485 East Stroudsburg, PA 18301	Testing & Mitigation
Stephen Mento	25 Fox Farm Lane Downingtown, PA 19335	Testing

Name	*Address*	*Type of Certification*
Charles Miller	11 Edbert Street Selinsgrove, PA 17870	Testing
David Milliron	125 Oakford Park Road Jeannette, PA 15644	Testing
David Murdick	804 West Liberty Road Slippery Rock, PA 16057	Testing
Cristopher Murphy WIN—Murrysville	3045 Heider Lane Export, PA 15632	Testing
Curtis Niles, Sr. Armored Home Inspections, LLC	7101 Wayne Avenue Upper Darby, PA 19082	Testing
Surekha Paunikar Alpha Environmental	2048 Carmel Drive Jamison, PA 18929	Testing
Pillar to Post Professional Home Inspections	2370 York Road, A9-C Jamison, PA 18929	Testing
Lisa Roddis	P. O. Box 862 Hockessin, DE 19707	Testing
Gene Selko	5682 Janet Drive Pittsburgh, PA 15236	Testing
Jon Shaffer	1115 Cornell Street Pittsburgh, PA 15212	Mitigation
Delmar Smith	675 Pheasant Drive Langhorne, PA 15047-3120	Testing
Larry Smith	HCR #1 Box 48 Brodheadsville, PA 18322	Testing
Matthew Stabinski	723 South State Street Clarks Summit, PA 18411	Testing
Kenneth Stuck	6120 Forrestal Circle Harrisburg, PA 17112	Testing
John Wilson	107 Lockerbie Lane West Chester, PA 19382	Testing
Nicholas M. Sypych	354 Center Street Landing, NJ 07850-1023	Mitigation

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

Approval of Registration/Application under General Permit for Short-Term Construction Project BMR-GP-103:

59101001. Glenn O. Hawbaker, Inc. (2801 Canfield Lane, Montoursville, PA 17754), authorization to extract noncoal (industrial minerals) in Covington Township, **Tioga County** to supply fill material for Lowe Site Mansfield Construction Project. Receiving streams: Wilson Creek and Tioga River. Authorization approved April 26, 2010.

Swisher Contracting, Inc., GFCC No. 17-08-03, Maddas Operation, Bradford Township, **Clearfield County** (Valley Fork Run to Roaring Run to Clearfield Creek-Upper West Branch Watershed): A no-cost construction contract has been awarded to Swisher Contracting, Inc. that will result in the reclamation of approximately 11.8 acres of abandoned mine land, the reclamation of 1,700-feet of abandoned highwall, the reclamation of 5.4 acres of abandoned underground deep mines and the recovery of approximately 30,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the 5.4 acre mining area at a rate of 2,200 tons per acre. A total of at least 11,880 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is $116,200 which will be done at no cost to the Commonwealth. The site is located approximately 1/2 mile north of Woodland off of Shiloh Road on lands formerly mined and subsequently abandoned by Tascar and Earl Mayhew in the late 1940's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

Swisher Contracting, Inc., GFCC No. 17-08-04, Valley Fork Operation, Bradford Township, **Clearfield County** (Valley Fork Run to Roaring Run to Clearfield Creek-Upper West Branch Watershed): A no-cost construction contract has been awarded to Swisher Contracting, Inc. that will result in the reclamation of approximately 8.0 acres of abandoned mine land, the reclamation of 850-feet of abandoned highwall and the recovery of approximately 10,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the 2.7 acre mining area at a rate of 1,845 tons per acre. A total of at least 4,900 tons of alkaline waste lime will placed on the site. The estimated value of the reclamation work is $71,400 which will be done at no cost to the Commonwealth. The site is located approximately 1/2 mile north of Woodland off of Shiloh Road on lands formerly mined and subsequently abandoned by Tascar and Earl Mayhew in the late 1940's.

Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

P & N Coal Company, Inc., GFCC No. 17-08-01, Upper Slab Run Operation, Sandy Township, **Clearfield County** (Slab Run to Sandy Lick Creek -Upper Allegheny Watershed): A construction contract has been awarded to P & N Coal Company, Inc. that will result in the reclamation of approximately 14.8 acres of abandoned mine land, the elimination and reclamation of 6,650-feet of abandoned highwall, the restoration of 900-feet of stream channel and the recovery of approximately 85,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is $400,000 which will be done at no cost to the Commonwealth. The site is located to the northwest of the City of Dubois on State Game Lands No. 77 on lands formerly mined and subsequently abandoned by McIntosh Coal Company in the late 1950's. P & N will add 26,000 tons of lime to the mining area to prevent acid drainage. In addition, in order to further restore water quality in Slab Run, the Department of Environmental Protection has also awarded the operator $150,000 in Growing Greener funds to pay for an additional 14,000 tons of lime to be incorporated into the backfill. Slab Run is a tributary of Sandy Lick Creek.

[Pa.B. Doc. No. 10-874. Filed for public inspection May 14, 2010, 9:00 a.m.]

[Correction]

Availability of Technical Guidance

The notice of Availability of Technical Guidance for the "Policy for Coordinating National Pollution Discharge Elimination System (NPDES) Permitting in the Monongahela River Watershead" (362-2100-001), published at 40 Pa.B. 2340, 2341 (May 1, 2010) listed an incorrect public comment deadline. Comments will be accepted on this draft policy until June 4, 2010, in accordance with the original instructions published at http://www.pabulletin.com/secure/data/vol40/40-18/778.html. Questions regarding this notice should be directed to Ron Furlan at rfurlan@state.pa.us or (717) 787-8184.

[Pa.B. Doc. No. 10-778. Filed for public inspection April 30, 2010, 9:00 a.m.]

City of Philadelphia's Annual Monitoring Network Plan for 2011; Notice of Availability for Public Comment

Under 40 CFR Part 58 (relating to ambient air quality surveillance) State and local air pollution control agencies must adopt and submit to United States Environmental Protection Agency (EPA) Regional Administrators an Annual Monitoring Network Plan (AMNP) by July 1, 2010. The AMNP provides for the establishment and maintenance of an air quality surveillance system that consists of a network of monitoring stations. The proposed AMNP, which includes changes anticipated in 2011, must be made available for public inspection for at least 30 days prior to submission to EPA.

The City of Philadelphia's Air Management Services (AMS) administers an approved local air pollution control program under the Department of Public Health. In Philadelphia, AMS operates and maintains an air monitoring network that consists of ten air monitoring stations that house instruments that measure ambient levels of air pollutants. The proposed AMNP for 2011 is available for public inspection on the City's web site at: http://www.phila.gov/health/units/ams/index.html and at the office of Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, during normal business hours. For further information, contact Henry Kim, Chief of Program Services at (215) 685-9439.

Written comments on the proposed AMNP should be sent by June 15, 2010, to Henry Kim, Chief of Program Services, Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104 or henry.kim@phila.gov. Comments received by facsimile will not be accepted.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-875. Filed for public inspection May 14, 2010, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Notice of Proposals

The Department of Environmental Protection (Department) provides notice of the following proposals that have been submitted under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These proposals were submitted under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)). The Policy calls for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The proposals described in this notice relates to the submitted proposals through May 3, 2010.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the credit or offset proposal must be approved; (2) it must be verified; and (3) it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. The proposals described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certification, as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used to meet effluent limits in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 89 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 58 have been approved, one has been withdrawn and the remaining need additional clarification prior to qualifying for certification.

New Proposals Under Review

The following new proposals are being reviewed by the Department. The Department will accept written comments on these proposed projects for 30 days.

Proposal Applicant	*Proposal Description*
CDM on behalf of the City of Lancaster Advanced Wastewater Treatment Plant	Nitrogen and Phosphorous credits to be generated by the operation of the Advanced Wastewater Treatment Plant.

For further information about this proposal or the Trading Program, or to submit comments, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-876. Filed for public inspection May 14, 2010, 9:00 a.m.]

Pennsylvania Climate Change Advisory Committee Meeting

The Department of Environmental Protection (Department) announces the following meetings:

Infrastructure Working Group Meeting

The meeting will be held Monday, May 17, 2010, from 9 a.m. to 12 p.m. in the 12th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Public Health & Safety Working Group Meeting

The meeting will be held Friday, May 21, 2010, from 10:30 a.m. to 1 p.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Natural Resources Working Group Meeting

The meeting will be held Tuesday, May 25, 2010, from 10 a.m. to 3 p.m. at State College, PA (exact location to be determined).

Each Adaptation Working Group will focus on a specific area of impact: Infrastructure, Public Health & Safety, Natural Resources, and Tourism & Outdoor Recreation. They will work to identify vulnerabilities to climate change, adaptation efforts already underway, and practical actions the Commonwealth and other stakeholders can undertake to address the risks of climate change. They will also work to share information and knowledge across impacted areas and identify opportunities for collaboration.

For the latest on meeting details and materials, visit www.depweb.state.pa.us, Keyword: Climate Change. Questions concerning these meetings should be directed to Kim Hoover, Office of Energy and Technology Deployment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-5161, khoover@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Kim Hoover at (717) 772-5161, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-877. Filed for public inspection May 14, 2010, 9:00 a.m.]

Pennsylvania Sewage Advisory Committee; Meeting Cancellation

The Pennsylvania Sewage Advisory Committee meeting scheduled for Wednesday, June 9, 2010, has been canceled. The next meeting is scheduled for Wednesday, September 15, 2010, in Room 105 of the Rachel Carson State Office Building at 10:30 a.m. For information, contact John McHale at (717) 783-2290 or jomchale@state.pa.us.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-878. Filed for public inspection May 14, 2010, 9:00 a.m.]

State Board for Certification of Water and Wastewater Systems Operators; Rescheduling of Meeting

The State Board for Certification of Water and Wastewater Systems Operators (Board) meeting on June 18, 2010, at 10 a.m. has been rescheduled to July 16, 2010, at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The purpose of the meeting is to take action on applications for certification and two petitions submitted by the Department of Environmental Protection (Department) for the revocation of two operator licenses.

Questions concerning the Board Meeting can be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us. The agenda and meeting material for the previous meeting date will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-879. Filed for public inspection May 14, 2010, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under The Administrative Code of 1929 (71 P. S. §§ 51—732), has published the proposed 2010 real property disposition plan for review by the public and approval of the Pennsylvania General Assembly. The proposed plan is available for review on the Department's web site at www.dgs.state.pa.us.

Anyone wanting to comment on the proposed plan should do so, in writing, to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 10-880. Filed for public inspection May 14, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Brandywine Valley Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brandywine Valley Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 4.5 (relating to examination room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-881. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Chambersburg Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chambersburg Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.31 (relating to licensure).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-882. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Corry Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Corry Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifi-

cally requests exception from the following standard contained in this publication: 2.1-3.1.5.9(3) (relating to tub room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-883. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 123.25

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards):

Bucks County Specialty Hospital
Corry Memorial Hospital
Fox Chase Cancer Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-884. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions):

Laurel Surgical Center, LLC
Lawrence County Surgery Center of Edgewood Surgical Hospital
Pocono Ambulatory Surgery Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-885. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Geisinger Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1.8.1 (toilets for patient use).

This facility is also requesting exception to 28 Pa. Code § 101.172 (relating to patient limits).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-886. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Geisinger Medical Center—Woodbine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center—Woodbine has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-2.4.2 (Phase II recovery), 3.7-2.6.3 (staff shower) and 5.3.5.11 (anesthesia workroom).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-887. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Good Shepherd Penn Partners Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Shepherd Penn Partners Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1.1.1 (relating to space requirements), 2.1.7.5 (relating to soiled holding) and 3.1.1.1 (relating to environmental services).

This facility is also requesting exception to 28 Pa. Code § 107.26 (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-888. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Keystone Pain Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Keystone Pain Institute has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.3.1.2 (OR size), 2.3.4 (image viewer), 2.4.1.1 (recovery rooms), 2.4.2 (Phase II recovery), 2.5.4 (soiled workroom), 2.5.5 (sterilization), 2.5.7.5 (stretcher storage area), 2.5.8 (housekeeping), 3.1.2 (sterilization facilities) and 7.2.3.1 (operating room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-889. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster 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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-890. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Laser Spine Surgery Center of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laser Spine Surgery Center of Pennsylvania 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 this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-891. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Main Line Endoscopy West, East and South for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Endoscopy West, East and South has requested an exception to the requirements of 28 Pa. Code § 553.3 (relating governing body responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-892. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Physicians Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physicians Surgical 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.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-893. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Regional Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Regional Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 559.2 (relating to director of nursing).

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 this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-894. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Regional Gastroenterology Associates of Lancaster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Regional Gastroenterology Associates of Lancaster has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-895. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Roxborough Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Roxborough Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.1.1.1 (relating to capacity of patient rooms), 2.3-2.3.7 (relating to clean workroom or clean supply room) and 2.3-2.3.8 (relating to soiled workroom or soiled holding room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-896. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 5.1.2.5(2) (relating to counter space for writing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-897. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Soldiers and Sailors Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Soldiers and Sailors Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.1 (relating to examination and treatment room location) and 3.1.7.1 (relating to visitor's lounge).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-898. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Surgery Center of Pennsylvania, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Pennsylvania, LLC has requested an exception to the requirements of 28 Pa. Code § 555.23 (relating to operative care).

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 this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-899. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of 20/20 Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that 20/20 Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.7-2.4.1.1 (relating to recovery area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-900. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of UPMC Mercy Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 5.1.3.7(5)(a) (relating to decontamination room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-901. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of UPMC Passavant Cranberry for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-9.2.2.2 and 2.1-9.2.3.1 (relating to hospital type elevators).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-902. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-5.2.1.1(1) (relating to public corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-903. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Waynesboro Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Waynesboro Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-904. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of WellSpan Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that WellSpan Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.5.9(3) (relating to stretcher shower), 5.1.2.1 (relating to medical evaluation unit), 5.1.2.3 (relating to body holding area) and 5.11.1.2 (relating to laboratory procedures).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-905. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1.2.1(2) (relating to clearances).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-906. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of West Shore Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that West Shore Endoscopy 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.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-907. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of The Williamsport Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Williamsport Hospital has requested an exception to the requirements of 28 Pa. Code § 105.11(b) (relating to access).

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 this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-908. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application of Wills Community Surgical Services of Center City, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wills Community Surgical Services of Center City, Inc. 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.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-909. Filed for public inspection May 14, 2010, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Asbury Health Center
700 Bower Hill Road
Pittsburgh, PA 15243

Woodland Retirement Community
P. O. Box 280
Route 522
Orisonia, PA 17243

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for

speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-910. Filed for public inspection May 14, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, May 18, 2010, 10 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans With Disability Act contact is Gina Meckley, at (717) 783-9276.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-911. Filed for public inspection May 14, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fantastic 5s 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 Fantastic 5s.

2. *Price*: The price of a Pennsylvania Fantastic 5s instant lottery game ticket is $5.

3. *Play Symbols*: Each Pennsylvania Fantastic 5s instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN) and 28 (TWYEGT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 5 symbol(FIVE), 5X symbol (5TIMES) and a FANTASTIC symbol (FANTSTC).

4. *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: $5.00 (FIV DOL), $10.00 (TEN DOL), $20.00 (TWENTY), $25.00 (TWY FIV), $40.00 (FORTY), $50.00 (FIFTY), $100 (ONE HUN), $250 (TWOHUNFTY), $400 (FOR HUN), $500 (FIV HUN), $1,000 (ONE THO), $5,000 (FIV THO), $50,000 (FTY THO) and $100,000 (ONEHUNTHO).

5. *Prizes*: The prizes that can be won in this game are: $5, $10, $20, $25, $40, $50, $100, $250, $400, $500, $1,000, $5,000, $50,000 and $100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 8,400,000 tickets will be printed for the Pennsylvania Fantastic 5s instant lottery game.

7. *Determination of Prize Winners*:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a FANTASTIC symbol (FANTSTC), and a prize symbol of $50.00 (FIFTY) appears in ten of the "Prize" areas and a prize symbol of $250 (TWOHUNFTY) appears in two of the "Prize" areas, on a single ticket, shall be entitled to a prize of $1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $500 (FIV HUN) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of $100 (ONE HUN) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of $500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a FANTASTIC symbol (FANTSTC), and a prize symbol of $20.00 (TWENTY) appears in five of the "Prize" areas, a prize symbol of $40.00 (FORTY) appears in five of the "Prize" areas and a

prize symbol of $100 (ONE HUN) appears in two of the "Prize" areas, on a single ticket, shall be entitled to a prize of $500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $400.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $400 (FOR HUN) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a FANTASTIC symbol (FANTSTC), and a prize symbol of $20.00 (TWENTY) appears in ten of the "Prize" areas and a prize symbol of $100 (ONE HUN) appears in two of the "Prize" areas, on a single ticket, shall be entitled to a prize of $400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $250.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $250 (TWOHUNFTY) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $250.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of $50.00 (FIFTY) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of $250.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a FANTASTIC symbol (FANTSTC), and a prize symbol of $20.00 (TWENTY) appears in ten of the "Prize" areas and a prize symbol of $25.00 (TWY FIV) appears in two of the "Prize" areas, on a single ticket, shall be entitled to a prize of $250.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING 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.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $100 (ONE HUN) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of $20.00 (TWENTY) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of $100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a FANTASTIC symbol (FANTSTC), and a prize symbol of $5.00 (FIV DOL) appears in six of the "Prize" areas, a prize symbol of $10.00 (TEN DOL) appears in five of the "Prize" areas and a prize symbol of $20.00 (TWENTY) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of $100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $50.00 (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $50.00 (FIFTY) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $50.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of $10.00 (TEN DOL) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of $50.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $40.00 (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $40.00 (FORTY) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $40.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $25.00 (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $25.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $25.00 (TWY FIV) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $25.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X symbol (5TIMES), and a prize symbol of $5.00 (FIV DOL) appears under the 5X symbol (5TIMES), on a single ticket, shall be entitled to a prize of $25.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $20.00 (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $20.00 (TWENTY) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $20.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $10.00 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $10.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $10.00 (TEN DOL) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $10.

(gg) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of $5.00 (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $5.

(hh) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5 symbol (FIVE), and a prize symbol of $5.00 (FIV DOL) appears under that 5 symbol (FIVE), on a single ticket, shall be entitled to a prize of $5.

8. *Number and Description of Prizes and Approximate Odds*: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:	*Win:*	*Approximate Odds Are 1 In:*	*Approximate No. Of Winners Per 8,400,000 Tickets:*
$5 w/"5" SYMBOL	$5	17.14	490,000
$5	$5	17.14	490,000
$5 × 2	$10	54.55	154,000
$10 w/"5" SYMBOL	$10	54.55	154,000
$10	$10	54.55	154,000
$5 × 4	$20	300	28,000
($5 × 2) + $10	$20	300	28,000
$10 × 2	$20	300	28,000
$20 w/"5" SYMBOL	$20	300	28,000
$20	$20	200	42,000
$5 × 5	$25	600	14,000
$5 w/5X	$25	300	28,000
($10 × 2) + $5	$25	300	28,000
$20 + $5	$25	600	14,000
$25 w/"5" SYMBOL	$25	300	28,000
$25	$25	300	28,000
($5 w/5X) + ($5 × 3)	$40	600	14,000
$10 × 4	$40	600	14,000
$20 × 2	$40	600	14,000
$40 w/"5" SYMBOL	$40	600	14,000
$40	$40	600	14,000
$5 × 10	$50	600	14,000
$10 w/5X	$50	600	14,000
$25 × 2	$50	600	14,000
$50 w/"5" SYMBOL	$50	600	14,000
$50	$50	600	14,000
FANTASTIC w/($5 × 6) + ($10 × 5) + $20	$100	2,000	4,200
$10 × 10	$100	2,400	3,500
$20 w/5X	$100	2,400	3,500
$25 × 4	$100	2,400	3,500
$50 × 2	$100	2,400	3,500
$100 w/"5" SYMBOL	$100	2,400	3,500
$100	$100	2,400	3,500
FANTASTIC w/($20 × 10) + ($25 × 2)	$250	12,000	700
($40 × 5) + ($10 × 5)	$250	12,000	700
$50 w/5X	$250	12,000	700
($50 × 4) + ($10 × 5)	$250	24,000	350
$250 w/"5" SYMBOL	$250	24,000	350
$250	$250	12,000	700
FANTASTIC w/($20 × 10) + ($100 × 2)	$400	24,000	350
$40 × 10	$400	30,000	280
($50 w/5X) + ($25 × 6)	$400	30,000	280
$100 × 4	$400	30,000	280
$400 w/"5" SYMBOL	$400	30,000	280
$400	$400	30,000	280
FANTASTIC w/($20 × 5) + ($40 × 5) + ($100 × 2)	$500	40,000	210
$50 × 10	$500	40,000	210
$100 w/5X	$500	40,000	210
$250 × 2	$500	60,000	140
$500 w/"5" SYMBOL	$500	120,000	70
$500	$500	40,000	210
FANTASTIC w/($50 × 10) + ($250 × 2)	$1,000	60,000	140
($40 × 5) + ($50 × 6) + $500	$1,000	60,000	140
($100 w/5X) + ($100 × 5)	$1,000	60,000	140
$250 × 4	$1,000	60,000	140

When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:	*Win:*	*Approximate Odds Are 1 In:*	*Approximate No. Of Winners Per 8,400,000 Tickets:*
$500 × 2	$1,000	60,000	140
$1,000	$1,000	60,000	140
$5,000	$5,000	840,000	10
$50,000	$50,000	840,000	10
$100,000	$100,000	840,000	10

Get a "5" (FIVE) symbol, win prize shown under it automatically.
Get a "5X" (5TIMES) symbol, win 5 times the prize shown under it automatically.
Get a "FANTASTIC" (FANTSTC) symbol, win all 12 prizes automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards*: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fantastic 5s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Fantastic 5s, prize money from winning Pennsylvania Fantastic 5s 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 Fantastic 5s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Fantastic 5s or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-912. Filed for public inspection May 14, 2010, 9:00 a.m.]

Pennsylvania Lady Bucks '10 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 Lady Bucks '10.

2. *Price*: The price of a Pennsylvania Lady Bucks '10 instant lottery game ticket is $1.

3. *Play Symbols*: Each Pennsylvania Lady Bucks '10 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Ladybug symbol (LADYBUG), Cash symbol (CASH) and an X symbol (XXXX).

4. *Prizes*: The prizes that can be won in this game are: Free $1 Ticket, $2, $5, $10, $20, $40, $100 and $1,000.

5. *Approximate Number of Tickets Printed For the Game*: Approximately 10,800,000 tickets will be printed for the Pennsylvania Lady Bucks '10 instant lottery game.

6. *Determination of Prize Winners*:

(a) Holders of tickets with three matching Cash (CASH) play symbols appearing in a left to right diagonal line in the play area, and a prize amount of $1,000 appears below the arrow pointing to that win, on a single ticket, shall be entitled to a prize of $1,000.

(b) Holders of tickets with three matching Cash (CASH) play symbols appearing in a right to left diagonal line in the play area, and a prize amount of $100 appears below the arrow pointing to that win, on a single ticket, shall be entitled to a prize of $100.

(c) Holders of tickets with three matching Cash (CASH) play symbols appearing in the bottom row in the play area, and a prize amount of $40 appears above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of $40.

(d) Holders of tickets with three matching Cash (CASH) play symbols appearing in the right column in the play area, and a prize amount of $20 appears to the left of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of $20.

(e) Holders of tickets with three matching Cash (CASH) play symbols appearing in the top row in the play area, and a prize amount of $10 appears above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of $10.

(f) Holders of tickets with a Ladybug (LADYBUG) play symbol in the play area, on a single ticket, shall be entitled to a prize of $10.

(g) Holders of tickets with three matching Cash (CASH) play symbols appearing in the left column in the play area, and a prize amount of $5 appears to the left of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of $5.

(h) Holders of tickets with three matching Cash (CASH) play symbols appearing in the middle row in the play area, and a prize amount of $2 appears above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of $2.

(i) Holders of tickets with three matching Cash (CASH) play symbols appearing in the middle column in the play area, and a prize amount of "FREE" appears to the left of

the arrow pointing to that win, on a single ticket, shall be entitled to a prize of one Pennsylvania Lady Bucks '10 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds*: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Reveal 3 "Cash" Symbols In A Row, Column Or Diagonal And Win Prize Shown By The Arrow Pointing To That Win, Win With Prize(s) Of:	*Win:*	*Approximate Odds Are 1 In:*	*Approximate No. of Winners Per 10,800,000 Tickets*
FREE MIDDLE COLUMN	FREE $1 TICKET	9.38	1,152,000
$2 MIDDLE ROW	$2	16.67	648,000
$5 LEFT COLUMN	$5	37.50	288,000
$10 w/LADYBUG	$10	100	108,000
$10 TOP ROW	$10	600	18,000
($10 w/LADYBUG) + ($10 TOP ROW)	$20	300	36,000
$20 RIGHT COLUMN	$20	600	18,000
$40 BOTTOM ROW	$40	2,400	4,500
$100 RIGHT DIAGONAL	$100	2,400	4,500
$1,000 LEFT DIAGONAL	$1,000	120,000	90

Reveal a "LADYBUG" (LADYBUG) symbol in the Tic-Tac-Toe play area, win $10 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards*: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lady Bucks '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Lady Bucks '10, prize money from winning Pennsylvania Lady Bucks '10 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 Lady Bucks '10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lady Bucks '10 or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-913. Filed for public inspection May 14, 2010, 9:00 a.m.]

Pennsylvania Reese'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 Reese's™.

2. *Price*: The price of a Pennsylvania Reese's™ instant lottery game ticket is $2.

3. *Play Symbols*: Each Pennsylvania Reese's™ instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), a Peanut Butter symbol (PNUTBTR) and a REESES symbol (REESES).

4. *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: $1^{.00}$ (ONE DOL), $2^{.00}$ (TWO DOL), $4^{.00}$ (FOR DOL), $5^{.00}$ (FIV DOL), $10^{.00}$ (TEN DOL), $20^{.00}$ (TWENTY), $40^{.00}$ (FORTY), $50^{.00}$ (FIFTY), $100 (ONE HUN), $400 (FOR HUN), $1,000 (ONE THO) and $20,000 (TWY THO).

5. *Prizes*: The prizes that can be won in this game are: $1, $2, $4, $5, $10, $20, $40, $50, $100, $400, $1,000 and $20,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 9,000,000 tickets will be printed for the Pennsylvania Reese'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 "WINNING NUMBERS" play symbols and a prize symbol of $20,000 (TWY THO) appears under the matching

"YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $400.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $400 (FOR HUN) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a REESES symbol (REESES), and a prize symbol of $100 (ONE HUN) appears under the REESES symbol (REESES), on a single ticket, shall be entitled to a prize of $200.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $100 (ONE HUN) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a REESES symbol (REESES), and a prize symbol of $40.00 (FORTY) appears under the REESES symbol (REESES), on a single ticket, shall be entitled to a prize of $80.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $50.00 (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $50.00 (FIFTY) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $40.00 (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $40.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $40.00 (FORTY) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $40.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a REESES symbol (REESES), and a prize symbol of $20.00 (TWENTY) appears under the REESES symbol (REESES), on a single ticket, shall be entitled to a prize of $40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $20.00 (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $20.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $20.00 (TWENTY) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a REESES symbol (REESES), and a prize symbol of $10.00 (TEN DOL) appears under the REESES symbol (REESES), on a single ticket, shall be entitled to a prize of $20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $10.00 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $10.00 (TEN DOL) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $5.00 (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $5.00 (FIV DOL) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $5.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $4.00 (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $4.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $4.00 (FOR DOL) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $4.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $2.00 (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $2.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Peanut Butter symbol (PNUTBTR), and a prize symbol of $2.00 (TWO

DOL) appears under the Peanut Butter symbol (PNUTBTR), on a single ticket, shall be entitled to a prize of $2.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of $1.00 (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of $1.

8. *Number and Description of Prizes and Approximate Odds*: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:	*Win:*	*Approximate Odds Are 1 In:*	*Approximate No. Of Winners Per 9,000,000 Tickets*
$1 × 2	$2	30	300,000
$2 w/PEANUT BUTTER	$2	30	300,000
$2	$2	30	300,000
$1 × 4	$4	75	120,000
$2 × 2	$4	75	120,000
$4 w/PEANUT BUTTER	$4	75	120,000
$4	$4	75	120,000
$1 × 5	$5	75	120,000
$5 w/PEANUT BUTTER	$5	75	120,000
$5	$5	75	120,000
$1 × 10	$10	150	60,000
$2 × 5	$10	300	30,000
$5 × 2	$10	300	30,000
$10 w/PEANUT BUTTER	$10	300	30,000
$10	$10	300	30,000
$2 × 10	$20	750	12,000
$4 × 5	$20	750	12,000
$5 × 4	$20	750	12,000
$10 × 2	$20	750	12,000
$20 w/PEANUT BUTTER	$20	750	12,000
$10 w/REESES	$20	750	12,000
$20	$20	750	12,000
$4 × 10	$40	2,182	4,125
$5 × 8	$40	2,182	4,125
$10 × 4	$40	2,182	4,125
$20 w/REESES	$40	2,182	4,125
$40 w/PEANUT BUTTER	$40	2,182	4,125
$40	$40	2,182	4,125
$5 × 10	$50	3,000	3,000
$10 × 5	$50	3,000	3,000
($20 w/REESES) + ($5 × 2)	$50	3,429	2,625
$50 w/PEANUT BUTTER	$50	3,429	2,625
$50	$50	3,000	3,000
$10 × 10	$100	10,000	900
($40 w/REESES) + ($10 × 2)	$100	10,000	900
$50 × 2	$100	10,000	900
$100 w/PEANUT BUTTER	$100	10,000	900
$100	$100	10,000	900
$40 × 10	$400	120,000	75
$50 × 8	$400	120,000	75
($100 w/REESES) + ($100 × 2)	$400	120,000	75
$400 w/PEANUT BUTTER	$400	120,000	75
$400	$400	120,000	75
$100 × 10	$1,000	900,000	10
$1,000	$1,000	900,000	10
$20,000	$20,000	900,000	10

Get a "PEANUT BUTTER" (PNUTBTR) symbol, win prize shown under it automatically.
Get a "REESES" (REESES) symbol, win double the prize shown under it automatically.

Non-winning Pennsylvania Reese's™ instant lottery tickets may be entered in promotional drawings via the Lottery's web site (http://www.palottery.com) for a chance to win bonus prizes as determined by the Secretary and announced on the Lottery's web site. These prizes are not part of the Prize Structure and are provided to the Pennsylvania Lottery at no charge. Entries submitted via the Lottery's web site must be submitted from a computer within Pennsylvania.

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 Reese's™ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Reese's™, prize money from winning Pennsylvania Reese'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 Reese'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 (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Reese's™ or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-914. Filed for public inspection May 14, 2010, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Bradys Run Lake, Beaver County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to temporarily modify fishing regulations at Bradys Run Lake, Beaver County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective May 15, 2010. The Executive Director has found that this action is necessary and appropriate for the management of fish, and to conserve and preserve fishing opportunities.

The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable. These temporary modifications will be in effect until further notice but in no event will they remain in place after January 1, 2011.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 10-915. Filed for public inspection May 14, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Reg. No.	*Agency / Title*	*Close of the Public Comment Period*	*IRRC Comments Issued*
57-271	Pennsylvania Public Utility Commission Utilities; Service Outage Response and Restoration Practices 40 Pa.B. 1203 (March 6, 2010)	4/5/10	5/5/10
7-453	Environmental Quality Board Administration of the Land Recycling Program 40 Pa.B. 1297 (March 6, 2010)	4/5/10	5/5/10
7-454	Environmental Quality Board Administration of the Uniform Environmental Covenants Act 40 Pa.B. 1379 (March 6, 2010)	4/5/10	5/5/10

Pennsylvania Public Utility Commission
Regulation #57-271 (IRRC #2822)

Utilities; Service Outage Response and Restoration Practices

May 5, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the March 6, 2010 *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 (Commission) to respond to all comments received from us or any other source.

1. Statutory authority.

The Commission has provided its statutory authority for this rulemaking as it relates to the electric and gas utility industries in Section 11 of the Regulatory Analysis Form (RAF). However, it has not provided its statutory authority for this rulemaking as it pertains to two other utility industries that will be affected: the telephone industry and the water/wastewater industry. When the Commission submits the final-form regulation, we ask that it provide an explanation of its statutory authority for the amendments it is proposing under this rulemaking.

2. Need for the regulation.

According to the Commission, this rulemaking establishes a more uniform approach for reporting standards among the gas, water/wastewater and electric industries in the event of utility service outages. It is the result of an investigation and a Commission staff report entitled *Electric Distribution Company Service Outage Response and Restoration Practices Report*. This investigation and report were prompted by 450,000 electric outages caused by Hurricane Ike in September of 2008.

Some commentators have noted that the regulation will require more detailed reporting of certain events. They are of the opinion that the additional information being reported will not lead to improved outage response and restoration of service.

In addition, commentators representing the gas industry are concerned that the report noted above pertains to outages experienced by the electric utility industry. They believe that applying the findings in a report specific to that industry is inappropriate because infrastructure and operational differences between gas service and electric service require different outage response and restoration practices. Given these views, we ask the Commission to explain the need for these additional reporting requirements, especially for the gas and water/wastewater utility industries.

3. Applicability to telephone industry.—Possible conflict with statutes; Need; Implementation procedures.

According to Section 16 of the RAF, electric utility, gas, and water/wastewater companies will be required to comply with the proposed rulemaking and telephone companies will be encouraged to comply with the proposed rulemaking. As noted by a commentator, proposed changes to Chapter 67, pertaining to service outages, would affect telephone companies. How will the Commission implement the proposed changes to Chapter 67? Will telephone companies be required to comply?

In addition, and as noted above, what is the need for imposing the additional requirements on the telephone industry? What problem is the Commission attempting to address?

Furthermore, commentators assert that Section 3015(f) of Act 183 of 2004 (66 Pa.C.S.A. § 3015(f)) imposes strict statutory limitations on the Commission's authority to require additional reporting requirements. We ask the Commission to further explain why the additional requirements being imposed on the telephone industry do not conflict with the cited statute above, and why the benefits of the additional requirements "substantially outweigh the attendant expense and administrative time and effort required of the local exchange telecommunications company to provide it." (See 66 Pa.C.S.A § 3015(f)(1)(ii)).

Finally, the commentators have suggested that the Commission consider allowing the submittal of reports required by the Federal Communications Commission and the Department of Homeland Security in lieu of these regulatory changes. Has the Commission considered this alternative?

4. Time frames for providing reports to the Commission.—Reasonableness.

Commentators have raised concerns with various sections of the proposed rulemaking that require a utility to provide information or reports to the Commission within certain timeframes. We ask the Commission to consider the concerns of the commentators on each of the sections below and provide an explanation of why the Commission's proposed time frames are appropriate:

- §§ 57.11(d), 59.11(c) and 65.2(c)—a report shall be made by telephone within 24 hours of a reportable accident.
- §§ 57.11(e), 59.11(d) and 65.2(d)—a written report shall be made within 5 days of a reportable accident.
- § 67.1(b)—written notification shall be filed within 5 working days after the total restoration of service.

5. Section 57.11. Accidents.—Need; Reasonableness; Implementation procedures; Clarity.

Subsection (b) Reportable accidents.

Subsection (b)(2) is being amended to state that an injury to a person "sufficient that the injured person requires professional medical attention or hospitalization" is a reportable accident. Commentators from the utility industry have expressed concern with this provision and a similar provision found in § 59.11(b)(2), pertaining to reportable accidents and gas service. We note that similar language is also found in § 65.2(b)(2), pertaining to reportable accidents and water service. They believe that this reporting requirement is too broad and would be overly burdensome. For example, would allergic reactions that require professional medical attention have to be reported? If so, what value could be derived from this information? In the Preamble to the final-form regulation, we ask the Commission to explain why the proposed language is needed and why the existing language is not sufficient.

Under Subsection (b)(4), the Commission is adding "an occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures . . . " as a reportable accident. Similar language is found in § 59.11(b)(5) and § 65.2(b)(4). There are several concerns with this provision. First, what is the need for reporting "suspected"

occurrences of sabotage or attempts against cyber security measures? Second, as suggested by commentators, has the Commission considered allowing existing reporting protocols and requirements already approved by the North American Electric Reliability Corporation and the Federal Energy Regulatory Commission?

"Substantial damage to another utility company's facility or property" is being added as a reportable accident under Subsection (b)(5). Similar language is found in § 59.11(b)(6) and § 65.2(b)(5). In the Preamble to the proposed regulation, the Commission specifically notes that it is seeking comment on what should be meant by the term "substantial." Commentators have provided feedback on this issue and have suggested the utility that was harmed be the party responsible for reporting the accident because they would have a better understanding of the extent of the damage. We agree that the final-form regulation should include a more precise standard relating to the term "substantial." In addition, we ask why it is appropriate for the utility that causes the damage to report the accident and not the utility whose property was damaged.

Finally, commentators have raised the concern that the information being requested via this subsection is already available to the Commission through other reports that must be filed with the Pennsylvania Department of Labor and Industry under the Underground Utility Line Protection Law. (73 P. S. § 176 et. seq.). If the Commission already has access to this information, what is the need for including this requirement under Subsection (b)(5)?

Subsection (f) Internal investigative reports.

The Commission is proposing to add the following language to this subsection and also to § 59.11(e) and § 65.2(e):

> The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b)(1), (2) and (4). The final internal investigation report shall be treated in accordance with 66 Pa.C.S. § 1508 (relating to the reports of accidents). If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission's Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

Commentators have noted that these reports are often prepared in anticipation of litigation or criminal proceedings. They are concerned that providing the written reports may violate certain attorney-client privileges and the Pennsylvania Rules of Professional Conduct. One commentator noted that the protections afforded under 66 Pa.C.S. § 1508 can only be extended to events and reports when a person was killed or injured. Therefore, the protections of § 1508 would not be applicable to cyber-security attacks. Given these concerns, we recommend that the Commission allow utilities to redact certain information or provide a mechanism that would allow utilities to request an exemption or waiver from this requirement.

6. Section 67.1. General Provisions.—Need; Fiscal impact; Implementation procedures.

Subsection (b) currently requires utilities that experience unscheduled service interruptions to provide written notification to the Commission. The existing regulation requires the notification to include 10 pieces of information. The revised regulation amends this subsection to require six additional pieces of information. Commentators have suggested that the existing reporting requirements are sufficient. What is the need for the additional information and how will it be used by the Commission?

Under Subsection (b)(1), utilities will be required to report the total number of outages that last five minutes or greater during an event. In addition, Subsection (b)(5)(i) will require utilities to list outage cases exceeding six or more hours by municipality or township. Commentators have stated that they are not equipped to capture this type of data. Will the Commission require a utility to provide this data if they do not have the technology to readily produce it? Has the Commission estimated the cost this requirement may impose on these utilities? The Commission should include the cost estimates in the RAF and Preamble that accompany the final-form regulation.

Environmental Quality Board
Regulation #7-453 (IRRC #2823)
Administration of the Land Recycling Program

May 5, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the March 6, 2010 *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 Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Section 250.11. Periodic review of MSCs.—Implementation procedures.

Under this new section, the EQB is proposing a plan to keep the medium-specific concentrations (MSCs) current by requiring reviews of the MSCs as new scientific information becomes available, but in no case more than 36 months after the effective date of the most recently promulgated MSCs. A commentator is concerned with how the Department of Environmental Protection (Department) will implement this provision and the effects it might have on remediation projects that are either in the planning stages or have already begun. For example, if an MSC value changes during a remediation project, what standard will be required? It would benefit the regulated community to include language in the final-form regulation that spells out how any changes to MSCs will be administered.

2. Sections 250.304. MSCs for groundwater and 250.305. MSCs for soil.—Statutory authority; Legislative intent; Implementation procedures; Clarity.

Under Subsection (c), the EQB is amending a reference to an EPA Office of Water Publication. As required by Section 1.6 of the *Pennsylvania Code & Bulletin Style Manual*, the year or edition of the document being incorporated by reference should be included in the final-form regulation.

In addition, the EQB is adding similar language under both sections that would require remediators using the statewide health standards (SHSs) of the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101 et. seq.) (Act 2) to address vapor intrusion exposure pathways in one of two ways. Listed below is the language being added as Subsection (h) under both sections:

> The methodology used by the Department for calculating the MSCs for groundwater/soil does not ad-

dress the vapor intrusion exposure pathway. Therefore, to demonstrate attainment under the act for the vapor intrusion exposure pathway the remediator shall address the vapor intrusion exposure pathway in accordance with section 304(f)(4) of the act (35 P. S. § 6026.304(f)(4)) and Subchapter D (relating to site-specific standard), or in accordance with technical guidance published by the Department addressing vapor intrusion into buildings from groundwater and soil under the Statewide health standard.

We have three concerns with the new language. First, a commentator believes that the Department lacks statutory authority under Act 2 "to require evaluation of the vapor intrusion pathway through the MSC formulas, or otherwise under the SHS." It is our understanding that the Department can require this type of evaluation when a remediator is using the site-specific standards under Act 2, but cannot require this type of evaluation when a remediator is using the SHSs of Act 2. We ask the EQB to explain what authority it has to require remediators using SHSs to demonstrate attainment as required by these sections.

Second, the reference to technical guidance published by the Department is vague. We recommend that the final-form regulation include a specific name and/or document number for the technical guidance referenced above and also the year or edition of the document.

Third, a commentator believes that it is inappropriate to incorporate technical guidance by reference because it would give the document the authority of a duly promulgated regulation without the benefit of formal notice and a public comment period. As suggested by the commentator, has the EQB considered including the full language of the guidance document in these regulations?

3. Appendix A, Table 1—Medium-Specific Concentrations (MSCs) for Organic Regulated Substances in Groundwater.—Statutory authority; Legislative intent.

Methyl Tertiary Butyl Ether (MTBE)

In existing regulation, the MSC for MTBE is 20 ug/l for groundwater used for drinking water. That numeric standard is not being amended under this proposed rulemaking. However, the EQB is deleting the designation of (h), lifetime health advisory level, from the table. According to the EQB, MTBE is no longer included in the EPA "Drinking Water Standards and Health Advisories" table and there is no published concentration number. Therefore, the designation is being deleted.

In its discussion of the treatment of this MSC in the Preamble to the rulemaking, the EQB included the following statement: "The Department has decided that the previously considered revisions for MTBE included in the September 1, 2009 draft, which allowed for higher concentrations of MTBE based on health based calculations, would have resulted in unacceptable taste and odor impacts on groundwater used for drinking water." Public commentators are concerned with the EQB's decision to retain the existing numeric value for MTBE. As noted in the Preamble, the Department's Cleanup Standards Scientific Advisory Board (CSSAB) also has concerns, "because they do not reflect specific health-based criteria from the Land Recycling Act."

Aside from the debate on the underlying science of the MSC for MTBE, we have concerns with the process used by the EQB. First, as noted by a commentator, "In the absence of an MCL or an HAL, the Department is statutorily required to calculate the MSC using valid scientific methods that are not more stringent than the health-based criteria set forth in Section 303 of the Land Recycling Act." We agree with the commentator and note that the deletion of the lifetime health advisory level designation would mandate that MSC for MTBE be calculated using valid scientific methods. 35 P. S. § 6026.303(c).

Second, what is the EQB's statutory authority for basing any MSC on unacceptable taste and odor impacts? How does the EQB's decision to retain the MSC for MTBE at 20 ug/l fit into the General Assembly's declaration of policy found in the Section 102 of the Act:

> Cleanups should be based on the actual risk that contamination on the site may pose to the public health and the environment, taking into account its current and future use and the degree to which contamination can spread offsite and expose the public or the environment to risk, not on cleanup policies requiring every site in this Commonwealth to be returned to a pristine condition. (35 P. S. § 6026.102(6))

We believe this declaration of policy clearly establishes the intent of the General Assembly. We urge the EQB to listen to the advice of the CSSAB and align the MSC for MTBE with actual health risks, not taste or odor.

4. Appendix A, Table 2—Medium Specific Concentrations (MSCs) for Inorganic Regulated Substances in Groundwater.—Need.

Sulfate

A commentator has questioned the rationale for adding sulfate to this table. In the Preamble to the final-form rulemaking, the EQB should explain why this substance in being added to Appendix A, Table 2.

5. Miscellaneous clarity.

EQL

The definition of this term found under § 250.1 is being amended to read as follows:

> Estimated quantitation limit. The lowest concentration that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions. The EQL is generally 5 to 10 times the MDL (method detection limit). However, it may be nominally chosen within these guidelines to simplify data reporting. For many analytes the EQL analyte concentration is selected as the lowest non-zero standard in the calibration curve. Sample EQLs are highly matrix dependent. The EQLs in the EPA publication *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods* [SW-846] are provided for guidance and may not always be achievable.

Regulations have the full force and effect of law and establish a binding norm that is applicable to all that fall under its jurisdiction. Therefore, regulations must be clear and unambiguous. The first sentence of this definition, "The lowest concentration that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions." accomplishes this goal. However, the remaining sentences lack the clarity needed to establish a binding norm. We recommend that they be deleted from the final-form regulation.

Environmental Quality Board
Regulation #7-454 (IRRC #2824)

Administration of the Uniform Environmental Covenants Act

May 5, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the March 6, 2010 *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 Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Economic Impact.

In the Preamble, the EQB states it does not anticipate increased costs except for the $350 filing fee. In the Regulatory Analysis Form, the EQB estimates $105,000 of costs imposed on the regulated community due to the filing fee. The EQB states that the use of environmental covenants is established by the Uniform Environmental Covenants Act (UECA), and therefore any costs are imposed by the UECA, not the proposed regulation.

Commentators disagree and ask that the EQB also include the costs of development of environmental covenants, internal review of environmental covenants and the administrative and legal costs to demonstrate an environmental covenant on a property can be removed. Commentators noted the filing of draft environmental covenants and then later filing final versions would also be costly. We ask the Board to quantify these costs, or in the alternative, to explain why these costs should not be included in the economic impact analysis of this regulation.

2. Section 253.1. Definitions.—Clarity.

Department and EQB

The term "Department" is used throughout the regulation, including within the definition of "agency." Subsection 253.2(e) uses both the terms Department and agency. Additionally the term "EQB" is used in Subsection 253.7(c). For clarity, we recommend defining both of the terms "Department" and "EQB" in the regulation.

Final Report and Remedial Action Completion Report

Commentators requested an amendment to these definitions to recognize that a combination of cleanup standards may be used under the Land Recycling Act. We recommend adding this clarification or, alternatively, that the EQB provide an explanation of why this amendment is not appropriate.

Regulated substances

This term is used in the definitions of "engineering controls" and "institutional controls." For clarity, we recommend adding a definition of "regulated substances."

3. Section 253.2. Contents and form of environmental covenant.—Consistency with statute; Need; Reasonableness; Clarity.

Detailed narrative

In addition to the required information an environmental covenant must include that is listed in Subsection (a), Paragraph (b)(6) permits optional information to include:

> A *detailed* narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure and the location and extent of the contamination. (Emphasis added.)

Both the regulatory and statutory provisions list the information to be included in the narrative. However, the regulatory provision differs from the parallel language in 27 P. S. § 6504(b)(6) by adding the word "detailed" to the narrative. We have two concerns. First, why is the word "detailed" needed in addition to the statutory language? Second, what guidance does the word "detailed" provide? The EQB should explain why the regulation varies from the statute, how the requirement for a "detailed" narrative differs from the statutory language and how the word "detailed" provides better direction than what is found in the statute.

Date of receipt

Paragraph (c)(5) states:

> The date the Department receives the necessary copies of the signed final covenant, and the information reasonably required by the Department to make a determination concerning the approval or disapproval of the covenant, shall be designated as the "date of receipt" under section 6504(c)(4) of the UECA (relating to contents of environmental covenant).

We note that this provision was added to the statutory provisions found in 27 P. S. § 6504(c).

There are two concerns. First, it is not clear how to determine when the criterion is met regarding "information reasonably required by the Department to make a determination." This criterion is also contained in Paragraph (4). We recommend that within a certain time period after the covenant is filed, the Department send written notice to the remediator indicating the start of the 90-day time period or that additional information is required for the filing to be considered complete.

Second, commentators believe it is unnecessary and premature to require a "signed final covenant" at this point in the process. The commentators assert that the expense of providing a final covenant would be wasted if that covenant is required to be changed. They also point out that if the draft covenant is approved, it could be signed afterward but prior to recording the environmental covenant. The EQB should explain why it is reasonable and cost effective to require a "signed final covenant" in Paragraph (c)(5).

Appeals

27 P. S. § 6504(c)(5) was omitted from the regulation. It states, "[T]he Department's decision to approve or not approve an environmental covenant is appealable to the board." The regulation should include this provision. In addition, a definition of "board" would be needed in section 253.1.

Need for Subsection (d)

Commentators believe Subsection (d) is repetitive of provisions already contained in Subsections (a), (b) and (c). Some do not believe Subsection (d) is needed, while others believe it imposes mandatory requirements not found in the UECA relating to Subsection (b). The EQB should explain why Subsection (d) is needed and reasonable.

Model covenant

Subsection (e) provides that the covenant "will be in the form of the Model Covenant posted on the Department's web site or any other form acceptable to the agency." Commentators believe that, based on their experience,

the model will be enforced as the de facto regulation outside the regulatory review process. For example, commentators state that the model covenant contains reporting obligations that they believe have been carried into actual covenants unnecessarily.

While we believe examples can provide needed guidance toward regulatory compliance, we agree that the example must be understood to be an example and should not be raised to the level of enforcement as if it were a regulation. Therefore, we recommend adding clarification to Subsection (e) that states other covenants will be accepted by the Department that meet the requirements of the UECA and that the model covenant is only one example of how to comply.

4. Section 253.3. Notice of environmental covenant.—Reasonableness; Need.

Subsection (c)

This subsection limits the opportunity to file waiver information to "no later than the date the draft environmental covenant is submitted to the agency." Commentators believe this may be too restrictive. They believe after a filing there may be discussions with the agency that results in a change to the notification list. The EQB should explain why the waiver information is needed when the draft environmental covenant is submitted.

5. Section 253.4. Requirements for and waiver of environmental covenants.—Consistency with statute; Need.

Subsection (a)

This subsection is similar to 27 P. S. § 6517(a)(1), but not identical. The regulation uses the phrase ". . . controls *used* to demonstrate *or maintain* attainment of a remediation standard . . . ." The regulation also states ". . . shall be *implemented through* an environmental covenant." (Emphases added.) It is not clear why these phrases were substituted for the statutory language. The EQB should explain why these amendments to the statutory language are needed and what purpose they serve.

Subsection (b)

A commentator observes that the requirements in this subsection do not appear in the UECA and suggests deleting it. The commentator explains that an environmental covenant would essentially be redundant of requirements already in other required agreements. The EQB should explain why Subsection (b) is needed.

Subsections (c) and (d)

Commentators believe the Department will not have sufficient information to make an informed decision on waiver requests at the times they are required under subsections (c) and (d). They believe waivers need to be considered later in the process. The EQB should explain why information on waivers is needed as specified in Subsections (c) and (d) and how the Department can properly review the waiver requests at that time.

6. Section 253.5. Submission of environmental covenants and related information.—Consistency with statute; Economic impact; Need; Reasonableness.

Timing of submission

Extensive public comment was submitted relating to Subsections (a), (b) and (d). Commentators stated:

- The time frames established in Section 235.5 are unworkable, impractical and not authorized by the UECA or any other statute.
- The timing of the submittal requirements in these provisions is too early to be productive.
- It is premature and a waste of resources to prepare and negotiate the terms of an environmental covenant before the facts underlying the environmental covenant are determined.
- An environmental covenant should be the last step in the remediation process.
- The time and cost of the work will have to be repeated because the environmental covenant will likely need to be revised based on the remedial outcome.

We are concerned that resources may be wasted and question why draft and final environmental covenants are needed at the points specified in Subsections (a), (b) and (d). The EQB should explain how the process in the regulation represents an effective use of time and resources for all parties involved. We will evaluate this response, as well as the response to public comment on these sections as part of our determination of whether the final regulation is in the public interest.

Names and current addresses

Subsection (c) requires a list of the names and current addresses of persons involved with the environmental covenant. That list must be provided when the unsigned draft of the environmental covenant is submitted. A commentator believes Subsection (c) is burdensome and describes it as a useless recordkeeping exercise because the list could be substantially changed by the time the environmental covenant is finalized. Another commentator suggests that the information required by Subsection (c) should not be required if that information is already contained in the environmental covenant. The EQB should explain why the list required by Subsection (c) is needed in addition to the information in the environmental covenant and also why the list is needed and useful when the unsigned draft is submitted.

7. Section 253.6. Requirements for county recorder of deeds.—Statutory authority.

Recorder of deeds

This section directs the actions of a recorder of deeds. Subsection (a) directs that "the recorder of deeds shall provide" a copy of the recorded document. Subsection (b) states the "county recorder of deeds may not require payment of the Realty Transfer Tax . . . ." It is not clear in the regulation or Preamble what authority the EQB is using to regulate the actions of recorder of deeds. The EQB should explain its statutory authority to enforce Section 253.6.

8. Section 253.7. Fees.—Clarity; Economic impact.

Application of the fee

A commentator is concerned that the application of the $350 fee is not sufficiently clear given the regulation's requirements for multiple submittals of draft and final environmental covenants. We agree. For example, the regulation does not address amendments the Department may require to an environmental covenant. The regulation should clearly state what filings require payment of a fee.

9. Section 253.8. Subordination.—Consistency with statute; Need; Clarity.

Parallel provisions in 27 P. S. § 6503(d)

A commentator noted that this section includes portions and excludes portions of the parallel provision in 27 P. S. § 6503(d). We agree that, for example, the second sen-

tence of 27 P. S. § 6503(d)(3) is not included in Subsection (c) of the regulation. Also 27 P. S. § 6503(d)(1) is not included in the regulation. We recommend including all of the provisions from 27 P. S. § 6503(d) in the regulation. Alternatively, the EQB should explain why only portions are needed.

10. Section 253.10. Conversion and waiver of conversion.—Consistency with statute; Reasonableness; Clarity.

Activity and use limitations

Subsection (a) closely tracks the language of 27 P. S. § 6517(b)(1), but excludes the statutory phrase "which establishes activity and use limitations." The EQB should explain why this statutory phrase was omitted in the regulation.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-916. Filed for public inspection May 14, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Form

Reg. No.	*Agency/Title*	*Received*	*Public Meeting*
14-514	Department of Public Welfare Assisted Living Residences	5/3/10	6/3/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-917. Filed for public inspection May 14, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Green Ridge Health Care Center, LLC

Green Ridge Health Care Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Green Ridge Village of Scranton in Scranton, PA. The initial filing was received on April 21, 2010, and was made under the requirements set forth under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-918. Filed for public inspection May 14, 2010, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Guardian Elder Care at Mountain Top I, LLC

Guardian Elder Care at Mountain Top I, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Mountain Top Senior Care and Rehabilitation Center in Mountain Top, PA. The initial filing was received on April 27, 2010, and was made under the requirements set forth under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-919. Filed for public inspection May 14, 2010, 9:00 a.m.]

Pennsylvania National Mutual Casualty Insurance Company; Homeowners Program; Rate Revision

On May 3, 2010, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 7.0% increase amounting to $1,810,000 annually, to be effective August 15, 2010, for new business and renewal business.

Unless formal administrative action is taken prior to July 2, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. On the "At a Glance" tab, click on the link "Services for Insurance Companies," then click "Industry Activity." On this web page, click "Product Filing Notices" under the "Product Rate and Activity" heading.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-920. Filed for public inspection May 14, 2010, 9:00 a.m.]

Pennsylvania Professional Liability Joint Underwriting

On April 30, 2010, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association (JUA) a filing to decrease rates overall by 9.4% for institutional and non-institutional health care providers.

The filing does not include any revisions to the current class, specialty or territory relativities.

Unless formal administrative action is taken prior to June 29, 2010, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2011, by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. On the "At A Glance" tab, click on the link "Services for Insurance Companies," then click "Industry Activity." On this web page, click "Product Filing Notices" under the "Product Rate and Activity" heading.

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-921. Filed for public inspection May 14, 2010, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the automobile policies. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Bureau of Consumer Services, Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of State Farm Mutual Automobile Insurance Company; file no. 10-216-85638; Andrew Urbanski; Doc. No. PH10-04-027; June 11, 2010, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-922. Filed for public inspection May 14, 2010, 9:00 a.m.]

Senior Health Insurance Company of Pennsylvania, Rate Increase Filing for LTC Forms

Health Insurance Company of Pennsylvania is requesting approval to increase the premium 25% on Long-Term Care policy forms ATL-NCP-88, ATL-NHP-1, ATL-CIS-85, ATL-CSN-78, SNH, GMA, UW-LTC-100-89, UW-SNC, UW-LTC-100-88, AI-NH, AIG-NH and WORLD-NH. A total of 1,525 policyholders in this Commonwealth will be affected by this rate adjustment.

Unless formal administrative action is taken prior to July 29, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. On the "At a Glance" tab, click on the link "Services for Insurance Companies," then click "Industry Activity." On this web page, click "Product Filing Notices" under the "Product Rate and Activity" heading.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-923. Filed for public inspection May 14, 2010, 9:00 a.m.]

LEGISLATION REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.39—Use of Complete Physical Street Addresses For Department of General Services Owned or Administered Buildings, Amended April 13, 2010.

Management Directive No. 530.21—Paid Absence for Blood Donation, Amended April 8, 2010.

Administrative Circular No. 10-04—Closing Instruction No. 2, Fiscal Year 2009-2010; Pre-closing at May 14, 2010, Dated April 16, 2010.

Administrative Circular No. 10-05—Closing Instruction No. 3, Fiscal Year 2009-2010; Prior Fiscal Year Appropriations Subject to Act 146 Waivers and Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated April 16, 2010.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 10-924. Filed for public inspection May 14, 2010, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for all Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on June 2, 2010, at 9:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective July 1, 2010.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on May 18, 2010, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on May 18, 2010, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on May 19, 2010, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on May 26, 2010, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 12 noon on June 1, 2010, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on May 21, 2010.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 10-925. Filed for public inspection May 14, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation

P-2010-2173992. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Red Front 115-12kV substation to be constructed in Lower Windsor Township, York County, PA is reasonably necessary for the convenience or welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 1, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

David B. MacGregor, Esquire, Post & Schell, P.C., Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Esquire, Post & Schell, P.C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-926. Filed for public inspection May 14, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 1, 2010. 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.

Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.

A-2010-2172634. Farm Folk, LLC (2184 West Route 897, Denver, Lancaster County, PA 17517), a limited liability company of the Commonwealth—persons, in airport transfer service, from points in the County of Lancaster to the Philadelphia International Airport, and the Harrisburg International Airport, excluding service under the jurisdiction of the Philadelphia Parking Authority.

Application 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 the application.

A-2010-2172619. Utopian Livery Service, LLC, (131 Hedgegrow Lane, West Chester, Chester County, PA 19380), a limited liability company of the Commonwealth—for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Femson Cab Co., Inc.; Doc. No. C-2010-2128650

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Femson Cab Co., Inc., Respondent, maintains a principal place of business at 8 Hirst Avenue, East Lansdowne, PA 19050.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 11, 1991, at A-00109834.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated August 31, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The penalty is $250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Femson Cab Co., Inc., the sum of two hundred and fifty dollars ($250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA. 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-927. Filed for public inspection May 14, 2010, 9:00 a.m.]

Telecommunications

A-2010-2173674. Verizon North, Inc. and Intrado Communications, Inc. Joint petition of Verizon North, Inc. and Intrado Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Intrado Communications, Inc., by its counsel, filed on April 29, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the 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 North, Inc. and Intrado Communications, 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.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-928. Filed for public inspection May 14, 2010, 9:00 a.m.]

Telecommunications

A-2010-2173669. Verizon Pennsylvania, Inc. and Intrado Communications, Inc. Joint petition of Verizon Pennsylvania, Inc. and Intrado Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Intrado Communications, Inc., by its counsel, filed on April 29, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the 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 Intrado Communications, 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.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-929. Filed for public inspection May 14, 2010, 9:00 a.m.]

Wastewater Service

A-2010-2174191. KH Wastewater Treatment Company, LLC. Application of KH Wastewater Treatment Company, LLC for approval to acquire the Wastewater Service Assets of Model Enterprises, Inc. and to begin to offer, render, furnish and supply wastewater utility service to the public in portions of Rapho Township, Lancaster County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 1, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: KH Wastewater Treatment Company, LLC

Through and By Counsel: Edmund J. Berger, Esquire, Berger Law Firm, PC, 2104 Market Street, Camp Hill, PA 17011

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-930. Filed for public inspection May 14, 2010, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts. The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 30, 2010	Ernest Coder (Purchase of Service)	2:30 p.m.
July 14, 2010	Denise M. O'Hara (Purchase of Service)	2:30 p.m.
August 25, 2010	Thomas G. Pugliese, Jr. (Purchase of Service)	1 p.m.
	Cynthia S. Parsons (Purchase of Service)	2:30 p.m.

Persons with a disability wishing to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Barbara Flurie, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 10-931. Filed for public inspection May 14, 2010, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 10, 2010	Allan C. Berkhimer Pension Forfeiture	1 p.m.
June 24, 2010	Suzanne E. Benchoff Purchase of Service	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,
Secretary

[Pa.B. Doc. No. 10-932. Filed for public inspection May 14, 2010, 9:00 a.m.]