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# PENNSYLVANIA BULLETIN

Volume 36

Number 24

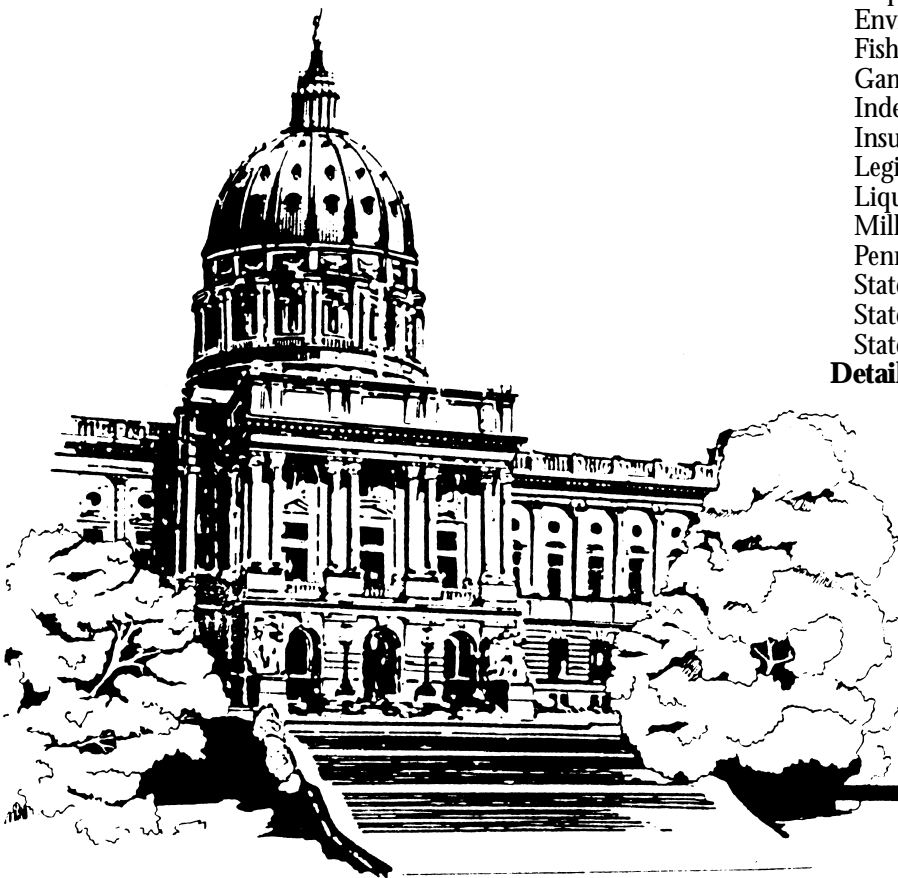
Saturday, June 17, 2006 • Harrisburg, PA

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State Tax Equalization Board

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS [207 PA. CODE CHS. 33 AND 51]

The Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges; No. 231 Magisterial Doc. No. 1

#### Order

*Per Curiam*

*And Now*, this 1st day of June, 2006, pursuant to the authority granted by Article V, Section 10 of the Pennsylvania Constitution, this Court hereby reaffirms its adoption of the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges as the exclusive means of regulating the conduct of all judicial officers under the supervision of the Supreme Court. The Court finds that disqualification from proceedings is the most appropriate means of ensuring judicial integrity and impartiality in proceedings, including, but not limited to, those arising from the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.).

No judge shall have a financial interest, as defined by Section 1512(B) of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.), in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company thereof or any such applicant, or engage in the active ownership or participate in the management of any such entities and related companies. The term “judge” shall include justices, judges of the Superior Court, judges of the Commonwealth Court, judges of the Courts of Common Pleas, judges of Philadelphia Municipal Court, judges of Philadelphia Traffic Court and magisterial district judges, but shall not include lawyers and non-lawyers performing judicial functions, including but not limited to masters and arbitrators, for the Unified Judicial System.

Canon 3(C) of the Code of Judicial Conduct and Rule 8(A) of the Rules Governing Standards of Conduct of Magisterial District Judges continue to govern the disqualification of judicial officers where the interest in or relationship with a licensed racing or licensed gaming entity or related company thereto, or any such applicant therefor, of the judge or a family member is at issue.

Accordingly, the Notes to Canon 5(C) of the Code of Judicial Conduct and Rule 13 of the Rules Governing Standards of Conduct of Magisterial District Judges are promulgated as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of the Code of Judicial Conduct and Rules Governing Standards of Conduct of Magisterial District Judges is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 33. CODE OF JUDICIAL CONDUCT

#### Subchapter A. CANONS

**Canon 5. Judges should regulate their extra-judicial activities to minimize the risk of conflict with their judicial duties.**

\* \* \* \* \*

#### C. *Financial activities.*

\* \* \* \* \*

(4) Information acquired by judges in their judicial capacity should not be used or disclosed by them in financial dealings or for any other purpose not related to their judicial duties.

**Official Note:** Pursuant to the authority granted by Article V, Section 10 of the Pennsylvania Constitution, the Supreme Court adopted the Code of Judicial Conduct as the exclusive means of regulating the conduct of judicial officers under the supervision of the Supreme Court (see also Rules Governing Standards of Conduct of Magisterial District Judges). Disqualification from proceedings is the most appropriate means of ensuring judicial integrity and impartiality in proceedings, including, but not limited to, those arising from the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.).

No judge shall have a financial interest, as defined by Section 1512(B) of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.), in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company thereof or any such applicant, or engage in the active ownership or participate in the management of any such entities and related companies. The term “judge” shall include justices, judges of the Superior Court, judges of the Commonwealth Court, judges of the Courts of Common Pleas and judges of Philadelphia Municipal Court, but shall not include lawyers and non-lawyers performing judicial functions, including but not limited to masters and arbitrators, for the Unified Judicial System.

Canon 3(C) of the Code of Judicial Conduct continues to govern the disqualification of judges where the interest in or relationship with a licensed racing or licensed gaming entity or related company thereto, or any such applicant therefor, of the judge or a family member is at issue.

#### CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

#### PENNSYLVANIA RULES FOR MAGISTERIAL DISTRICT JUDGES

#### Rule 13. Incompatible Practices.

\* \* \* \* \*

**Official Note:** The next to the last sentence of this rule is derived in part from Canon 5C(1) of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct.

Pursuant to the authority granted by Article V, Section 10 of the Pennsylvania Constitution, the Supreme Court adopted the Rules Governing Standards of Conduct of Magisterial District Judges as the exclusive means of regulating the conduct of magisterial district judges under the supervision of the Supreme Court. Disqualification from proceedings is the most appropriate means of ensuring judicial integrity and impartiality in proceedings, including, but not limited to, those arising from the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.).

No magisterial district judge shall have a financial interest, as defined by Section 1512(B) of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. § 1101 et seq.), in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company thereof or any such applicant, or engage in the active ownership or participate in the management of any such entities and related companies.

Rule 8(A) of the Rules Governing Standards of Conduct of Magisterial District Judges continues to govern the disqualification of magisterial district judges where the interest in or relationship with a licensed racing or licensed gaming entity or related company thereto, or any such applicant therefor, of the magisterial district judge or a family member is at issue.

[Pa.B. Doc. No. 06-1057. Filed for public inspection June 16, 2006, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[246 PA. CODE CHS. 200—500]

Order Amending Rules 202, 207, 315, 318, 324, 421, and 514 and Adopting New Rule 207.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 230 Magisterial Doc. No. 1

#### Order

The Minor Court Rules Committee has prepared a Final Report explaining the Supreme Court of Pennsylvania's Order amending Rules 202, 207, 315, 318, 324, 421, and 514, and adopting new Rule 207.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges, effective October 1, 2006. These rule changes further provide for definitions, representation in magisterial district court proceedings, attorneys of record, and notices. The Final Report follows the Court's Order.

*Per Curiam:*

And Now, this 1st day of June, 2006, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at Volume 33, *Pennsylvania Bulletin*, page 4892 (October 4, 2003), and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.M.D.J. Nos. 202, 207, 315, 318, 324, 421, and 514 be, and hereby are, amended in the following form, and new Pa.R.C.P.M.D.J. No. 207.1 be, and hereby is, adopted in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2006.

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

##### Rule 202. Definitions.

As used in these rules, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

“adult” means an individual eighteen years of age or older;

“attorney at law” means an individual admitted to practice law by the Supreme Court of Pennsylvania;

“attorney of record” means an attorney at law who has filed a written document in accordance with Rule 207.1 as appearing for and representing a party in a legal proceeding;

\* \* \* \* \*

##### Rule 207. Representation in Magisterial District Court Proceedings.

(A) In magisterial district court proceedings[, individuals ]:

(1) Individuals may be represented by themselves [or by counsel and corporations may be represented by their officers or counsel], by an attorney at law, or by a representative with personal knowledge of the subject matter of the litigation and written authorization from the individual to appear as the individual's representative.

(2) Partnerships may be represented by an attorney at law, a partner, or by an employee or authorized agent of the partnership with personal knowledge of the subject matter of the litigation and written authorization from a partner to appear as the partnership's representative.

(3) Corporations or similar entities and unincorporated associations may be represented by an attorney at law, by an officer of the corporation, entity, or association, or by an employee or authorized agent of the corporation, entity, or association with personal knowledge of the subject matter of the litigation and written authorization from an officer of the corporation, entity, or association to appear as its representative.

(B) A representative, employee, or authorized agent may take no action on behalf of a party until the written authorization required under paragraph (A)(1), (2), or (3) is filed with the court.

**Official Note:** This rule is intended to permit a non-lawyer representative, employee, or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, or unincorporated association, but not to allow a non-lawyer to establish a business for the purpose of representing others in magisterial district court proceedings.

It is intended that the designation of a non-lawyer representative, employee, or authorized agent to represent a party is to apply only on a case-by-case basis. A party may not give blanket authorization for a non-lawyer representative, employee, or authorized agent to represent the party in all cases involving the party.

As to "personal knowledge of the subject matter of the litigation" see Pa.R.E. 602 and Comment.

A business organized as a sole proprietorship may be represented in the same manner as an individual under paragraph (A)(1).

**Official Note:** See rules in [ the 800 Series ] Chapter 800 as to representation of minors and [ incompetents ] incapacitated persons by guardians.

**Rule 207.1. Attorney of Record; Notices.**

(A) An attorney at law shall be deemed the attorney of record for a party if and only if the attorney files with the magisterial district court a written statement acknowledging that he or she represents the party in the proceeding. The written statement must include the attorney's name, mailing address, and Supreme Court of Pennsylvania attorney identification number.

(B) An attorney of record for a party shall remain the attorney of record for that party until:

(1) the attorney of record gives written notice to the magisterial district court and the party that he or she is withdrawing as the attorney of record for the party, or;

(2) another attorney becomes the attorney of record for the party in accordance with paragraph (A).

(C) Except as otherwise provided in these rules, when a party has an attorney of record or is represented by a non-lawyer representative under Rule 207, and when a rule specifies that a notice is to be given or mailed to the party, a copy of the notice shall also be given or mailed to the attorney of record or the non-lawyer representative.

**Official Note:** Paragraph (B) provides for the withdrawal of an attorney of record. Nothing in this rule requires leave of court or that another attorney become the attorney of record before an attorney may withdraw. But compare Pa.R.C.P. No. 1012(b). Nothing in paragraph (B) is intended to affect an attorney's ethical duty to his or her client. See Pennsylvania Rules of Professional Conduct Rule 1.16.

Paragraph (C) makes clear that copies of all notices must be given or mailed to all parties of record as well as to all attorneys of record and non-lawyer representatives.

See Rule 207 regarding the designation and authorization of a non-lawyer representative.

**CHAPTER 300. CIVIL ACTION**

**Rule 315. Claim by Defendant.**

\* \* \* \* \*

B. The rules governing the form, processing, and service of a plaintiff's complaint shall apply also to the defendant's complaint. The magisterial district judge

shall set a date and time for the consolidated hearing of both complaints [ together ] that shall not be less than 12 or more than 30 days from the filing of the defendant's complaint. The magisterial district court shall promptly notify the parties of the date and time set for the consolidated hearing of both complaints.

\* \* \* \* \*

D. [ If the defendant files a cross-complaint, the magisterial district judge shall promptly notify the plaintiff of the time and date set for the hearing of both complaints together. If the plaintiff has an attorney of record, the notice shall be given to the attorney of record instead of to the plaintiff. ] Rescinded.

**Official Note:** [ Subdivision ] Paragraph A of this rule permits the defendant to file a cross-complaint against the plaintiff at least five days before the date originally set for the hearing, if it is for a claim cognizable by a magisterial district judge. See Section 1515(a)(3) of the Judicial Code, 42 Pa.C.S. § 1515(a)(3), as to waiver of jurisdictional limits, a defendant filing a cross-complaint being considered a "plaintiff" as to the cross-complaint within the meaning of this statute. The requirement that a cross-complaint be filed at least five days before the hearing is intended to give the magisterial district judge time to notify the [ plaintiff or the plaintiff's attorney, under subdivision D of the rule, of any new hearing time and date ] parties of any new hearing date and time. Notice under [ subdivision D ] paragraph B is not a substitute for [ the ] proper service [ required under subdivision B ]. If the defendant does not file an action at least five days before the hearing, the defendant may still file a complaint against the plaintiff, but it will not be processed as a cross-complaint.

\* \* \* \* \*

**Rule 318. Informing Plaintiff of Notice of Intention to Defend.**

If the defendant gives the magisterial district [ judge ] court notice of [ his ] intention to defend [ under ] in accordance with Rule 305(4)(a), the magisterial district [ judge ] court shall promptly [ inform the plaintiff in writing that he has received such a notice by mailing to the plaintiff a copy of the completed Notice of Intent to Defend form. If the plaintiff has an attorney of record named in the complaint form, this information shall be given to the attorney of record instead of to the plaintiff ] give the plaintiff written notice that the defendant intends to enter a defense.

**Official Note:** No specific form of notification from the defendant to the magisterial district court is required by this rule, but entries on the [ complaint form ] docket will show that the defendant gave notice of [ his ] intention to defend and that the magisterial district [ judge informed ] court gave written notice to the plaintiff [ or his attorney of record thereof, when these events have occurred. A notation that a copy of the Notice of Intent to Defend form was sent to the plaintiff or his attorney of record shall be made on the complaint maintained in the magisterial district judge's files ].

Rule 324. Notice of Judgment[, ] or Dismissal [or Continuance, ] and the Right to Appeal.

A. [The] Upon the entry of the judgment, the magisterial district [judge] court shall promptly give or mail to the parties written notice of judgment[, ] or dismissal [or continuance. The written notice shall be given or mailed to all parties, but if any party has an attorney of record, the written notice shall be given or mailed to the attorney of record instead of to the party].

B. The written notice of judgment or dismissal shall contain:

(1) [advice as to] notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas,

(2) [a statement advising] notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge, and

(3) [a statement advising] notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the judgment debtor pays in full, settles, or otherwise complies with the judgment.

Official Note: As to [subdivision] paragraph B(2), see Rule 402D and Note. As to [subdivision] paragraph B(3), see Rule 341.

CHAPTER 400. EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 421. Time for Hearing and Determination; Effective Date of Orders and Determination.

\* \* \* \* \*

B. The magisterial district [judge] court shall promptly give or mail to the parties written notice of the determination. [If a party has an attorney of record the written notice shall be given or mailed to the attorney of record instead of to the party.] Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

\* \* \* \* \*

Official Note: [Subdivision] Paragraph A of this rule provides a time schedule within which the matters mentioned in Rule 420 must be heard and determined. These matters should be dealt with expeditiously.

[Subdivision] Paragraph D provides that, except for stays, determinations and orders of the magisterial district judge concerning the execution proceedings shall not take effect until after the expiration of ten days from the date of entry of the determination or order. This will give any aggrieved party in interest a chance to obtain a stay by filing a statement of objection in the court of common pleas during that period of time. See Rule 1016.

\* \* \* \* \*

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 514. Judgment; Notice of Judgment or Dismissal and the Right to Appeal.

\* \* \* \* \*

C. (1) Judgment shall be given at the conclusion of the hearing or within three [(3)] days thereafter [and shall be entered upon the form prescribed for the entry of judgment by the State Court Administrator].

(2) Upon the entry of the judgment, [copies of the prescribed form shall be given or mailed to all parties, but if any party has an attorney of record named in the complaint form the written notice shall be given to the attorney instead of to the party] the magisterial district court shall promptly give or mail to the parties written notice of judgment or dismissal. [Notice of judgment shall inform the parties of the right to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas.]

D. The written notice of judgment or dismissal shall contain:

(1) notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas,

(2) notice that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the magisterial district judge, and

(3) notice that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the magisterial district judge if the debtor pays in full, settles, or otherwise complies with the judgment.

Official Note: [Subdivision] Paragraph A of this rule requires that the plaintiff appear and give testimony to prove the complaint before the magisterial district judge can enter judgment against the defendant, even when the defendant fails to appear for the hearing. The magisterial district judge may not enter a default judgment in a possessory action, including a judgment for money only. See Rule 512A and Note. The various issues that the magisterial district judge must determine at the hearing include: whether notice to quit was given to the defendant in accordance with law or that no notice was required under the terms of the lease; the amount or rent due, if any; damages to the leasehold premises, if any; the amount found to constitute the monthly rental, and; the amount of the security deposit held by the landlord, if any.

As to the notice to quit requirement, see Section 501 of The Landlord and Tenant Act of 1951, 68 P.S. § 250.501. See also Patricia Bros., Inc. v. McKeefrey, 38 Pa. D. & C.2d 149 (Delaware County C.P. 1966).

The separate entries provided in [Subdivision] paragraph A are made necessary as a result of the rental deposit provisions for appeal or certiorari contained in Rules 1008B and 1013B, as well as the wage attachment provisions contained in Section 8127 of the Judicial Code, 42 Pa.C.S. § 8127.

As to paragraph D(2), see Rule 402D and Note. As to paragraph D(3), see Rule 341.

### FINAL REPORT<sup>1</sup>

#### *Amendments to Rules 202, 207, 315, 318, 324, 421, and 514, and Adoption of New Rule 207.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges*

#### **Definitions; Representation in Magisterial District Court Proceedings; Attorneys of Record; Notices**

On June 1st, 2006, effective October 1, 2006, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania amended Rules 202, 207, 315, 318, 324, 421, and 514, and adopted new Rule 207.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.<sup>3</sup>

#### **I. Background**

The Minor Court Rules Committee (hereinafter the Committee) undertook a review of the rules relating to representation in magisterial district court proceedings, attorneys of record, and notices to parties and attorneys in response to a number of inquiries and requests for clarification in the rules. As a result of the Committee's review, the Committee is proposing a number of rule changes, as described below, to

- clarify who may represent a party in a magisterial district court proceeding;
- establish a more formal procedure for an attorney to become the attorney of record in a case, and;
- clarify that all notices sent by the magisterial district court should go to all parties of record and all attorneys of record.

#### **II. Discussion**

##### *A. Representation in Magisterial District Court Proceedings*

A number of correspondents requested that the Committee clarify Pa.R.C.P.M.D.J. No. 207, regarding representation in magisterial district court proceedings. The Committee learned that there has been confusion and a lack of uniformity in the magisterial district courts as to who may represent certain parties. Of particular note, the Committee received inquiries about property managers or similar agents "representing" landlords in landlord/tenant hearings. The Committee learned that it is not uncommon for property managers to file landlord/tenant cases on behalf of their landlord clients, to appear at hearings, present testimony, and examine witnesses. The property managers argue that this is a service they should be permitted to perform for their landlord clients because the property managers are paid to handle the day-to-day operations of their clients' rental properties. Similarly, the Committee also received inquiries regarding a manager or other non-officer employee or agent representing a business entity.

The Committee engaged in extensive discussion of these issues. At the core of this discussion was an attempt to strike a balance between protecting the public by not permitting or sanctioning the unauthorized practice of law on one hand, and recognizing the need to make the magisterial district courts as accessible and "user

friendly" as possible on the other. The Committee considered very compelling arguments on both sides of this debate. Some argued that permitting a non-lawyer representative to present a case on behalf of the real party in interest would tacitly sanction the unauthorized practice of law.<sup>4</sup> Others argued that requiring more parties to be represented by lawyers would diminish the role of the magisterial district court as a forum where litigants can easily and inexpensively resolve disputes.

Initially, the Committee published a version of this proposal that would have expressly restricted appearances and representation in magisterial district court to only the real party in interest or an attorney at law, with only a limited exception for corporate parties.<sup>5</sup> Upon further consideration however, and after consultation with the Supreme Court, the Committee substantially revised its initial proposal to provide for representation by attorneys as well as, in certain circumstances, by non-lawyer representatives.

In the interest of promoting open access to the courts, the Committee concluded that a party appearing before a magisterial district court should be given the opportunity to be represented by a non-lawyer representative, employee, or agent who has personal knowledge of the subject matter of the litigation. Recognizing the often relatively uncomplicated matters that come before these courts, the Committee and the Court sought to draft a procedure that would permit a non-lawyer representative to appear on behalf of a party, but not to allow a non-lawyer to establish a business in order to represent others before magisterial district courts. For example, the Committee found compelling reasons to allow a property manager to file and present a landlord/tenant case on behalf of a landlord as part of the manager's broader property management services. The Committee recognized that the property manager is often more familiar with the day-to-day operations of a landlord's rental properties than is the landlord, and the manager is often in the best position to file and present a case on behalf of the landlord. In addition, the Committee found merit in allowing a relative, friend, or other interested person with personal knowledge of the subject matter of the litigation to appear on behalf of a party who is elderly, infirm, or who may benefit from having a representative file and appear on their behalf.

The Committee was satisfied that adequate safeguards will be in place to protect parties from receiving and acting upon incorrect "legal advice" from non-lawyer representatives. First, the rules will require that a non-lawyer representative, employee, or agent who appears on behalf of another must have "personal knowledge of the subject matter of the litigation." The Committee believes this personal knowledge must be of a first-hand nature, and beyond that acquired merely by talking to the represented party. To clarify this, the rules will include a cross-reference to Pa.R.E. 602 (Lack of Personal Knowledge) in order to provide guidance as to the meaning of "personal knowledge of the subject matter of the litigation." Second, the Official Notes to the rules will stress that that it is not the intent of the rules to permit a non-lawyer to establish a business for the purpose of representing others in magisterial district court proceedings. Finally, the Committee recognized that magisterial district judges are fully capable of conducting hearings in such a manner so as to maintain order and decorum

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Report.

<sup>2</sup> Recommendation No. 3 Minor Court Rules 2004.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 230, Magisterial Docket No. 1 (June 1, 2006).

<sup>4</sup> See generally Section 2524 of the Judicial Code (Penalty for unauthorized practice of law), 42 Pa.C.S. § 2524; *In re Campanella*, 207 B.R. 435 (Bankr. E.D. Pa. 1997).

<sup>5</sup> The Committee's initial proposal was published at Volume 33, *Pennsylvania Bulletin*, page 4892 (October 4, 2003).

while giving interested persons and their representatives appropriate opportunity to be heard.<sup>6</sup>

#### B. Attorneys of Record and Notices

In an issue tangentially related to representation in magisterial district court proceedings, the committee considered the rules relating to attorneys of record and notices to parties and attorneys. The Committee noted that the term "attorney of record" is used throughout the rules. There was no definition for the term, however, and no formal procedural mechanism for an attorney to become the attorney of record in a case. In addition, the Committee noted that the rules make reference to notices being sent to the attorney of record in 11 different instances. The rules, however, are somewhat inconsistent as to when a notice is to be given to the party, to the attorney of record, or both.

With regard to the procedure for an attorney to become the attorney of record in a case, the Committee believed it advisable that a more formal procedure be established. The Committee recognized that the rules require important notices, many affecting the rights of parties,<sup>7</sup> are to be sent to the parties and their representatives. Without a procedure in place to determine that a party has an attorney of record, some important notices might not get to counsel. At the same time, however, recognizing the relative informality and expedited nature of magisterial district court proceedings, the Committee wanted to avoid a very formal procedure for the "entry of an appearance" as is used in the courts of record. Specifically, the Committee did not want to propose a rule that would require leave of court before an attorney could withdraw as the attorney of record in a matter.

As noted above, the Committee found 11 different instances in the rules that provide for notices being sent to a party or the party's attorney of record. For example, the Committee discovered, among others, the following instances:

- Pa.R.C.P.M.D.J. No. 421B provides that, "[i]f a party has an attorney of record the written notice shall be given or mailed to the attorney of record instead of to the party."
- Pa.R.C.P.M.D.J. No. 514C provides that, "... if a party has an attorney of record *named in the complaint form*, the written notice shall be given to the attorney instead of to the party. (Emphasis added.)

The Committee found a number of other variations of these notice provisions throughout the rules. While some of these inconsistencies might be necessitated by differences in the procedures addressed in particular rules, the Committee reviewed each instance and attempted to draft procedures that are as consistent as possible in all the rules. Because attorneys often do not become involved in magisterial district court proceedings until later in the court process (e.g., after judgment is entered but before execution of the judgment), the Committee believed it advisable that all notices be sent to all parties of record and all attorneys of record.

<sup>6</sup> See Pa.Rs.Crim.P. 454 Comment and 542 Comment ("As the judicial officer presiding at the summary trial [or preliminary hearing], the issuing authority controls the conduct of the trial [or preliminary hearing] generally. . . . In the appropriate circumstances, the issuing authority may . . . permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the issuing authority." Pa.Rs.Crim.P. 454 Comment and 542 Comment.)

<sup>7</sup> Examples of such notices include, among others, hearing notices (Rules 305 and 504), judgment notices (Rules 324 and 514), notices regarding property rights determinations (Rule 421), etc.

### III. Approved Rule Changes

To address the issues discussed above, the Committee proposed and the Court adopted the following rule changes.<sup>8</sup>

#### A. Rule 202

The Committee proposed that two new definitions, for "attorney at law" and "attorney of record" be added to Rule 202. The approved definition of "attorney at law" is similar, but not identical to the definition in Pa.R.C.P. No. 76.

#### B. Rule 207

The Committee proposed a complete rewrite of Rule 207. New paragraph (A) will specify the manner in which individuals (paragraph (A)(1)), partnerships (paragraph (A)(2)), and corporations or similar entities and unincorporated associations (paragraph (A)(3)) may be represented in magisterial district court proceedings. All three paragraphs will provide for representation by an attorney at law or by a non-lawyer representative, employee, or authorized agent with personal knowledge of the subject matter of the litigation. In addition, all three paragraphs will require that a non-lawyer representative, employee, or authorized agent have written authorization from the party to be represented.

New paragraph (B) will make clear that the written authorization required in paragraph (A) must be filed with the court before the non-lawyer representative, employee, or authorized agent may take any action on behalf of the party. For example, if a property manager wishes to file a landlord/tenant complaint on behalf of a landlord, the property manager will be required to file the written authorization of the landlord contemporaneously with filing the complaint.

As noted above, the Official Note to the rule will make clear that it is the intent of the rule to permit a non-lawyer representative to appear on behalf of a party, but not to allow a non-lawyer to establish a business in order to represent others before magisterial district courts. In addition, the Official Note will make clear that it is intended that the designation of a non-lawyer representative, employee, or authorized agent to represent a party is to apply only on a case-by-case basis, and a party may not give blanket authorization for a non-lawyer representative, employee, or authorized agent to represent the party in all cases involving the party. The Official Note will also contain the cross-reference to Pa.R.E. 602 and Comment discussed above, and it will make clear that a business organized as a sole proprietorship may be represented in the same manner as an individual under paragraph (A)(1).

#### C. New Rule 207.1

The Committee proposed an entirely new Rule 207.1 (Attorney of Record; Notices) to provide a procedure for an attorney to become and withdraw as the attorney of record in a case, and provide for notices. Paragraph (A) of the new rule will establish the procedure for becoming attorney of record, essentially requiring that the attorney file a written document with the magisterial district court. Paragraph (B) will provide for the withdrawal of the attorney of record. Paragraph (C) will serve as a blanket provision requiring that all notices sent from the magisterial district court be sent to all parties of record and all attorneys of record or non-lawyer representatives.

<sup>8</sup> In addition to the substantive changes discussed here, the Committee proposes minor technical changes to address gender neutrality issues, add or correct cross-references, and to conform to modern drafting style.



The Official Note will cross reference Pa.R.C.P. No. 1012(b). Also, given the relative ease with which an attorney can withdraw, the Note will make clear that nothing in the rule is intended to affect an attorney's ethical duty to his or her client.<sup>9</sup>

D. *Correlative Amendments to Rules 315, 318, 324, 421, and 514*

The Committee proposed that Rules 315, 318, 324, 421, and 514 be amended to delete the duplicative and inconsistent notice provisions.<sup>10</sup> These notice provisions are no longer necessary because of the blanket provision in new Rule 207.1 requiring that "when a party has an attorney of record or is represented by a non-lawyer representative under Rule 207, and when a rule specifies that a notice is to be given or mailed to the party, a copy of the notice shall also be given or mailed to the attorney of record or the non-lawyer representative."

[Pa.B. Doc. No. 06-1058. Filed for public inspection June 16, 2006, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

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

#### Amended Administrative Order 10-2006

And Now, this 31st day of May, 2006, in order to modify policy and procedure for the Carbon County Intermediate Punishment Plan, it is hereby

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

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

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

By the Court

ROGER N. NANOVIC,  
President Judge

<sup>9</sup> See Rule 1.16 of the Rules of Professional Conduct.

<sup>10</sup> As noted in Section II.B., supra, there are additional instances in which the rules require a notice be sent to a party or attorney of record. These instances, however, relate to appeals in the courts of common pleas and must be dealt with in a slightly different context. These instances will be addressed in a separate proposal.

### Purpose

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

### Applicability

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

### Definitions

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

**1. Collateral Contact:** Communication with another person having regular contact with the offender, such as law enforcement personnel or treatment specialists.

**2. Criminal Justice Advisory Board:** A collective body of County officials that is responsible for the oversight of the County's Intermediate Punishment Plan and Programs.

**3. Home:** The actual living area of the temporary or permanent residence of an offender, which will only include "inside the confines" of the established home or apartment.

**4. Home Electronic Monitoring Program:** A sentence in which the offender is required to wear or carry an electronic device which transmits the offender's location to a receiver maintained by criminal justice personnel.

**5. House Arrest Program:** A sentence which orders offenders confined to their own residence except for preapproved excursions for medical treatment, employment, performance of community service work, drug/alcohol treatment or counseling and religious functions. House arrest may be combined with electronic monitoring to detect violations.

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

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

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

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

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

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

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

### Authority and Policy Statement

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

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

### Criminal Justice Advisory Board

In accordance with 42 Pa.C.S.A. § 9802, the Criminal Justice Advisory Board shall oversee the functions of the County's Intermediate Punishment Board. The Criminal Justice Advisory Board meets monthly and shall periodically assess available county-wide correctional services and future needs; shall work with the county office of probation and parole in developing the Intermediate Punishment Plan; shall adopt a county intermediate punishment plan, including program policies for administration; shall monitor the effectiveness of county correctional services and shall identify needed modifications.

### Primary Goals and Objectives

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

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

### Secondary Goals and Objectives

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

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

### Minimum Guidelines for Intermediate Punishment Programs

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

**1. Intensive Supervision Services:** The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Intensive Supervision Services Program (See 37 Pa. Code § 451.119). This program shall include the following elements:

- a. A drug testing capability for appropriate offenders.
- b. A monitoring component, which defines the frequency and method of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.
- c. Limitation of caseloads of program supervising officers consistent with the supervisory component as described in this policy statement.
- d. A minimum requirement that eight (8) to twelve (12) face-to-face and four (4) to six (6) collateral contacts be made by the supervising officer each month.
- e. A requirement that face-to-face and telephone contacts with offenders be made at all hours, seven (7) days per week.
- f. A requirement that there be additional qualifications for participating offenders, such as work or vocational training, community service, drug treatment, and, in appropriate cases, a curfew.
- g. Policy and procedure for responding to major and minor violations of the program.

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

- a. A drug testing capability for appropriate offenders.
- b. A requirement that offenders be employed or actively seeking employment or enrolled in educational program/vocational training or participating in community service, unless an offender is physically or mentally incapable of performing the same, and have fixed residences.

c. A monitoring component, which defines the frequency of face-to-face and collateral contacts to ensure offender's compliance with the conditions of the program.

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

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

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

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

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

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

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

**4. Residential Inpatient Drug and Alcohol Program:** The Carbon County Criminal Justice Advisory Board shall approve and implement written policies and procedures for the Residential Inpatient Drug and Alcohol Program. The board shall document that the services are provided by a licensee of the Department of Health, Office of Drug and Alcohol Programs (ODAP) for residential inpatient drug and alcohol treatment (See 37 Pa. Code § 451.121). This program shall include the following elements:

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

### Method of Supervision

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

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

**a. Community Supervision:** The officer shall maintain two (2) face-to-face contacts with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

**b. Collateral Contacts:** The officer shall maintain a minimum of one (1) collateral contact per week with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact per month must be with a law enforcement official.

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

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

**a. Community Supervision:** The officer shall maintain one (1) face-to-face contact with the offender on a weekly basis. Office contacts can be utilized for personal contacts, however, office contacts are discouraged and should not be relied upon by the officer.

**b. Collateral Contacts:** The officer shall maintain a minimum of three (3) collateral contacts per month with an individual who has direct contact with the offender on a regular basis. One (1) collateral contact must be with a law enforcement official.

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

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

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

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

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

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

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

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

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

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

### Intermediate Punishment Requirements

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

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

### Sentence of Intermediate Punishment

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

### Eligible Offenders

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

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

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

### Eligible DUI Offender

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

1. A residential inpatient treatment program or a residential rehabilitative center.
2. A house arrest program coupled with a home electronic monitoring program combined with drug and alcohol treatment.

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

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

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

- a. When there is no accident involved in the incident.
- b. When there is no alcohol related offenses involved with the incident.
- c. When the safety of the community was not placed at great risk during the incident.
- d. See Miscellaneous Eligibility Criteria.

### Ineligible Offenders

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

### Ineligible DUI Offenders

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

1. An offender with a BAC of .08% to .099%, second and third offense.
2. An offender with a BAC of .10% to .159% (High Rate of Alcohol), first offense.

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

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

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

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

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

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

#### **Miscellaneous Eligibility Criteria**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. 75 Pa.C.S.A. § 3802

b. former section 75 Pa.C.S.A. § 3731

c. an equivalent offense in another jurisdiction

2. Either:

a. The evaluation under paragraph (1) of 75 Pa.C.S.A. § 3814 (drug and alcohol assessments) indicates there is a need for counseling or treatment; or

b. The defendant's blood alcohol content at the time of the offense was at least .16%.

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

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

**Drug and Alcohol Assessments:** Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privileges is suspended or revoked), 3804 (relating to penalties) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall undergo an assessment under 75 Pa.C.S. § 3814 (relating to drug and alcohol assessments) and is recommended for participation in an intermediate punishment program shall, prior to sentencing be subject to a full assessment for alcohol and drug addiction.

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

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

### Target Population

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

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

1. The defendant shall be remanded to prison to serve the mandatory minimum sentence of thirty (30) days, however;
2. The offender shall serve only two (2) days of incarceration, which period of imprisonment shall be served on consecutive days.
3. After completion of the two (2) days of imprisonment, the defendant shall serve the remaining twenty-three (23) days on home electronic monitoring.

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

1. The defendant shall be remanded to prison to serve the mandatory minimum sentence of ninety (90) days, however;
2. The offender shall serve only thirty (30) days of incarceration, which period of imprisonment shall be served on consecutive days.
3. After completion of the thirty (30) days of imprisonment, the defendant shall serve the remaining sixty (60) days on home electronic monitoring.

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

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

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

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

### Driving While Operating Privilege is Suspended or Revoked—Driving Under the Influence Related:

An offender with a first conviction pursuant to 75 Pa.C.S.A. § 1543(b)(1) or 75 Pa.C.S.A. § 1543(b)(1.1)(i) shall be eligible for participation in Carbon County's home electronic monitoring program, provided the offender successfully completes an intermediate punishment investigation as described in this policy statement. If declared eligible, the defendant shall, at the discretion of the court, be sentenced to a period of confinement equal to one-third (1/3) of the sentence, with the balance, upon successful completion of the period of confinement, to be served on home electronic monitoring.

### Residential Inpatient Drug and Alcohol Program

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

### Work Release Privileges

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

### Service and Completion of Period of Confinement

Upon successfully serving the period of incarceration imposed by the court and without further order of court, the defendant shall be automatically released from prison and immediately report to the Carbon County Adult Probation for installation of the home electronic monitoring equipment.

### Prison Infractions

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

### Screening Process

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

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

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

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

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

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

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

### **Voluntary Participation**

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

### **Program Explanation**

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

### **Post Sentencing Orientation**

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

### **Intake Process**

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

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

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

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

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

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

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

### **Daily Activity Reports**

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

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

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

### **Equipment Responsibility**

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

### **Equipment Inventory After Installation**

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

### **Offender Subsistence**

Every offender placed in an intermediate punishment program will be responsible for their own subsistence, which includes, housing, clothing, medical care or other

treatment or household expenses. Every participant shall be afforded a designated time during the week for grocery shopping, medical appointments or other basic necessities. All departures from the approved schedule must receive prior approval by the intermediate punishment officer or Chief Adult Probation Officer.

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

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

#### **Program Violations**

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

##### **Minor Violations**

The following violations shall be considered minor in nature:

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

##### **Minor Violation Process**

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

1. Verbal reprimand.
2. Written violation report.
3. Administrative conference.
4. Increase in sanctions, such as, curfews; additional counseling or reporting, which changes shall be provided to the offender in writing.

##### **Major Violations**

The following violations shall be considered major in nature:

1. Possession of firearms, deadly weapons or offensive weapons.
2. Possession or consumption of alcoholic beverages.
3. Possession or positive urine test for a controlled substances.
4. Possession of drug paraphernalia.
5. Relocation from the approved residence without the prior approval of the assigned Officer.
6. A new arrest for violation of Municipal, County, State and Federal laws, as well as, provisions of the Liquor Code and the Vehicle Code.
7. Escape, which shall be defined as a period of one (1) hour or longer in which the participant has left the approved residence and is unaccounted for.
8. Repeated minor violations.
9. Destruction, theft or tampering with electronic monitoring equipment.

10. Operating a motor vehicle on a public highway while license is suspended.

11. Failure to maintain the scheduled drug/alcohol treatment plan.

12. Termination of offender's telephone service.

#### **Major Violation Process**

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

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

#### **Investigation of Detected Program Violations**

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

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

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

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

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

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

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

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

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

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

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

d. When the on-call officer is notified of a program violation, the officer shall respond to the page immediately. If the violation is for home electronic monitoring, the officer shall contact the central monitoring station to



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

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

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

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

1. Immediately notify the back-up on-call supervisor.
2. Contact the bail officer for possible assistance.
3. Contact other adult probation staff for possible assistance.
4. Contact the Carbon County Communications Center for possible assistance from the Carbon County Sheriff's Department.
5. If the Sheriff's Department is unavailable, then contact the local police department for possible assistance.
6. Under no circumstances shall a probation officer attempt to arrest the offender without proper authorization from the back-up on-call supervisor and proper presence of other adult probation staff or law enforcement personnel.
7. The offender shall be transported to prison by adult probation staff or the Sheriff's Department. A Warrant to Commit and Detain Form shall be executed and provided to prison officials for admission of the offender.
8. If the offender is immediately terminated from the program, then all home electronic monitoring equipment shall be removed from the residence and inventoried. The monitoring center shall be immediately notified of the termination.

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

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

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

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

(sentence of intermediate punishment) or 42 Pa.C.S. § 9773 (modification or revocation of intermediate punishment sentence).

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

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

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

#### **Termination Order**

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

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

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

#### **Cleaning of Equipment**

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

#### **Monitoring Fees**

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

#### **Offender Supervision Fees**

An offender placed on home electronic monitoring shall pay a monthly supervision fee as established by the court.

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

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

#### **Case Records**

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

#### **Transfer Cases**

The Intermediate Punishment Officer shall coordinate efforts with other jurisdictions when appropriate candidates are identified. When an offender resides in another jurisdiction, the intermediate punishment officer shall confer with the resident county to determine whether that jurisdiction has an intermediate punishment pro-

gram. All arrangements shall be made by the intermediate punishment officer and forwarded to the Court for review. All costs associated with other county's programs will be absorbed by the offender. Failure to cooperate and comply with the rules and regulations of the other jurisdiction's program will result in the offender being declared ineligible for participation.

**Courtesy Cases**

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

**Caseload Limits**

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

**Project Coordination**

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

[Pa.B. Doc. No. 06-1059. Filed for public inspection June 16, 2006, 9:00 a.m.]

**DAUPHIN COUNTY**

**Promulgation of Local Rules; Amending No. 1793 S 1989**

**Order**

*And Now*, this 1st day of June 2006, Dauphin County Local Rule of Criminal Procedure 106 is amended as follows:

**Rule 106. Continuances [Where Case Set for Jury Trial]**

(a) All **contested** motions for a continuance shall be in writing and filed with the Clerk of Courts no later than 4:00 p.m. on the Tuesday prior to the week of criminal jury trials during which the case is scheduled for trial. A copy of the motion shall be served on opposing counsel by the same deadline.

The motion shall contain a procedural history of the case, beginning with date of filing of the criminal complaint, and a recitation of any prior continuances sought. The motion shall aver whether opposing counsel has been contacted concerning the motion and shall state counsel's position thereon.

In cases which have been permanently attached or temporarily assigned for disposition, the motion shall be addressed to the assigned judge. All other cases shall be referred to the motions judge.

\* \* \* \* \*

**(e) Notwithstanding subsections (a)–(d), cases that are neither permanently attached to a judge nor on the priority list may be continued upon mutual agreement of the District Attorney and defense counsel without the filing of a formal motion. Such continuances shall be effectuated by execution by the District Attorney, defense counsel, and defendant of an administrative continuance form in the District Attorney's Office.**

*Comment:* Subsection (a)'s language that the "motion shall contain a procedural history of the case, beginning with the date of filing of the criminal complaint, and a recitation of any prior continuances sought" establishes the Court's expectation that the motion contain dates of previously-sought continuances. Furthermore, if a case is not called during a particular term of court without a formal motion being made and granted, its rescheduling to the next term of court is a de facto continuance which should be disclosed as part of the procedural history of the case.

This subsection's language also requires that a continuance motion will include any limiting or scheduling provisions previously dictated. For example, provisions in a prior court order that no further continuances will be granted or that trial will commence on a certain date/time must be disclosed.

This rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 06-1060. Filed for public inspection June 16, 2006, 9:00 a.m.]

**DAUPHIN COUNTY**

**Promulgation of Local Rules; No. 2006-CV-1216-AO**

**Order**

*And Now*, this 1st day of June, 2006, Dauphin County Local Rule of Criminal Procedure 150 is promulgated as follows:

**Rule 150: Bench Warrants**

1. When an individual is committed to Dauphin County Prison pursuant to a bench warrant, s/he shall be detained pending a bench warrant hearing. The Warden or his designee shall notify the Dauphin County Court Administrator, District Attorney, Public Defender, Sheriff, and Dauphin County Pretrial Services within 12 hours of the fact of such commitment.

2. (a) Bench Warrant Court shall be convened at 8:00 A.M. on Monday (Tuesday when Monday is a holiday) and Thursday at the Video Conference Room of the Dauphin

County Court House for purpose of conducting a hearing on all bench warrant commitments pending at Dauphin County Prison. The scope of the hearing may include a determination as to whether the bench warrant is still valid, whether the appropriate person has been detained, the reasons why the person failed to appear, and the setting of bail when appropriate.

(b) The motions judge shall preside at Bench Warrant Court.

(c) The District Attorney and Public Defender shall each assign an attorney for the hearing. The participation of a Public Defender at this hearing shall not be construed as an entry of appearance on behalf of the defendant.

(d) Dauphin County Prison shall arrange to have the committed prisoner available for video conference at the appointed hour.

(e) A court reporter shall be assigned to each hearing.

(f) Where a person has been committed at an out-of-county facility, the Court Administrator may make arrangements for the video-conference connection with that facility.

*Comment:* The provisions of this rule do not apply to DRO bench warrants.

This rule shall be effective for individuals detained on or after July 10, 2006.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 06-1061. Filed for public inspection June 16, 2006, 9:00 a.m.]

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**WESTMORELAND COUNTY**

**Rescission of Rules of Criminal Procedure WC518  
and WC536; No. 2 Civil of 2006**

**Order**

*And Now This* 1st day of June 2006, it is hereby *Ordered* that Westmoreland Rules of Criminal Procedure WC518 and WC536 are rescinded effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

[Pa.B. Doc. No. 06-1062. Filed for public inspection June 16, 2006, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CH. 5]

#### Corrective Amendment to 52 Pa. Code § 5.351

The Pennsylvania Public Utility Commission has discovered a discrepancy between the agency text of 52 Pa. Code § 5.351(a) (relating to on the record data requests), as deposited with the Legislative Reference Bureau, and the official text published at 36 Pa.B. 2097, 2153 (April 29, 2006) and the text scheduled to be published in the July 2006 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 380). The amendment of § 5.351 inadvertently omitted text in subsection (a).

Therefore, under 45 Pa.C.S. § 901: the Public Utility Commission has deposited with the Legislative Reference Bureau a corrective amendment to 52 Pa. Code § 5.351(a). The corrective amendment to 52 Pa. Code § 5.351(a) is effective as of April 29, 2006, the effective date for the amendment of § 5.351 as ordered by the Commission.

The correct version of 58 Pa. Code § 5.351(a) appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

#### TITLE 52 PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart A. GENERAL PROVISIONS

#### CHAPTER 5. FORMAL PROCEEDINGS

#### Subchapter D. DISCOVERY

#### TYPES OF DISCOVERY

#### § 5.351. On the record data requests.

(a) A party may request that a witness provide information or documents at a later time as part of the witness' response to a question posed during cross-examination in the course of a rate proceeding. The request may be made orally or in writing and shall be presented at the time the witness appears for cross-examination.

\* \* \* \* \*

[Pa.B. Doc. No. 06-1063. Filed for public inspection June 16, 2006, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [58 PA. CODE CHS. 131 AND 139]

#### Preliminary Provisions; Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted amendments to §§ 131.2 and 139.2 (relating to definitions).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 12 (January 7, 2006).

#### 1. Purpose and Authority

Formerly, certain definitions in § 139.2 defined various terms for the purposes of Chapter 139 (relating to seasons and bag limits) only. The unfortunate result was that some of the important terms defined in this section had no definition for the purposes of other chapters. To better serve the Commission and the public, the Commission relocated the majority of the definitions in § 139.2 with cross-chapter application to § 131.2, which should now permit these definitions to have broader application.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment of §§ 131.2 and 139.2 was adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends §§ 131.2 and 139.2 by relocating the majority of the definitions in § 139.2 to § 131.2 to permit cross-chapter application of the subject definitions.

#### 3. Persons Affected

Persons wishing to hunt and trap in this Commonwealth may be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 131 and 139, are amended by amending §§ 131.2 and 139.2 to read as set forth at 36 Pa.B. 12.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 12 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-225 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1064. Filed for public inspection June 16, 2006, 9:00 a.m.]

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**GAME COMMISSION**  
**[58 PA. CODE CH. 137]**  
**Wildlife**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted an amendment to § 137.33 (relating to feeding of certain wildlife prohibited) and rescinded § 137.32 (relating to feeding of elk prohibited).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 35 Pa.B. 6106 (November 5, 2005).

1. *Purpose and Authority*

The Commission added § 137.33 to prohibit the feeding of bears outside of specified exceptions. This section was an addition to existing § 137.32, which already prohibited the feeding of elk outside of specified exceptions. The Commission recognized the duplication and redundancy of maintaining both of these sections due to their similarity in language and restriction. Therefore, the Commission rescinds § 137.32 and enlarges the scope of § 137.33 to include the elk feeding prohibition. As part of this final-form rulemaking, the Commission is eliminating the emergency elk feeding provision because it is no longer necessary.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that

“The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent agency of the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with this chapter.” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife...in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife...in this Commonwealth.” The rescission of § 137.32 and the amendment of § 137.33 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking rescinds § 137.32 and amends § 137.33 to incorporate the provisions currently in § 137.32, which restrict the feeding of elk outside of specified exceptions. This final-form rulemaking is essentially a relocation or restructuring of existing regulatory language that does not add or expand any requirements. This final-form rulemaking will, however, eliminate the emergency elk feeding provision and restructure the public written notice provision to expand its coverage.

3. *Persons Affected*

Persons living within areas where elk are located may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by deleting § 137.32 to read as set forth at 35 Pa.B. 6106 and by amending § 137.33 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, Annex A and 35 Pa.B. 6106 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-213 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 137. WILDLIFE**

**§ 137.33. Feeding of certain wildlife prohibited.**

It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in this Commonwealth for the purpose of feeding bear or elk, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause bear or elk to congregate or habituate an area. If otherwise lawful feeding is attracting bear or elk, the Commission may provide written notice prohibiting the activity.

[Pa.B. Doc. No. 06-1065. Filed for public inspection June 16, 2006, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 141]**  
**Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, rescinded §§ 141.25—141.27 (relating to early goose hunting season; early Canada goose hunting season on Middle Creek Wildlife Management Area; and early Canada goose hunting season on Pymatuning Wildlife Management Area).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 19 (January 7, 2006).

1. *Purpose and Authority*

Section 139.4 (relating to seasons and bag limits for the license year) states that “Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under the authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the Federal Register . . . .” Since the early goose seasons,

including hunting zone definitions, are presently published and adopted each year by the United States Secretary of the Interior in the manner previously described, §§ 141.25, 141.26 and 141.27 were redundant and unnecessary and were therefore eliminated.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The rescission of §§ 141.25—141.27 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking rescinds §§ 141.25—141.27 to remove redundant and unnecessary language.

3. *Persons Affected*

Persons wishing to hunt migratory birds within this Commonwealth may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by deleting §§ 141.25—141.27 to read as set forth at 36 Pa.B. 19.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 19 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-226 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1066. Filed for public inspection June 16, 2006, 9:00 a.m.]

## GAME COMMISSION [58 PA. CODE CH. 141]

### Hunting and Trapping; Artificial Lights

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted an amendment to § 141.7 (relating to use of artificial lights).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 20 (January 7, 2006).

#### 1. Purpose and Authority

The Commission recognizes that recreational spotlighting can have substantial negative impacts on landowner, public and wildlife management concerns. In the past, by and through § 141.7, the Commission has consistently prohibited recreational spotlighting, but only during the 2-week concurrent antlered and antlerless deer rifle seasons. However, the former language of this section was inflexible and unable to adapt to the Commission's recent use of the extended regular firearms seasons in certain wildlife management units (WMU). Since the justifications for the recreational spotlighting prohibition are equally applicable to the extended firearms deer seasons, the Commission amended § 141.7 by extending the recreational spotlighting ban to all "regular firearms deer seasons" within each individual WMU. Section 139.2 (relating to definitions) defines "regular firearms deer season" as that "designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only." This expansion will have no effect on recreational spotlighting during the early archery, early muzzleloader or special firearms seasons of all WMUs. However, this expansion will impact recreational spotlighting during the late archery and (flintlock) muzzleloader seasons, but only in those WMUs when the regular firearms deer season extends into and runs concurrent with the late archery and (flintlock) muzzleloader seasons.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, . . . the number and types of devices and equipment

allowed, the identification of devices and the use and possession of devices." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat . . . wildlife in this Commonwealth." The amendment of § 141.7 was adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends § 141.7 to extend the recreational spotlighting ban to all regular firearms deer seasons within each individual management unit.

#### 3. Persons Affected

Persons wishing to engage in recreational spotlighting within any WMU having an extended regular firearms deer season will be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.7 to read as set forth at 36 Pa.B. 20.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 20 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-220 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-1067. Filed for public inspection June 16, 2006, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 141]**  
**Hunting and Trapping; Cable Restraints**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted an amendment to § 141.63 (relating to definitions).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 21 (January 7, 2006).

1. *Purpose and Authority*

The Commission added § 141.66 (relating to cable restraints) to permit the lawful use of cable restraint devices to trap certain furbearers. This regulatory addition required the Commission to amend § 141.63 to provide a definition for “cable restraint.” Unfortunately, due either to typographical error or plain misstatement, this definition of “cable restraint” did not accurately describe its intended meaning. Therefore, the Commission amended § 141.63 in an effort to correct this mistake and provide a more accurate definition of “cable restraint.”

Section 322(c)(5) of the code (relating to powers and duties of the commission) specifically empowers the Commission to “Fix the type and number of devices which may be used to take game or wildlife.” Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps . . . and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment of § 141.63 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.63 to provide a more accurate definition of “cable restraint” by making two minor language adjustments to the existing definition.

3. *Persons Affected*

Persons wishing to use cable restraint devices to trap certain furbearers will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.63 to read as set forth at 36 Pa.B. 21.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 21 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-222 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-1068. Filed for public inspection June 16, 2006, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 141]**  
**Hunting and Trapping; Waterfowl and Dove Hunting**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted an amendment to § 141.22 (relating to small game).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).



Notice of proposed rulemaking was published at 36 Pa.B. 22 (January 7, 2006).

### 1. Purpose and Authority

The original intent of § 141.22(a)(5) was to limit to five persons the number of small game hunters who cooperate by lining up across a field and moving forward to flush game before the gun. This regulation was later amended to allow six persons in the hunting party. The regulation was never intended to prevent more than six persons from hunting together from a blind or from stationary positions when the hunters are not flushing game. Therefore, the Commission amended § 141.22(a)(5) to identify the inapplicability of the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

Section 322(c)(6) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting . . . in this Commonwealth, including regulations relating to . . . the ways, manner, methods and means of hunting . . . in this Commonwealth." The amendment of § 141.22 was adopted under this authority.

### 2. Regulatory Requirements

The final-form rulemaking amended § 141.22 to identify the inapplicability of the same to waterfowl or dove hunters when hunting from a blind or other stationary position.

### 3. Persons Affected

Persons wishing to hunt waterfowl or dove from a blind or other stationary position will be affected by the final-form rulemaking.

### 4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

### 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 7. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.22 to read as set forth at 36 Pa.B. 22.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 22 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-219 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-1069. Filed for public inspection June 16, 2006, 9:00 a.m.]

## GAME COMMISSION

### [58 PA. CODE CHS. 143 AND 147]

### Hunting and Furtaker Licenses and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted amendments to §§ 143.202, 143.222, 143.224, 147.674 and 147.701.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 23 (January 7, 2006).

### 1. Purpose and Authority

Former regulations provided customers with (at most) only two methods to apply for elk licenses, special wild turkey licenses, bobcat permits and Deer Management Assistance Program (DMAP) harvest permits: 1) electronic application over the Commission's website; and 2) paper application through the United States Postal Service. In an effort to improve customer service, the Commission amended §§ 143.202, 143.222, 147.674 and 147.701 to provide customers with a third option, which will allow customers to apply for these various licenses and permits over-the-counter at any Commission office. The amended regulatory language will also provide the Commission with the increased flexibility to expand the sale of various licenses and permits through the anticipated automated point-of-sale issuance system, which should be available in the short-term future.

Section 2323 of the code (relating to tagging and reporting big game kills) requires that "[w]ithin ten days of the kill, the person shall report the killing of any big game in the manner or methods prescribed by the [C]ommission regulations." The Commission formerly prescribed the harvest reporting requirements for each of the various big game licenses except for the special wild turkey license. The Commission recognizes that harvest reports prove to be necessary and important tools for the accurate assessment of the impacts and effectiveness of the Commission's management of the wildlife resources of

this Commonwealth. Since the justifications supporting the reporting harvest information for the other various big game licenses are equally applicable to the special wild turkey license, the Commission amends § 143.224 to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license.

The Commission recently amended § 147.674 to prevent the issuance of DMAP permits to persons who fail to complete and submit harvest report and survey information from the prior season. After implementation of this provision, the Commission recognized that enforcement of the same is an untenable and overly burdensome administrative requirement. Therefore, the Commission amended § 147.674 to eliminate the hunter application ineligibility provision.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2901(b) of the code (relating to authority to issue permits) provides "the [C]ommission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The [C]ommission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment of §§ 143.202, 143.222, 143.224, 147.674 and 147.701 was adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 143.202, 143.222, 147.674 and 147.701 to provide hunters with expanded application opportunities for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits, § 143.224 to require hunters to complete and submit a harvest report card after harvesting a wild turkey under a special wild turkey license and § 147.674 to eliminate the hunter application ineligibility provision for DMAP harvest permits.

3. *Persons Affected*

Persons wishing to make application for elk licenses, special wild turkey licenses, bobcat permits and DMAP harvest permits, harvest a wild turkey under a special wild turkey license and DMAP permittees who fail to complete and submit harvest report and survey information from the prior season may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

Sections 143.202, 143.222, 143.224, 147.674 and 147.701 of the final-form rulemaking may result in some additional administrative costs to the Commission in the form of additional administrative expenditure and paper-

work. However, to the extent there is any additional expense the Commission has determined it would not be substantial and would be absorbed by the current budget. Section 147.674 of the final-form rulemaking will eliminate some administrative costs to the Commission by eliminating certain internal permit eligibility processing steps.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 143 and 147, are amended by amending §§ 143.202, 143.222, 143.224, 147.674 and 147.701 to read as set forth at 36 Pa.B. 23.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 23 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-217 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1070. Filed for public inspection June 16, 2006, 9:00 a.m.]

**GAME COMMISSION**

**[58 PA. CODE CH. 147]**

**Special Permits; Depredation Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted an amendment to § 147.745 (relating to exclusions).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 25 (January 7, 2006).

### 1. Purpose and Authority

The Commission recently adopted various classification changes to the State endangered/threatened status for several bird species. In most cases, these changes were prompted by recent declines in population due to habitat loss or alteration, disturbance and competition at breeding sites. These classification changes are important because they will add further protection to imperiled populations of these species. Despite the importance of protecting our most imperiled species and promoting their recovery within this Commonwealth, it is also important to manage these species' impact on human property and economic endeavors, even when a species is classified as endangered or threatened. Section 2121(b) of the code (relating to killing game or wildlife to protect property) epitomizes this need for balance by acknowledging that a person may kill an endangered or threatened species destroying agricultural crops if the person first gives the Commission the opportunity to trap and transfer the animal causing the damage. Unfortunately, trap and transfer efforts do not generally provide a permanent solution to the problem, nor do these efforts protect and conserve the endangered or threatened species.

Depredation permits are special permits issued to take certain wildlife to protect property and help prevent economic loss. As currently written, § 147.745 prohibits the issuance of a depredation permit for the taking of any endangered or threatened species, whether Federally or State listed. The Commission amended § 147.745 to allow a depredation permit to be issued for a limited take of State listed endangered or threatened species if the taking is part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendment of § 147.745 was adopted under this authority.

### 2. Regulatory Requirements

The final-form rulemaking amends § 147.745 to allow the issuance of depredation permits for a limited take of State listed endangered or threatened species if the taking were part of an integrated damage management program and the taking would not be detrimental to the sustainability of the Statewide population of the species.

### 3. Persons Affected

Persons wishing to obtain a depredation permit to take any State listed endangered or threatened species may be affected by the final-form rulemaking.

### 4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

### 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 7. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.745 to read as set forth at 36 Pa.B. 25.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 25 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-224 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-1071. Filed for public inspection June 16, 2006, 9:00 a.m.]

## GAME COMMISSION [58 PA. CODE CH. 147]

### Special Permits; Falconry Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted amendments to §§ 147.102 and 147.109 (relating to examination and fees; and restrictions on taking raptors).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 26 (January 7, 2006).

### 1. Purpose and Authority

The Commission recently consulted with the Pennsylvania Falconry and Hawk Trust regarding the relaxation of current time limitations restricting falconry permit applicants. Formerly, § 147.102 stated that examinations for falconry permits would be provided only during the month of May each year. In addition, § 147.109 stated that applications for nonresident falconry permits must be submitted between January 1 and February 28 annually. In an effort to provide more opportunities to falconry

permit applicants, the Commission amended § 147.102 to expand the falconry permit examination period to January 1 through June 30 annually and also amended § 147.109 to expand the nonresident application period to January 1 through August 15 annually.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendment of §§ 147.102 and 147.109 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 147.102 to expand the falconry permit examination period to January 1 through June 30 annually and also amends § 147.109 to expand the nonresident application period to January 1 through August 15 annually.

3. *Persons Affected*

Persons wishing to apply for a falconry permit within this Commonwealth may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.102 and 147.109 to read as set forth at 36 Pa.B. 26.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 26 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-223 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 06-1072. Filed for public inspection June 16, 2006, 9:00 a.m.]

**GAME COMMISSION**

**[58 PA. CODE CH. 147]**

**Special Permits; Protected Specimen**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 24, 2006, meeting, adopted an amendment to § 147.142 (relating to possession of wildlife accidentally killed by a motor vehicle).

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 36 Pa.B. 27 (January 7, 2006).

1. *Purpose and Authority*

The skins from the various furbearers found in the wilds of this Commonwealth are a valuable Pennsylvania resource. Each year many of these furbearers are accidentally struck and killed on this Commonwealth’s highways by automobiles, which typically results in the unfortunate waste of many of the skins from these animals. Former regulations prohibited anyone, including licensed furtakers, from utilizing road-killed furbearers without first purchasing them from the Commission, because these animals were not lawfully taken or harvested with a firearm or trap. Unfortunately, it is not always economical for someone to purchase a road-killed furbearer for utilization. In an effort to reduce the waste of this Commonwealth’s valuable resources and provide additional opportunity to licensed furtakers, the Commission amended § 147.142 to permit persons possessing a valid furtaking license to take possession and make use of certain furbearers (excepting river otters, bobcats and fishers) accidentally killed on this Commonwealth’s highways.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that “The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent agency of the Commonwealth in its sovereign capacity to be controlled regulated and disposed of in accordance with this chapter.” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or

prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment of § 147.142 was adopted under this authority.

#### 2. *Regulatory Requirements*

The final-form rulemaking amends § 147.142 to permit the lawful possession of certain furbearers (excepting river otters, bobcats and fishers) accidentally killed on the highway by persons possessing a valid furtaking license.

#### 3. *Persons Affected*

Persons wishing to take possession of certain furbearers accidentally killed on the highway will be affected by the final-form rulemaking.

#### 4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

#### 5. *Cost and Paperwork Requirements*

The final-form rulemaking may result in some additional costs to the Commission by creating increased demand on regional dispatcher resources regarding receiving calls from person taking possession of furbearers accidentally killed on the highway during the closed season of that furbearer. However, to the extent there are any additional expenses, the Commission has determined they would not be substantial and would be absorbed by the current budget.

#### 6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### *Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.142 to read as set forth at 36 Pa.B. 27.

(b) The Executive Director of the Commission shall certify this order and 36 Pa.B. 27 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-218 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-1073. Filed for public inspection June 16, 2006, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF EDUCATION

[22 PA. CODE CHS. 4, 11 AND 12]

### Prekindergarten

The State Board of Education (Board) proposes to amend Chapters 4, 11 and 12 (relating to academic standards and assessment; student attendance; and students and student services) to read as set forth in Annex A. The Board acts under the authority of the Public School Code of 1949 (code) (24 P. S. §§ 1-101—27-2702), including section 2603-B of the code (24 P. S. § 26-2603-B).

#### *Purpose*

The proposed amendments to Chapters 4, 11 and 12 establish standards for prekindergarten programs that are operated by school districts or contracted by school districts with community providers. Prekindergarten programs are voluntary programs operated by many school districts for children between 3 and 4 years of age. Parents are not required to enroll their children in prekindergarten programs.

The Commonwealth and its school districts invest millions of taxpayer dollars each year to operate prekindergarten programs. It is critical that these resources be used to help prepare children to be fully prepared for school enrollment through high quality educational experiences. This proposed rulemaking, together with other rulemakings being considered by the Board, would assure that these investments would have maximum educational benefit.

#### *Requirements of the Proposed Rulemaking*

The proposed amendments to Chapter 4 add a new definition of "prekindergarten" and address new requirements for strategic planning, curriculum and instruction and the scheduling and learning options for prekindergarten programs. The proposed amendments to Chapter 4 also include a provision that would permit the Secretary of Education (Secretary) to approve meritorious programs that do not meet all of the regulatory requirements.

The proposed amendments to Chapter 11 address the minimum required hours for prekindergarten and the school term and instructional time for prekindergarten programs. Language in the proposed amendments also provides flexibility to school districts to make exceptions to the enrollment requirements.

The proposed amendments to Chapter 12 address student services for prekindergarten students and would allow for exceptions to the prekindergarten enrollment requirements.

The Board previously published proposed amendments to Chapter 4 at 35 Pa.B. 6107 (November 5, 2005). The Board is currently considering comments received in response to that proposed rulemaking. Proposed amendments to §§ 4.3 and 4.13 (relating to definitions; and strategic plans) were included in the proposal published at 35 Pa.B. 6107. The proposed amendments to §§ 4.3 and 4.13 included in this proposed rulemaking update and replace the proposed language to these sections published at 35 Pa.B. 6107.

Interested individuals and organizations should carefully review the definition of "prekindergarten" in § 4.3 and strategic planning requirements in § 4.13 as they reflect the Board's most current proposal. The Board intends to delete the definition in § 4.3 and strategic planning language in § 4.13 proposed at 35 Pa.B. 6107 when the rulemaking is submitted for final-form approval and publication.

Specific changes in this proposed rulemaking include the following:

*§ 4.3. Definitions.* A new definition of "prekindergarten" is added. This definition is different from the version published at 35 Pa.B. 6107.

*§ 4.13. Strategic plans.* The proposed amendments published at 35 Pa.B. 6107 are repeated here. However, subsection (c)(17) and (18) is added and amendments from 35 Pa.B. 6107 are made to subsections (c)(12) and (16) and (d).

*§ 4.20. Prekindergarten education.* This section is added to address program requirements for prekindergarten programs. This section makes clear that school districts are not required to offer a prekindergarten and that parents are not required to enroll their children in these programs if offered. This section also provides the Secretary authority to approve a meritorious prekindergarten program that does not meet all regulatory requirements when in the Secretary's judgment the program provides high quality learning opportunities and meets the conditions listed.

*§ 4.41. Scheduling.* The proposed rulemaking provides that school districts are not required to obtain Department approval of 1/2 day prekindergarten programs. The proposed amendment also provides that prekindergarten programs must provide at least 2 1/2 hours of instruction unless the school district obtains approval of the Department of Education to deviate from that standard.

*§ 11.1. School term.* Prekindergarten programs are added to the requirements for minimum number of days and hours of instruction.

*§ 11.3. Minimum required hours.* This section is amended to place the same minimum hourly requirements on prekindergarten programs that already exist for kindergarten programs.

*§ 11.8. Definitions.* The definition of "instructional activities" is amended to add subparagraph (x) to the list of activities that may be counted as instructional time. Also, the section is amended to add the definition of "prekindergarten."

*§ 11.9. Prekindergarten exception.* Section 11.9 is added to permit school districts to make exceptions to the age requirements for prekindergarten programs.

*§ 12.1. Free education and attendance.* Subsection (c) is added to permit school districts to make exceptions to the age requirements for enrollment.

*§ 12.16. Definitions.* A definition of "prekindergarten" is added.

*§ 12.41. Student services.* Subsection (a) is amended to add a requirement that the prekindergarten program be addressed in the school district strategic plan. Subsection (b)(1) is amended to require that for prekindergarten students, the school district's student services program includes nutritional services or referrals.

§ 12.42. *Student assistance program.* Section 12.42 is amended to make a technical correction to a statutory reference unrelated to this proposed rulemaking.

*Affected Parties*

The proposed rulemaking will affect the students and professional employees of public schools in this Commonwealth.

*Cost and Paperwork Estimates*

Since this proposed rulemaking is consistent with existing program grant standards for prekindergarten programs supported through the Accountability Block Grant program schools will already be in compliance with this proposed rulemaking. Therefore, the incurrence of any additional operating program costs beyond those specified in the regulations will be at the discretion of the school district and its elected board of directors. Complying with this proposed rulemaking will not add costs beyond those necessary to regular program operation.

*Effective Date*

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

*Sunset Date*

In accordance with the Board's policy and practice respecting all regulations, the Board will review the effectiveness of Chapters 4, 11 and 12 after 4 years. Therefore, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 2, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*. Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367

JIM BUCKHEIT,  
*Executive Director*

**Fiscal Note:** 6-301. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

GENERAL PROVISIONS

§ 4.3. Definitions.

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

\* \* \* \* \*

**Prekindergarten**—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten.

\* \* \* \* \*

ACADEMIC STANDARDS AND PLANNING

§ 4.13. Strategic plans.

\* \* \* \* \*

(c) The strategic plan [ **shall** ] **must** be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. **The analysis of needs and the specifications of priorities must address student achievement; the school entity's core purpose; the quality of teaching and learning; the quality of leadership; the use of infrastructure; and continuous professional learning and education.** The requirement in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school [ **district's (including charter schools) or AVTS's** ] **entity's** ability to conduct a continuous strategic planning process. **Each plan, as received and filed by the Department, becomes an extension of this chapter uniquely adapted to each school entity and can only be changed by the strategic planning committee approved by the local school board.** The plan [ **shall** ] **must** include the following components in addition to others the school [ **district (including charter schools) or AVTS** ] **entity** determines to include:

- (1) [ **A mission statement.**
- (2) **A listing of the school district's (including charter schools) or AVTS's educational and organizational goals as they relate to student achievement and high school graduation requirements.**
- (3) **A description of academic standards for student achievement which shall be consistent with those under § 4.12 (relating to academic standards).**
- (4) **The planned instruction to be offered and the instructional and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).**
- (5) **An assessment plan under § 4.52 (relating to local assessment system) designed to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine**

achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.

(6) A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals shall demonstrate a connection to the academic standards under § 4.12 including but not limited to annual improvement goals for student scores on State and local assessments.

(7) The professional development plan under section 1205.1 of the School Code (24 P. S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).

(8) A description of the school district's (including charter schools) or AVTS's organization and organizational goals and their relationship to differing student needs within the school district's (including charter schools) or AVTS's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(9) A description of the professional personnel, school library, classroom and other resources the school district (including charter schools) or AVTS plans to devote to the attainment of academic standards.

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(11) A plan for additional instructional opportunities for students not achieving at the proficient level including identification procedures, alternate instructional strategies, monitoring of assessment procedures and opportunities for extended learning time. ]

*Core purpose.* A summary of the school entity's mission statement, educational vision and shared values.

(2) *Results for students.* A listing of the school entity's educational and organizational goals as they relate to student achievement including high school graduation requirements and for having students meet or exceed proficiency levels established for State academic standards in § 4.12 (relating to academic standards).

(3) *Academic standards.* A description of academic standards for student achievement, which must be consistent with those under § 4.12.

(4) *Measurable annual improvement targets.* A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals must demonstrate a connection to the academic standards under § 4.12, including, but not limited to, annual improvement goals for student scores on State and local assessments.

(5) *Curriculum, instruction and instructional materials.* A plan for providing all students access to a rigorous education program, including:

(i) The Curriculum that is aligned to the academic standards.

(ii) The planned instruction to be offered and the instructional practices and instructional materials to be used to strive for the academic goals and attain academic standards under paragraph (3).

(iii) The high school graduation requirements under § 4.24 (relating to high school graduation requirements).

(6) *Assessments and public reporting.* An assessment plan that describes the local assessment system as required under § 4.52 (relating to local assessment system), including methods and measures used to determine the degree to which students are achieving academic standards under paragraph (3).

(i) The plan must include the following:

(A) Descriptions of methods and measures used to determine achievement.

(B) How information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher.

(C) How all students as well as significant student subgroups are achieving as compared to the standards and annual improvement targets.

(D) How information from the assessments shall be made available to the public and the parents or guardians of each student.

(ii) This plan must address how assessment data, including value-added assessment data provided under § 403.3(d)(1)(iii) (relating to assessments), is shared with and used by district-level administrators, school administrators and professional educators to change instructional practice in order to address the learning needs of students.

(7) *Targeted assistance for struggling students.* A plan for additional instructional opportunities for students not achieving at the proficient level, including identification procedures, alternative instructional strategies, monitoring of assessment procedures and opportunities for extended learning time (including tutoring). This plan must describe how grade-level learning plans for students who have not achieved proficiency in reading and mathematics during their primary grades (K–3) under § 4.21(j) (relating to elementary education: primary and intermediate levels) have been implemented and specify the instructional opportunities for students who have not achieved proficiency in reading and mathematics by the end of grade 5 under § 4.21(k).

(8) *Qualified, effective teachers and capable instructional leaders.* A description of the school entity's goals, strategies and performance measures regarding provision of teachers and school leaders designed to ensure that all students attain the academic standards at a proficient level or higher. This description must specifically address how the school entity deploys its most effective and highly



qualified teachers to meet the learning needs of students who are below proficiency or are at risk of not graduating.

(9) *Continuous professional education.* A professional education plan, including:

(i) Requirements under section 1205.1 of the School Code (24 P. S. § 12-1205.1) and § 49.17 (relating to continuing professional education).

(ii) The induction plan under § 49.16 (relating to approval of induction plans).

(iii) Professional education programs linked to the academic standards under § 49.12.

(iv) How to promote professional collaboration regarding continuous improvement of instruction and student achievement.

(10) *Organization and goals.* A description of the school entity's organization and organizational goals and their relationship to differing student needs within the school entity's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(11) *Utilization of resources.* A description of the resources the school entity plans to devote to the attainment of academic standards, including professional personnel, school library, classroom materials, educational technology, school facilities, budget and other resources available to the school entity.

(12) *Parent and community participation.* A description of the school entity's approaches for involving:

(i) Parents or guardians, including those of children with disabilities.

(ii) Community groups.

(iii) Representatives of infants and toddlers, early intervention preschool programs and early childhood representatives (for example—community providers of early childhood education, prekindergarten programs and early childhood researchers).

(iv) Business.

(v) Institutions of higher education.

(vi) Other parent and community representatives as appropriate.

(13) *Support for struggling schools.* A description of the school district's or AVTS with multiple campuses' process for assisting schools that do not meet the annual student achievement improvement targets and school experiencing other challenges that deter student attainment of the academic standards at a proficient level or higher.

(14) *Milestones of progress.* A listing of the specific goals, tasks and initiatives that must be accomplished by a specified date within each year of the planning cycle. The goals, tasks and initiatives must be derived from the priorities described in the strategic plan, as locally appropriate benchmarks that ensure consistent monitoring and midcourse correction.

(15) *Planning process.* A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(16) *Coordination with other programs.* A description of how the school district will accomplish coordination with community operated infant and toddlers and preschool early intervention programs and the following before or after school programs and services for all grade levels, including prekindergarten, if offered, through 12:

(i) Child care.

(ii) After school programs.

(iii) Youth workforce development programs.

(iv) Tutoring.

(17) *Prekindergarten program.* A school district that offers prekindergarten shall describe the prekindergarten program and explain how the district will coordinate with agencies that serve preschool age children with disabilities. The plan must address coordination activities designed to identify and serve children with disabilities and the supports and accommodations available to ensure both physical and programmatic access. The plan must address prekindergarten programs operated directly by the school district and those operated by community agencies under contract from the school district.

(18) *Transition to prekindergarten and from prekindergarten to school-aged programs.* A brief description of how the school district will provide for a smooth transition for prekindergarten students, when prekindergarten is offered, from the home setting and any early childhood care or education setting the students attend, to the school setting. This description must include how the district will coordinate with the infants and toddlers and preschool early intervention agencies that serve children with disabilities to ensure a smooth transition for those children to the school district's prekindergarten program.

(d) Strategic plans, the 6-year plan, mid-term review report, annual updates and all other revisions to the plan, shall be developed through active participation by parents, students, school directors, teachers from prekindergarten and preschool early intervention programs, elementary schools, middle/junior high schools, senior high schools and AVTSs, educational specialists (for example, school nurses and guidance counselors), school administrators, other school personnel, and business and community representatives. Teacher representatives shall be chosen by teachers[, and ]; educational specialists shall be chosen by educational specialists; administrative representatives shall be chosen by the administrative personnel[, ]; and school director representatives shall be chosen by the board of the school district or AVTS.

\* \* \* \* \*

## CURRICULUM AND INSTRUCTION

### § 4.20. Prekindergarten education.

School districts are not required to offer a prekindergarten program, and parents are not required to enroll their children in those programs if offered. Prekindergarten programs shall be designed so that students complete the program prior to their reaching the school district's entry age for kindergarten. The program, when offered, must provide a comprehensive program appropriate for the age, developmental level, and individual needs

of each child, based on how young children develop and learn, and include instruction to support each child's development in the following areas: approaches to learning; creative expression; language and literacy; math, logic and science; social-personal development; and physical development and health. The programs must be open to children with disabilities.

(1) The Secretary will provide academic standards, appropriate for early learning at the prekindergarten level, as guidance for the use of school districts that offer prekindergarten programs.

(2) Curriculum and instruction in the prekindergarten program must be standards-based.

(3) Prekindergarten programs may be offered to all 3 and 4 year olds or may be targeted to children who are most in need of prekindergarten services who reside in the district. Targeted programs may serve children who are at risk of school failure because of limited English proficiency, community factors, economic disadvantage, but may not exclude or be limited exclusively to children with disabilities. If a program is limited to an attendance area, children with disabilities shall live in that attendance area to participate in the program.

(4) The Secretary will issue guidance to school districts on developmentally appropriate curriculum, instruction and assessments for prekindergarten.

(5) Each school district that provides prekindergarten shall design an assessment system that includes prekindergarten and uses a variety of assessment strategies, which may include those listed in § 4.52(d) (relating to local assessment system), as appropriate.

(6) Prekindergarten programs must have a student/teacher ratio of no more than 20 students for one teacher and one teacher aide in a classroom (2 adults in a classroom for every 20 students). Programs of high quality ordinarily have a student/teacher ratio of 17 students for one teacher and one teacher aide in a classroom (2 adults for every 17 students). Programs operating under contract with community providers shall comply with staffing qualifications as required by § 49.85(c) (relating to limitations).

(7) Beginning in the 2009-2010 school year, a teacher aide in a prekindergarten program shall meet one of the following criteria:

(i) Completion of a least 2 years of postsecondary study.

(ii) Possession of an associate's degree or higher.

(iii) Ability to meet a rigorous standard of quality and demonstration through a formal State or local academic assessment of knowledge in and ability to assist in instructing reading, writing and mathematics.

(8) The Secretary may approve a meritorious prekindergarten program that does not meet all regulatory requirements for the programs including, but not limited to, days and hours of operation, when in the Secretary's judgment the program provides high quality learning opportunities for students and meets the following conditions:

(i) The school district has submitted to the Secretary a written request that provides justification for the waiver or waivers and includes a description of how the meritorious program will provide high quality learning opportunities for students.

(ii) The written request includes a timeline for bringing the program into full compliance with prekindergarten program requirements.

(iii) The approval of the meritorious prekindergarten program is valid only for 1 school year.

(iv) Requests for renewals include evidence of positive student outcomes.

(9) A school district may make individual exceptions to the age of prekindergarten students based upon local policy in order to permit the enrollment of children under age 3 and over age 5.

(10) A school district planning to offer or contract with a community agency to offer a prekindergarten program shall develop an implementation plan that describes the program and its target population consistent with paragraph (c). The plan must identify the facilities, staffing needs and other resources that it will use to deliver the program. In years subsequent to the initial year of the program, the implementation plan must become part of the strategic plan described in § 4.13 (relating to strategic plans) and included in the mid-term review and annual updates described in § 4.13.

SCHEDULING AND LEARNING OPTIONS

§ 4.41. Scheduling.

\* \* \* \* \*

(b) A school district, including charter schools, shall obtain approval of the Department prior to scheduling 1/2-day sessions other than in kindergarten under subsection (a). A school district is not required to obtain approval of the Department prior to scheduling 1/2 day sessions for prekindergarten under subsection (e).

\* \* \* \* \*

(e) School districts with prekindergarten programs shall provide prekindergarten students with at least 2 1/2 hours of instruction each day for the full school term unless the school district obtains prior Department approval for an alternative prekindergarten program.

CHAPTER 11. STUDENT ATTENDANCE

GENERAL PROVISIONS

§ 11.1. School term.

Public prekindergartens, when offered, and kindergartens, elementary and secondary schools shall be kept open each school year for a minimum of 180 days of instruction for students. Days may not be counted as days taught on which the schools are closed, and time may not be counted as a student session for an activity to which admission is charged. However, when a meritorious educational program warrants, the Secretary may, upon request, approve a school term containing a minimum of 990 secondary or 900 elementary and 450 kindergarten hours of instruction as the equivalent of 180 school days.

§ 11.3. Minimum required hours.

(a) Minimum hours of instruction time students shall be as follows:

Grade	Hours
PreK—K	2 hours, 30 minutes, each day of the school term
	* * * * *

§ 11.8. Definitions.

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

*Instructional activities*—The term includes the following:

\* \* \* \* \*

(x) [ Kindergarten ] Prekindergarten or kindergarten orientation, snack-time and play-time if they are an integral part of the curriculum.

\* \* \* \* \*

**Prekindergarten**—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten.

\* \* \* \* \*

§ 11.9 Prekindergarten exception.

A school district may make individual exceptions to the age of prekindergarten students based upon local policy to permit the enrollment of children under age 3 and over age 5.

CHAPTER 12. STUDENTS AND STUDENT SERVICES

STUDENT RIGHTS AND RESPONSIBILITIES

§ 12.1. Free education and attendance.

\* \* \* \* \*

(c) For a prekindergarten program defined in § 12.16 (relating to definitions) as a program for children who are at least 3 year olds and completed prior to the school district's entry age for kindergarten, a school district may make individual exceptions to the age of prekindergarten students based upon local policy to permit the enrollment of children under age 3 and over age 5.

§ 12.16. Definitions.

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

\* \* \* \* \*

**Prekindergarten**—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten.

\* \* \* \* \*

SERVICES TO STUDENTS

§ 12.41. Student services.

(a) Each school entity shall prepare a written plan for the implementation of a comprehensive and integrated K-12 program of the student services based on the needs of its students. The plan shall be prepared and revised in accordance with the time frames and procedures described in §§ 4.13(a), (b), (d), (e) and (f) (relating to strategic plans). Services offered by community agencies in public schools shall be coordinated by and under the general direction of the school entity. The plan [ shall ] **must** include policies and procedures for emergency care and administration of medication and treatment under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) and guidelines issued by the Department of Health. The Department of Health guidelines are available from the Division of School Health, Department of Health, P. O. Box 90, Harrisburg, Pennsylvania 17108. **A school district that operates a prekindergarten program shall address its prekindergarten program in its strategic plan.**

(b) Though the variety of student services offered will differ from school to school depending upon its size and the needs of its students, the following categories of services shall be provided by each school entity in planning its student services:

(1) Developmental services for students that address their developmental needs throughout their enrollment in school. Developmental services include guidance counseling, psychological services, health services, home and school visitor services and social work services that support students in addressing their academic, behavioral, health, personal and social development issues. **For prekindergarten students, these services must include nutritional services or referrals.**

\* \* \* \* \*

§ 12.42. Student assistance program.

School entities shall plan and provide for a student assistance program under [ the Early Intervention Services System Act (11 P. S. §§ 875-101—875-503) ] section 1547(g) of the Public School Code of 1949 (24 P. S. § 15-1547(g) regarding alcohol, chemical and tobacco abuse program.

[Pa.B. Doc. No. 06-1074. Filed for public inspection June 16, 2006, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending June 6, 2006.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-31-06	Tower Bancorp, Inc., Greencastle, to acquire 100% of the voting shares of FNB Financial Corporation, McConnellsburg, and thereby indirectly acquiring The First National Bank of McConnellsburg, McConnellsburg	Greencastle	Effective

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-6-06	Unity Bank Pennsylvania Forks Township Northampton County	Forks Township	Filed

Application being filed solely to facilitate the ability of Unity Bank, a New Jersey chartered bank, to establish a branch office in this Commonwealth.

*Correspondent:*

Robert A. Schwartz, Esq.  
Windels Marx Lane & Mittendorf,  
LLP  
120 Albany Street  
New Brunswick, NJ 08901

##### Section 112 Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-06	Paul J. Coviello, to acquire shares of common stock of Landmark Community Bank, Pittston, which will result in greater than 10% ownership of the bank, under section 112 of the Banking Code of 1965	Scranton	Filed

##### Conversion Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-2-06	Compass Federal Saving Bank Wilmerding Allegheny County <i>To:</i> Compass Savings Bank Wilmerding Allegheny County	111 Westinghouse Avenue Wilmerding Allegheny County	Effective

Represents conversion from a Federally-chartered mutual savings bank to a State-chartered mutual savings bank.

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-06	Peoples State Bank of Wyalusing Wyalusing Bradford County	205 West Lockhart Street Sayre Bradford County	Filed

## NOTICES

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-2-06	Fidelity Savings Bank Pittsburgh Allegheny County	<i>To:</i> 100 Broadway Street Carnegie Allegheny County  <i>From:</i> 17 West Main Street Carnegie Allegheny County	Effective

**SAVINGS INSTITUTIONS****No activity.****CREDIT UNIONS****Absorptions, Mergers and Consolidations**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-31-06	Incol Credit Union, Old Forge, and Wilkes-Barre Newspapers Federal Credit Union, Kingston Surviving Institution— Incol Credit Union, Old Forge	Old Forge	Effective

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

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-1075. Filed for public inspection June 16, 2006, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, June 28, 2006, at 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 should be directed to Kurt Leitholf at (717) 705-0031.

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 06-1076. Filed for public inspection June 16, 2006, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater

associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063444 (Sewage)	Butler Township Municipal Authority 72 Dutchtown Road Ashland, PA 17921	Schuylkill County Butler Township	Mahanoy Creek 6B	Y
PA0060861 Renewal	Wayne Highland School District 474 Grove Street Honesdale, PA 18431	Preston Township Wayne County	Equinunk Creek 01A	Y
PA0012203 Renewal	Allen Organ Company 150 Locust Street Macungie, PA 18062-0036	Lehigh County Macungie Borough	Swabia Creek 02C	Y
PAS232207 Renewal	Gellner and Company P. O. Box 208 151 Tide Road Tamaqua, PA 18252	Rush Township Schuylkill County	UNT to Nesquehoning Creek 02B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0114979	Borough of Knoxville P. O. Box 191 Knoxville, PA 16928	Tioga County Deerfield Township	Cowanesque River 4A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0111741	Warrior Run School District 4800 Susquehanna Trail Turbotville, PA 17772	Northumberland County Lewis Township	UNT to Warrior Run Creek 10D	Y
PA0114758 Sewerage	GSP Management, Co. P. O. Box 677 Morgantown, PA 19543-0677	West Chillisquaque Township Northumberland County	West Branch Susquehanna River 10D	Y
PA0115321	Eric J. Pennington 95 Horn Road Cogan Station, PA 17728	Lycoming County Lycoming Township	Little Gap Run SWP 10A	Y

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

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

**Application No. PA 0248207**, Sewage, **Hurley/Morrison (Lot No. 3)**, 50 Frytown Road, Newville, PA 17241. This facility is located in Upper Frankford Township, **Cumberland County**.

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

The receiving stream, a UNT to Conodoguinet Creek is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	26,000/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

**Application No. PA 0248215**, Sewage, **Hurley/Morrison (Lot No. 4)**, 50 Frytown Road, Newville, PA 17241. This facility is located in Upper Frankford Township, **Cumberland County**.

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

The receiving stream, issuance, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	26,000/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3664.*

**PA0008443**, Industrial Waste SIC, 4911, **PPL Montour, LLC**, Two North Ninth Street, Allentown, PA 18101-1179. This existing facility is located in Derry Township, **Montour County**.

Description of Proposed Activity: This proposed action is for amendment of an NPDES permit for a new discharge of treated industrial wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 10D and classified for WWF. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River is 4 miles below the point of discharge.

The proposed effluent limits for Outfall 053 based on a design flow of 0.3 mgd.

	<i>Mass Units (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			6.0			9.0
TSS				10	20	30
Oil and Grease				15	20	30
Total Iron				5.0	7.5	10
Total Cadmium				0.24	0.37	
Total Mercury				0.027	0.043	
Total Selenium				3.4	5.3	
Chlorides				Report		
Chromium VI				Report		
Total Antimony				Report		
Total Lead				Report		
Total Silver				Report		
Total Thallium				Report		
	<i>Mass Load Pound</i>					
	<i>Monthly</i>	<i>Annual</i>				
Ammonia-N	Report			Report		
Kjeldahl-N	Report			Report		
Nitrite/Nitrate-N	Report			Report		
Total Nitrogen-N	Report	47,774		Report		
Total Phosphorus-P	Report	2,661		Report		

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

**PA0239798**, Sewage. **Mark H. Herrmann SFTF**, 9915 Jones Road, Erie, PA 16510. This proposed facility is located at 9915 Jones Road in Greene Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SFTF serving a single dwelling. Treatment consists of a septic tank with Zabel effluent filter, dosing tank, ECO FLO STB 650 peat filter and ultraviolet disinfection.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply to consider between the discharge and Lake Erie.

The receiving stream, UNT to Six Mile Creek, is in the Lake Erie watershed and classified for CWF, MF.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		
Ultraviolet Light	monitor and report		



The EPA waiver is in effect.

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

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

**WQM Permit No. 6406402, Camp Wayne for Boys, Inc.**, 15 Camp Wayne Road, Preston Park, PA 18455. This proposed facility is located in Buckingham Township, **Wayne County**, PA.

Description of Proposed Action/Activity: This project consists of installation of surface aerators in the existing wastewater treatment lagoons.

**WQM Permit No. 4506407, Great Wolf Lodge of the Poconos, LLC**, 1 Great Wolf Drive, Scotrun, PA 18355. This proposed facility is located in Pocono Township, **Monroe County**, PA.

Description of Proposed Action/Activity: This project is for the expansion of the equalization tank on the existing sewage treatment plant.

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

**WQM Permit No. 2806403, Sewerage, Ray and Rubie Wright**, 2635 Grand Point Road, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow spray irrigation system to serve their single family residence located on Lot No. 13, Grand Point Road.

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

**WQM General Permit No. 01590602, Sewerage, United States Army Corps of Engineers**, R. D. 1 Box 65, Tioga, PA 16946-9733. This proposed facility is located in Lawrence Township, **Tioga County**.

Description of Proposed Action/Activity: The applicant proposes the use of a Water Quality Management General Permit to construct and operate an existing small flow treatment facility at the Cowanesque Dam. The treatment system consists of a septic tank, subsurface sand filter, chlorination and a discharge to the Cowanesque Lake (WWF).

**WQM General Permit No. 01590603, Sewerage, United States Army Corps of Engineers**, R. D. 1, Box 65, Tioga, PA 16946-9733. This proposed facility is located in Tioga Township, **Tioga County**.

Description of Proposed Action/Activity: The applicant proposes the use of a Water Quality Management General Permit to construct and operate an existing small flow treatment facility at the Tioga-Hammond Dam. The treatment system consists of a septic tank, subsurface sand filter, chlorination and a discharge to the Tioga River (CWF).

**WQM Permit No. 4706201, Industrial Waste 4911, PPL Montour, LLC**, Two North Ninth Street, Allentown, PA 18101. This proposed facility is located in Derry Township, **Montour County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a treatment plant to treat flue gas scrubber wastewater.

**WQG Permit No. 01550601, Sewerage, Keith E. Meese**, 3009 Green Mount, Orlando, FL 32806. This proposed facility is located in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: Small flow single residence system consisting of a septage tank, dosing tank, sand filter, chlorination and stream discharge.

**WQM Permit No. WQG01080602, Sewerage, Steven Green**, R. D. 1, Box 1175, Gillett, PA 16925. This proposed facility is located in South Creek Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a 1,900 gpd treatment plant to treat sewage from a restaurant using the general permit. The treatment plant will consist of septic tanks, effluent filter, a subsurface sand filter and chlorine disinfection.

**WQM Permit No. 1906402, Sewerage, Berwick Area Joint Sewer Authority**, 1108 Freas Ave., Berwick, PA 18603. This proposed facility is located in Briar Creek Borough and Township, **Columbia County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate sewer line extensions for Ruckle Hill and Rittenhouse Mill Roads, Woodcrest, Briar Crest and Foundryville development areas. The proposed extensions would serve approximately 357 existing residential dwellings and 55 future dwellings. The majority of the existing dwellings have malfunctioning onlot systems. The project will also consist of three pump stations for the conveyance of sewage from the Foundryville and Woodcrest developments.

**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021306005	Mauch Chunk Estates Joseph Busocker and Russell Eckhart 1111 North St. P. O. Box 289 Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Silk Mill Run EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10M095R	Chadwick Estates 85 Homestead Drive Chambersburg, PA 17225	Franklin	Greencastle Township	Muddy Run HQ-CWF
PAI033406001	East Waterford Sewer Authority R. R. No. 1 Honey Grove, PA 17035	Juniata	Tuscarora and Lack Townships	Tuscarora/Horse Valley Run HQ-CWF
PAI032806005	Keystone Custom Homes 214A Willow Valley Lakes Drive	Franklin County	Guilford Township	Falling Spring Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406012	Geisinger Medical Clinic— Lee Myers 100 North Academy Ave. Danville, PA 17822	Centre	Patton Township	UNT Buffalo Run HQ-CWF
PAI041406013	Department of Conservation and Natural Resources— John Shearer P. O. Box 8451 Harrisburg, PA 17105	Centre	Penn Township	Big Poe Creek HQ-CWF

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

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056306004	William Rieger Rieger Crane Rental P. O. Box 41 Houston, PA 15342	Washington	North Strabane Township	Little Chartiers Creek HQ WWF

*Westmoreland Conservation District, Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056506001	Alan Latta 5543 Saltsburg Road Murrysville, PA 15668	Westmoreland	Murrysville	UNT to Haymakers Run/HQ

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


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

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**CAFO Notices of Intent Received**


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

**PAG124805**, CAFO, SIC 0213, **David N. Groff**, 262 Pawlings Road, Lewisburg, PA 17837. This existing facility is located in Kelly Township, **Union County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the renewal of CAFO General Permit for the Groff Hog Farm. This facility is comprised two finishing barns with no external manure storage. Total underbarn manure storage, with freeboard considered, is 1,150,942 gallons. Animals onsite include 4,400 finishing hogs and one horse, for a total of 695 animal equivalent units.

The receiving stream, Little Buffalo Creek is in watershed 10C (Buffalo and White Deer Creek) and classified for CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

### **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**

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


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

<b>Permit No. 2805501</b> , Public Water Supply.	
Applicant	<b>Washington Township Municipal Authority</b>
Municipality	Washington Township
County	<b>Franklin</b>
Responsible Official	Eugene A. Barnhart, Manager 11102 Buchanan Trail East Waynesboro, PA 17268-9424
Type of Facility	Public Water Supply
Consulting Engineer	Harry E. Bingaman, P. E. Glance Assoc., Inc. 3705 Trindle Rd. Camp Hill, PA 17011
Application Received:	1/3/2005
Description of Action	Construction of a 1.267 million gallon storage tank and related appurtenances.
<b>Application No. 3606503</b> , Minor Amendment, Public Water Supply.	
Applicant	<b>Taylor's Mobile Home Park</b>
Municipality	Eden Township
County	<b>Lancaster</b>
Responsible Official	Judy A. Brown, Manager/Trustee 301 Lamparter Road Quarryville, PA 17566-9366
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew, II, P. E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received:	3/29/2006
Description of Action	Project proposes to install anion exchange to remove elevated levels of nitrate in the sources of supply.
<b>Application No. 3606505</b> , Minor Amendment, Public Water Supply.	
Applicant	<b>Columbia Water Company</b>

Municipality Manor Township  
 County **Lancaster**  
 Responsible Official David Lewis, Superintendent  
 1195 River Road  
 P. O. Box 302  
 Marietta, PA 17547-0302

Type of Facility Public Water Supply  
 Consulting Engineer Gerald R. McClune, P. E.  
 ARRO Consulting, Inc.  
 270 Granite Run Drive  
 Lancaster, PA 17601-6804

Application Received: 4/17/2006  
 Description of Action This project is for construction of a booster pump station to serve the Eagle Path pressure zone. The pump station will consist of two 65-gpm centrifugal pumps to boost pressure in the system.

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

**Application No. 2506501, Public Water Supply**

Applicant **Woodhaven Mobile Home Park**  
 Township or Borough Greene Township, Erie County  
 Responsible Official Shane L. Kosterman,  
 Owner/Operator  
 Consulting Engineer Arthur M. Kuholski, P. E.  
 Senior Project Engineer  
 Lake Engineering  
 140 Meadville Street  
 Edinboro, PA 16412

Application Received Date 05/15/2006  
 Description of Action Installation and operation of diatomaceous earth filtration system.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed

remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Ten Tower Bridge**, Conshohocken Borough, **Montgomery County**. Gerald Kirkpatrick, Env. Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Josh Rubinch, O'Neill Properties Group, 700 S. Henderson Road, Suite 225, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with release of arsenic. The future use of the site will remain commercial.

**3595 Aramingo Avenue**, City of Philadelphia, **Philadelphia County**. David Farrington, Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Road, West Chester, PA 19380 on behalf of Avi Nechemiah, Golden Gate Electronics, 1417 Callowhill St., Philadelphia, PA 19123 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with laded gasoline, MTBE and lead. The intended future use of the site is nonresidential/commercial. The site was listed as Furniture & Bedding Factory Outlet.

**1006-1020 Mt. Vernon St.**, City of Philadelphia, **Philadelphia County**. David Van Keuren, Earth Engineering Inc., 115 W. Germantown Pike, East Norriton, PA 19401 on behalf of William McGroarty, New Urban Ventures, LLC (Equitable Owner), 70 Limekiln Pike, Glenside, PA 19038 has submitted a Notice of Intent to

Remediate. Soil at the site has been impacted with lead. The proposed future use of the site will be residential for townhomes and condominium units. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on April 24, 2006.

**NW Corner of 11th and Wallace St.**, City of Philadelphia, **Philadelphia County**. David Van Keuren, Earth Engineering Inc., 11 W. Germantown Pike, East Norriton, PA 19401 on behalf of William McGroarty, New Urban Ventures, LLC (Equitable Owner), 70 Limekiln Pike, Glenside, PA 19038 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead. The proposed future use of the site will be residential for townhomes and condominium units. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on April 24, 2006.

**NE Corner 10th and Mt. Vernon St.** City of Philadelphia, **Philadelphia County**. David Van Keuren, Earth Engineering Inc., 11 W. Germantown Pike, East Norriton, PA 19401 on behalf of William McGroarty, New Urban Ventures, LLC (Equitable Owner), 70 Limekiln Pike, Glenside, PA 19038 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead. The proposed future use of the site will be residential for townhomes and condominium units. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on April 24, 2006.

**NE Corner 10th and Green St.** City of Philadelphia, **Philadelphia County**. David Van Keuren, Earth Engineering Incorporated, 11 W. Germantown Pike, East Norriton, PA 19401 on behalf of William McGroarty, New Urban Ventures, LLC (Equitable Owner), 70 Limekiln Pike, Glenside, PA 19038 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead. The proposed future use of the site will be residential for townhomes and condominium units. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on April 24, 2006.

**Decker Res.** Doylestown Township, **Bucks County**. Staci Cottone, J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil. The subject property will remain residential.

**Green St. Mews.** Downingtown Borough, **Chester County**. Douglas Schott, P. G., Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Road, West Chester, PA 19380 on behalf of Charles Stauffer, Alimar Builders, 931 Grandview Drive, Exton, PA 19340 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead and other organics. It is the intent of the remediator to redevelop the property as a multi-unit townhouse community with associated parking and open areas.

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

**J & J Sales and Service, Inc.** Benton Township, **Columbia County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 on behalf of Gerald Houseweart, II, 146A Dotyville Road, Benton, PA 17814 has submitted a revised Notice of Intent to Remediate soil and groundwater contaminated with leaded and unleaded gasoline. The applicant proposes to remediate the site to meet the Special Industrial Area requirements.

**Mifflinburg Government Center**, Mifflinburg Borough, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Union County, Diana Robinson, Chief Clerk, 103 South Second St., Lewisburg, PA 17837 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Sel-Lo Oil I-80 Exit 123 Westbound Ramp**, Bradford Township, **Clearfield County**. Mountain Research, LLC, 825 25th St., Altoona, PA 16601 on behalf of Department of Transportation, District 2-0, 1924-30 Daisy St., Clearfield, PA 16830 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel/kerosene blend of fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

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

**Monessen Riverfront Redevelopment Phase III**, City of Monessen, **Westmoreland County**. Alan Halperin, D'Appolonia, 275 Center Road, Monroeville, PA 15146 on behalf of Jay Bandieramonte, Redevelopment Authority of the Westmoreland, 2 North Main Street, Suite 600, Greensburg, PA 15601 has submitted a Notice of Intent to Remediate. Soils and groundwater contamination is present on the 7 acre property considered Phase III of the Monessen Riverfront Redevelopment. Asbestos abatement, waste removal, and demolition of mill structures have been followed by capping of impacted soils with uncontaminated materials in preparation for reuse of an Industrial Site.

**Fort Pitt Bridge Works**, Canonsburg Borough/ North Strabane Township, **Washington County**. Richard DeLuca, Jr., Aurora Environmental, Inc., 1031 Third Avenue, North Brighton, PA 15066 on behalf of David Stoehr, Stoehr Development, Inc., 325 Meadowlands Blvd., Washington, PA 15301 has submitted a Notice of Intent to Remediate. The Fort Pitt Bridge Works is a 25-acre site in Canonsburg that was used to fabricate steel beams and girders. Soils on the property are contaminated with lead and other inorganics associated with foundry work. The intended use of the site will remain Industrial.

**LTV Steel Company, Inc., Coke Plant (Crucible-Midland) Former**, Borough of Midland, **Beaver County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Jim Palmer, Beaver County Corporation for Economic Development, 250 Insurance Street, Suite 300, Beaver, PA has submitted a Notice of Intent to Remediate. Anticipated contaminants at the site include volatile and semi-VOCs and metals, sources of potential contaminants include the coke byproducts recovery operations, aboveground storage tanks for fuel and coke byproducts, possible EAF dust storage. The Beaver County Corporation for Economic Development purchased the property and is planning to redevelop it as an industrial/commercial development. The site meets the Special Industrial Area Requirements under Act 2.

**CBI Constructors, Inc.** Neville Township, **Allegheny County**. Jonathan Alix, AWARE Environmental Inc., 9305-J Monroe Road, Charlotte, NC 28270 on behalf of Doug Hansen, Chicago Bridge & Iron Company, 14105 S. Route 59, Plainfield, IL 60544 has submitted a Notice of Intent to Remediate soils contaminated with lead above

the medium specific concentration of 450 mg/kg. Lead impacted areas were found in four site areas and were found to be surficial in nature. Excavation and disposal of contaminated soil has already taken place. CB&I believe they have fulfilled the Act 2 requirements for a Statewide Health Standard Cleanup. The intended use of the site is for commercial/light industrial purposes.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

**Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and municipal waste regulations for a general permit to operate infectious and chemotherapeutic waste processing facilities.**

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

**General Permit No. WMGI005.** General Permit Number WMGI005 authorizes processing of infectious waste through chemical and thermal inactivation. The Department of Environmental Protection's considering modifications to the permit requested by permittees.

Renewal applications have been received for the following facilities:

Merck & Co., Inc., West Point, 770 Sumneytown Pike, West Point, PA 19486-0004 (WMGI005A)

Merck & Co., Inc., Cherokee, 100 Avenue C, Riverside, PA 17868 (WMGI005B)

Merck & Co., Inc., Wayne, 466 Devon Park Drive, Wayne, PA 19087 (WMGI005C)

Merck & Co., Inc., MRL North Wales, 502 and 503 Louise Lane, 140 Wissahickon Avenue, North Wales, PA 19545 (WMGI005D)

Centocor Inc, 200 Great Valley Parkway, Malvern, PA 19355-1312 (WMGI005D002)

Comments concerning the renewal should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to the general permit, and approval or denial of the renewal applications.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application for Determination of Applicability for General Permit submitted Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Permit Application No. WMGM007-NWRO1.** Buerks Septic Service, 1039 Bruxelles Street, St. Marys, PA 15857, St. Marys, **Elk County**. Temporary storage of residential septage prior to land application. The application for determination of applicability was received by the Northwest Regional Office on May 26, 2006.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No 100739 WBLF Acquisition Co. LLC, Cumru Township, Berks County.** The application is for a permit reissuance. The permit was determined to be administratively complete on May 26, 2006.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application for Determination of Applicability 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 residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301*

**General Permit Application No. WMGR094D001. Keystone Cement Company,** P. O. Box A, Bath, PA 18014. For the beneficial use of cement kiln dust as a subgrade stabilizer in road construction, and use as a fill material for road and embankment construction. The application for determination of applicability was accepted by the Division of Municipal and Residual Waste as administratively complete on June 1, 2006.

Persons interested in obtaining more information about the general permit application may contact the General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17101-8472, (717) 787-7381. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at the above phone number. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

#### PLAN APPROVALS

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

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

**40-399-038D: Fairchild Semiconductor Corp.** (125 Crestwood Road, Mountaintop, PA 18707) for installation of air cleaning devices in the FAB8 production area in Wright Township, **Luzerne County**.

**48-309-127: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for modification of the Portland cement kiln to utilize waste derived liquid fuel as an alternative to No. 2 fuel oil in Lower Nazareth Township, **Northampton County**.

**58-310-010: New Milford Materials, LLC** (P. O. Box 324A-1, Montrose, PA 18801) for construction of a stone crushing plant and associated air cleaning device at Casey Road, New Milford Township, **Susquehanna County**.

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

**38-03051A: Grace Alloys** (200 East Richland Avenue, Myerstown, PA 17067) for installation of a secondary aluminum sweat furnace in the Myerstown Borough, **Lebanon County**. The furnace is subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Plants.

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

**60-00001A: Bucknell University** (Lewisburg, PA 17837) for replacement of the core in a natural gas/No. 2 fuel oil-fired combustion turbine in East Buffalo Township, **Union County**.

**41-327-003A: PMF Industries, Inc.** (2601 Reach Road, Williamsport, PA 17701) for modification of an existing vapor degreaser by increasing the trichloroethylene (a HAP) emission limit from 9.99 tons in any 12-consecutive month period to 13.0 tons in any 12-consecutive month period in the City of Williamsport, **Lycoming County**.

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

**62-0170: United Refining Co.** (Bradley and Dobson Streets, Warren, PA 16365) for modification of the Naphtha Hydrotreater and installation of NO<sub>x</sub> controls on the No. 4 boiler in the City of Warren, **Warren County**. The facility is a Title V Facility.

**37-325A: Allegheny Mineral Corp.—Rose Point Plant** (Mt. Hope Furnace Road, Porterville, PA 16051) for construction of a new limestone processing facility (1 million tons per year) in conjunction with three proposed new limestone mining operations in Slippery Rock Township, **Lawrence County**. The facility will crush, screen, wash and stockpile and ship limestone. The facility will be subject to 40 CFR 60 Subpart OOO for Nonmetallic Mineral Processing Plants. This is a State-only V facility.

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

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

**39-302-181: Cedar Crest College** (100 College Drive, Allentown, PA 18104) for modification of two natural gas/No. 2 fuel oil-fired boilers at their campus in the City of Allentown, **Lehigh County**. The facility is a non-Title V (State-only) facility and has been issued the Natural Minor Operating Permit No. 39-00070. The modification consists of restricting the fuel usage limit for each boiler to 98.2 MMcft of natural gas per year, or 701,400 gallons of No. 2 fuel oil per year, or any combination of natural gas and No. 2 fuel oil totaling  $9.82 \times 10^{10}$  Btu of heat input per year. Based on the fuel usage limits, the maximum emissions from each boiler will be 14.9 tpy of SO<sub>2</sub>, 9.88 tpy of NO<sub>x</sub>, 4.1 tpy of CO, 1.16 tpy of particulate and 0.27 tpy of VOC. The Plan Approval and Operating Permit will include emission restrictions, fuel usage restrictions, monitoring, recordkeeping and work practice requirements designed to keep the sources operating within all applicable air quality requirements. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Natural Minor Operating Permit through an administrative amendment at a later date.

**66-315-046: Procter and Gamble Paper Products Co.** (P. O. Box 32, Route 87, Mehoopany, PA 18629) for an upgrade of their existing 2M paper machine in Washington Township, **Wyoming County**. The VOC emissions from the facility will remain unchanged, never to equal or exceed 285.5 tpy of VOC, based on a 12-month rolling sum as stated in the company's Title V Permit. The VOC emissions from the 2M paper machine shall not exceed 45.4 tpy of VOC, based on a 12-month rolling sum. The company has proposed no other changes. The Procter & Gamble Paper Products Company is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 66-00001. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

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

**36-03162A: Ivy Creek Custom Cabinetry, Inc.** (449 Running Pump Road, Suite 113, Lancaster, PA 17601) for construction of a custom cabinet facility, including two surface coating booths in East Hempfield Township, **Lancaster County**. This will result in an increase in actual emissions of about 2.4 tpy of VOC and 0.10 tpy of HAPs. These sources will be controlled by the use of dry panel filters. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**18-315-001C: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17815) for construction of two 68 million Btu per hour natural gas/propane-fired boilers in Castanea Township, **Clinton County**.

One of the two proposed boilers will replace seven existing 11.56 million Btu per hour natural gas/propane-fired boilers and the second will be constructed instead of eight 11.56 million Btu per hour natural gas/propane-fired boilers previously approved by the Department of Environmental Protection but not yet constructed. The proposed boilers will incorporate low NO<sub>x</sub> burners and flue gas recirculation to minimize the NO<sub>x</sub> emissions from the boilers. The air contaminant emissions from the boilers are not expected to exceed 11.38 tons of NO<sub>x</sub>, 46.4 tons of CO, 2.98 tons of VOCs, 4.2 tons of PM including PM<sub>10</sub>, .38 ton of SO<sub>x</sub> and 1.12 tons of HAPs per year.

The facility in which the boilers will be constructed is a major (Title V) facility for which a Title V operating permit has not yet been issued.

The Department of Environmental Protection's (Department) review of the information submitted by First Quality Tissue, LLC indicates that the proposed boilers should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed boilers.

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

1. The authorization to construct eight 11.56 million Btu per hour natural gas/propane-fired boilers in association with Paper Machine No. 2 which was granted in Plan Approval 18-315-001 is hereby revoked as is the authorization which was granted to construct an eighth 11.56 million Btu per hour natural gas/propane-fired boiler in association with Paper Machine No. 1.

2. Operation of the seven 11.56 million Btu per hour natural gas/propane-fired boilers currently associated with Paper Machine No. 1 shall cease by no later than 180 days after commencement of operation of the 68 million Btu per hour natural gas/propane-fired boiler to be associated with Paper Machine No. 1.

3. Conditions contained in Plan Approval 18-315-001 remain in effect unless superseded or amended by a condition contained herein, or unless superseded or amended by a condition contained in another plan approval issued by the Department. If there is a conflict between a condition contained in this notice and a condition contained in Plan Approval 18-315-001, the permittee shall comply with the condition contained in this notice rather than the conflicting condition contained in Plan Approval 18-315-001.

4. The two boilers constructed under this plan approval shall be fired on natural gas or propane only.

5. The two boilers constructed under this plan approval shall each incorporate both a low NO<sub>x</sub> (low NO<sub>x</sub>) burner and a flue gas recirculation system.

6. The emission of air contaminants from each of the two boilers constructed under this plan approval shall not exceed the following limitations:

- NO<sub>x</sub> (NO<sub>x</sub>, expressed as NO<sub>2</sub>)—15 parts per million, dry volume basis @ 3% oxygen, 1.30 pounds per hour and 5.69 tons in any 12-consecutive month period.

- CO—100 parts per million, dry volume basis @ 3% oxygen, 5.30 pounds per hour and 23.20 tons in any 12-consecutive month period.



- VOCs—34 pounds per hour and 1.49 tons in any 12-consecutive month period.
- PM including PM10—.48 pound per hour and 2.10 tons in any 12-consecutive month period.
- SO<sub>x</sub> (SO<sub>x</sub>, expressed as SO<sub>2</sub>)—.04 pound per hour and .19 ton in any 12-consecutive month period.
- Combined HAPs—.13 pound per hour and .56 ton in any 12-consecutive month period.

7. The permittee shall submit boiler specifications to the Department for review and final approval within 15 days of selecting a specific boiler vendor and model.

8. Within 180 days of initial startup of each of the two boilers constructed under this plan approval, the permittee shall perform stack testing on the respective boiler to determine its NO<sub>x</sub>, CO, VOC and PM emission rate while the boiler is operating at its normal maximum load using test methods and procedures approved by the Department. A test protocol shall be submitted to the Department at least 60 days prior to the scheduled performance of any testing and a test report shall be submitted within 60 days of completing any testing.

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

**42-172A: Hexion Specialty Chemical** (253 Borden Drive Mt. Jewett, PA 16740) for modification of the current plan approval and State-only Operating Permit for their Mt. Jewett urea formaldehyde resin facility. in Sergeant Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to modify the current plan approval and State-only Operating Permit in Sergeant Township, McKean County. The plan approval will include emission restrictions for the storage tanks and the reactor. The plan approval also includes the applicable New Source Performance Standard requirements for the 18.8 mmBtu/hr natural gas fired boiler. The permittee shall be required to monitor the scrubber flow rates and pressure drops. The permittee shall be required to calculate the 12-month rolling total of the formaldehyde and methanol emissions and record the emissions on a monthly basis. The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

**25-124B: Mayer Brothers Construction Co.** (West 18th Street, Erie, PA 16502) for modification of a plan approval to burn No. 5 fuel oil at the Hot Mix Batch Asphalt Plant in the City of Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for modification of a plan approval to burn No. 5 fuel oil at their Hot Mix Batch Asphalt Plant in the City of Erie, Erie County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

**25-1006A: Lake Erie Biofuels, LLC** (1001 State Street, Erie, PA 16501-1814) for construction of a bio-diesel production plant in City of Erie, **Erie County**. The facility is subject to NSPS requirements 40 CFR 60 Subparts Dc, VV, NNN, RRR and Kb. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

The steam boilers shall comply with the following:

- Subject to 40 CFR 60 Subpart Dc and with 25 Pa. Code §§ 123.11 and 123.22 for PM and sulfur emissions.
- Shall be capable of reducing NO<sub>x</sub> and CO emissions to or below:
  - 30 ppm<sub>dv</sub> NO<sub>x</sub> at 3% O<sub>2</sub> when firing gas.
  - 90 ppm<sub>dv</sub> NO<sub>x</sub> at 3% O<sub>2</sub> when firing No. 2 fuel oil.
  - 300 ppm<sub>dv</sub> CO at 3% O<sub>2</sub>.
- Shall stack test for NO<sub>x</sub> and CO.
- Shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- The Biodiesel Processing Plant shall comply with the following:
  - Subject to 40 CFR 60, Subparts VV, NNN and RRR for Equipment Leaks of VOC in the SO<sub>2</sub>MI, VOC Emissions from SO<sub>2</sub>MI Distillation Operations and VOC Emissions from SO<sub>2</sub>MI Reactor Processes.
  - The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.
  - The permittee shall maintain a record of the following from the operational inspections:
    - Liquid pressure or flow rate.
    - Pressure drop.
    - Outlet gas temperature.
  - The permittee shall perform a daily operational inspection of the control device.
  - A magnehelic gauge or equivalent shall be permanently installed and maintained at a convenient location to indicate the pressure drop across the control device.
  - All gauges employed (liquid pressure or flow rate, pressure drop, and outlet gas temperature) shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within ±2% of full scale reading.
  - The permittee shall operate the control device at all times that the source is in operation.
  - The permittee shall maintain and operate the source in accordance with the manufacturer specifications and in accordance with good air pollution control practices.

- The Tanks shall comply with the following:
  - Subject to 25 Pa. Code §§ 129.56 and 129.57 for storage tanks greater than 40,000 gallons and storage tanks less than 40,000 gallons.
  - Subject to 40 CFR 60, Subpart Kb for Volatile Organic Liquid Storage Vessels.
  - The permittee shall maintain and operate the source in accordance with the manufacturer specifications and in accordance with good air pollution control practices.

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

**AMS 06013: Children's Hospital of Philadelphia** (34th and Civic Center Boulevard, Philadelphia, PA 19140) for installation of an emergency generator. There will be a potential annual emission increase of 3.22 tons for NOx for the hospital. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**46-00020: Superior Tube Company, Inc.** (3900 Germantown Pike, Collegeville, PA 19426) in Lower Providence Township, **Montgomery County**. The permit is for the renewal of a Title V facility. No significant changes have taken place at this facility since the previously issued amended TV Operating Permit, issued May 25, 2005. The facility's sources include boilers, solvent cleaning tanks, flush/blowout booths, emergency generator and other source defined in the TV Operating Permit. The permittee's does have the potential to emit more than the major threshold for VOC and NOx and is therefore characterized as a Title V, Major Facility. The facility has site wide VOC and NOx emissions limits of 166 and 79.2 tons per year, respectively. This facility is not subjected to CAM under 40 CFR Subpart 64. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**V06-005: Exelon Generating Co.—Richmond Station** (3901 N. Delaware Ave., Philadelphia, PA 19137) for issuance of a Title V-State Operating Permit in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 838 mmBtu/hr combustion turbines and a 1.77 mmBtu/hr boiler.

The operating permit will be issued under 25 Pa. Code Part I, Subpart C, Article III and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104, for further information, contact mr. edward wiener (215) 685-9426.

Persons wishing to file protest or comments on this operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise state-

ment 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 30 days before the hearing.

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

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

**01-03031: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214-0914) at their Charmian facility in Hamiltonban Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants and 40 CFR Part 60, Subpart UUU—Standards of Performance for Calcinators and Dryers in Mineral Industries. The facility has the potential to emit about 90 tons per year of PM, 49 tons per year of NOx, 8 ton per year of CO, 2 tons per year of VOC and 0.2 ton per year of SOx. The Natural Minor operating permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**49-00057: Pet Rest Memorial Park** (2410 Eighth Street Drive, Watsontown, PA 17777) for an animal crematorium in Delaware Township, **Northumberland County**. The principal emission source is one liquid propane fired animal crematorium. This facility has the potential to emit SOx, CO, NOx, VOCs, HAPs and PM10 below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**24-00101: Babcock Lumber Co.** (Spruce Street Extension, Saint Marys, PA 15887) for production of ornamental wood products in Saint Marys, **Elk County**.

**33-00144: National Fuel Gas Supply Corp.—Heath Station** (17447 Route 949, Sigel, PA 15860) for a Natural Minor Permit to operate a natural gas compressor station and gas processing plant in Heath Township, **Jefferson County**.

#### **COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition,

more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

#### *Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**30743705 and NPDES Permit No. PA0214752, Dana Mining Company of PA** (P. O. Box 1170, Morgantown, WV 26507), to renew the permit for the Mundell Hollow Refuse Disposal Area in Dunkard Township, **Greene County** and related NPDES permit. No additional discharges. Application received April 20, 2006.

**56961301 and NPDES Permit No. PA0214736, RoxCOAL, Inc.** (1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541), to renew the permit and related NPDES permit and revise the permit for the Sarah Mine in Jenner Township, **Somerset County** to revise the

subsidence control plan to mine the Upper Freeport coal seam. No additional discharges. Application received May 12, 2006.

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

**1000104 and NPDES Permit No. PA0241784, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving streams: UNT to Slippery Rock Creek and Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: May 26, 2006.

#### *Noncoal Applications Received*

##### *Effluent Limits*

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

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

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

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

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

**10040301 and NPDES Permit No. PA0242471. Raducz Stone Corporation** (284 Rockdale Road, Butler, PA 16001-8802. Revision to an existing shale and sandstone operation in Penn Township, **Butler County** affecting 33.5 acres. Receiving streams: UNT to Thorn Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 6.5 acres to the permit area. Application received: May 26, 2006.

**10060302. Waste Management Disposal Services of Pennsylvania, Inc.** (1121 Bordentown Road, Morrisville, PA 19067). Commencement, operation and restoration of a spoil operation in Clay Township, **Butler County** affecting 42.0 acres. Receiving streams: three UNTs to South Branch Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 mile downstream. Application received: May 26, 2006.

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

**64020803. David Hine** (456 Belmont Street, Waymart, PA 18472), Stages I and II bond release for a quarry operation in Lebanon Township, **Wayne County** affecting 1.0 acre on property owned by Dorothy Lull. Application received May 30, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the 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.*

**E09-897. Richland Township**, 1238 California Road, Suite A, Quakertown, PA 18951, Richland Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain approximately 460 linear feet of walking trail which will connect the existing Hunter Crossing Trail and existing Gardens II Trail impacting 0.042 acre of wetland (PFO). The trail will consist of 223 linear feet of super deck trail and 237 linear feet of conventional 8-foot wide trail.

The site is located at 280 Trumbauesville Road (Quakertown, PA USGS Quadrangle, N: 1.25 inches; W: 15 inches)

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

**E40-659. Transcontinental Gas Pipe Line Corporation**, 2800 Post Oak Boulevard, Houston, TX 77056, in Salem and Huntington Townships, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain 23 utility line stream crossings, consisting of eight crossings of watercourses and 15 crossings of wetlands for the purpose of constructing a 5.23-mile section of 42-inch natural gas pipeline. The project will: temporarily impact 6.16 acres of PEM wetlands, 1.92 acres of PSS wetlands and 0.32 acre of PFO acres of wetlands; permanently impact 0.01 acre of PFO wetlands; and include 10 temporary road crossings in various wetlands and streams. The project is known as the Leidy to Long Island Expansion Project—Berwick Loop and extends from Milepost 28.02 in Salem Town-

ship, Luzerne County (Berwick, PA Quadrangle N: 20.7 inches; W: 7.0 inches), continues northwestward, parallel to the existing Leidy Line to Milepost 33.25 of the existing Leidy Line "D" in Huntington Township, Luzerne County (Shickshinny, PA Quadrangle N: 6.2 inches; W: 17.2 inches).

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

**E67-800: Trout Unlimited, Muddy Creek Chapter,** P. O. Box 211, Dallastown, PA 17313 in Lower Chanceford and Peachbottom Townships, **York County,** ACOE Baltimore District.

To construct and maintain 1,896 linear feet of stream restoration/bank stabilization in and along Muddy Creek (CWF) as well as 300 linear feet of Bald Eagle Creek (TSF) using a natural stream design approach including the installation of in-stream rock structures (rock vanes, cross rock vanes and rock toe protection), bank grading, channel reconstruction and planting of a riparian buffer. The purpose of the project is to stabilize the stream banks, improve fish habitat, and improve sediment transport. The site is located near Woodbine (Airville, PA Quadrangle N: 6.5 inches; W: 4.4 inches to N: 5.9 inches; W: 4.0 inches, Latitude: 39° 47' 9"; Longitude: 76° 24' 23" to Latitude: 39° 46' 57" Longitude: 76° 24' 13") in Lower Chanceford and Peach Bottom Townships, York County. The project will not impact any wetlands.

**E22-501: S & A Custom Built Homes Inc.,** 2121 Old Gatesburg Road, State College, PA 16803 in Lower Paxton Township, **Dauphin County,** ACOE Baltimore District.

To extend and maintain an existing 95.0-foot 24-inch RCP downstream by a 145 linear foot, 24-inch SLCPP Culvert, to construct and maintain a 91.0-foot, 18-inch perforated SLCPP Culvert and a 79.0-foot, 18-inch perforated SLCPP Culvert in a UNT to Paxton creek (WWF) for the purpose of building a Residential-Retirement community.

The project will impact 0.05 acre of Palustrine forested, broad-leaved deciduous/Palustrine emergent, persistent wetlands (PFO1/PEM1), 0.08 acre of Palustrine emergent, persistent wetlands (PEM1) and 0.17 acre of Palustrine scrub-shrub/Palustrine emergent, persistent wetlands (PSS1/PEM1). The project area bounded by the Friendship Center and Colonial Park United Church of Christ in Lower Paxton Township, Dauphin County (Harrisburg East, PA Quadrangle, Latitude: 40° 18' 31", Longitude: 76° 48' 39", N: 10.5 inches, W: 8.4 inches).

**E36-807: Chester Water Authority,** 415 Welsh Street, P. O. Box 467, Chester, PA 19106-0467 in Fulton Township, **Lancaster County,** ACOE Baltimore District.

To construct a new building at the Chester Water Authority's Susquehanna River Pump Station site to house existing and new equipment needed for improvements to the pump station (Conowingo Dam, PA-MD Quadrangle N: 21.8 inches, W: 14.2 inches; Latitude: 39° 44' 42", Longitude: 76° 13' 32").

**E05-337: Borough of Everett Area Municipal Authority,** 100 Mechanic Street, Everett, PA 15537 in Everett Borough, **Bedford County,** ACOE Baltimore District.

To construct and maintain: 1) a 42-inch diameter and a 15-inch diameter outfall pipes at the right bank wall of Bloody Run (WWF) located at downstream and upstream of West Foundry Street bridge (Everett West, PA Quad-

rangle N: 2.22 inches; W: 17.18 inches; Latitude: 40° 0' 44"; Longitude: 78° 22' 22"); 2) a 15-inch diameter outfall pipe at the right bank wall of Bloody Run (WWF) located at upstream of East South Street culvert (Everett West, PA Quadrangle N: 1.9 inches; W: 17.1 inches; Latitude: 40° 0' 38"; Longitude: 78° 22' 20"); 3) a 24-inch diameter outfall pipe at the left bank of Raystown Branch Juniata River (TSF) near River Lane (Everett West, PA Quadrangle N: 1.9 inches; W: 16.3 inches; Latitude: 40° 0' 38"; Longitude: 78° 21' 59"); 4) a 18-inch diameter outfall pipe at the left bank of Raystown Branch Juniata River (TSF) located about 600 feet south of East South Street (Everett West, PA Quadrangle N: 1.8 inches; W: 16.1 inches; Latitude: 40° 0' 36"; Longitude: 78° 21' 54") in Everett Borough, Bedford County.

**E06-607: Antietam Valley Municipal Authority,** 502 Butter Lane, Reading, PA 19606-1604 in Exeter Township, **Berks County,** ACOE Philadelphia District.

To construct a new pump station and generator building adjacent to the existing pump station near the intersection of Butter Lane and Bingaman Street, located within the 100-year floodplain of Antietam Creek (Birdsboro, PA Quadrangle; Latitude: 40° 20' 10", Longitude: 75° 52' 21"; N: 15.6 inches; W: 17.2 inches).

**E06-609: Richard A. Swavelly,** 45 Center Road, Douglassville, PA 19518 in Union Township, **Berks County,** ACOE Philadelphia District.

To place and stabilize fill material along a private roadway within the regulatory floodway of a UNT of Schuylkill River (Birdsboro, PA Quadrangle; Latitude: 40° 15' 18", Longitude: 75° 47' 05"; N: 0.9 inch; W: 4.9 inches).

**E36-810: Lititz Memorial Wall Committee,** 103 West End Avenue, Lititz, PA 17543 in Lititz Borough, **Lancaster County,** ACOE Baltimore District.

To construct a freestanding memorial plaque wall and seat within the 100-year floodway of Lititz Run in Lititz Spring Park (Lititz, PA Quadrangle; Latitude: 40° 09' 27", Longitude: 76° 18' 34"; N: 5.9 inches; W: 8.3 inches).

**E06-608: Township of Union,** 177 Center Road, Douglassville, PA 19518 in Union Township, **Berks County,** ACOE Philadelphia District.

To construct a recreation area with walking trails and a boat access ramp between East Main Street and the Schuylkill River (Birdsboro, PA Quadrangle; Latitude: 40° 15' 58", Longitude: 75° 46' 55"; N: 2.9 inches; W: 4.5 inches) and to install a storm sewer inlet connecting two existing storm pipes (Birdsboro, PA Quadrangle; Latitude: 40° 15' 49", Longitude: 75° 46' 47"; N: 2.3 inches; W: 4.1 inches).

**E38-147: Isaac B. Martin,** 2292 Hayride Road, P. O. Box 508, Lebec, CA 93243 in North Lebanon Township, **Lebanon County,** ACOE Baltimore District.

To remove an existing 45-foot long, 18-inch APS culvert, and to install and maintain an 88.0-foot long, 20.0-foot by 5.0 foot conspan open-bottom arch bridge, an 8-inch ductile iron waterline in the fill above the bridge and a 100.0-foot long, 20.0-foot by 5.0 foot conspan open-bottom arch bridge with an 8-inch ductile iron waterline, 8-inch SDR-35 sewer line and an 18-inch ADS N-12 storm sewer line in the fill above the bridge across two UNTs to Swatara Creek (WWF), to maintain 1.06 acres of fill in

palustrine emergent wetlands located southeast of Harvest Drive in the Homestead Acres Subdivision—Phase I, and to place and maintain fill in 0.12 acre of Palustrine forested wetlands. To compensate for the wetland impacts, the applicant is required to construct replacement wetlands at a 2:1 ratio, which equals 2.36 acres. The location of the replacement wetlands is along Quitapahilla Creek, north of Birch Road. The project is located west of Grace Avenue and north of its intersection with Kercher Avenue (Lebanon, PA Quadrangle, Latitude: 40° 22' 17.06"; 40° 22' 10.98"; 40° 22' 10.35"; Longitude: 76° 26' 51.60"; 76° 26' 49.98"; 76° 26' 56.45"; N: 20.09 inches; 21.81 inches; 21.73 inches; W: 10.13 inches; 9.95 inches; 10.28 inches respectively) in North Lebanon Township, Lebanon County.

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

**E41-566. Department of Transportation, Engineering District 3-0**, P. O. Box 218 Montoursville, PA 17754-0218. Application for SR 0405 Section 063, Muncy Creek bridge replacement, in Muncy Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 15.76 inches; W: 1.06 inches).

To remove an existing three span concrete encased steel I-beam bridge having a length of approximately 150 linear feet and a hydraulic opening of 1,337 square feet and construct and maintain a three span concrete beam bridge having a span of approximately 237 feet and hydraulic opening of 3,259 square feet on a skew of 90° over Little Muncy Creek located along SR 0405 over Muncy Creek as well as 4,700 cubic yards of fill within the floodway of Muncy Creek within the vicinity of the proposed bridge abutments in Muncy Creek Township, Lycoming County. This project proposes to have a minimal impact on Muncy Creek, which is, designated a TSF. This project does not propose to impact any jurisdictional wetlands.

**E59-475. Stuart Lisowski**, 3862 Cherry Flats Road, Covington, PA 16917. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Covington Township, **Tioga County**, ACOE Susquehanna River Basin District (Blossburg, PA Quadrangle N: 19.85 inches; W: 11.19 inches).

To remove gravel in a gravel bar measuring 510 feet in length by 155 feet in width from the east bank and a gravel bar measuring 550 feet in length by 160 feet in width from the west bank, each along the Tioga River as well as reconstruct and maintain a gravel levee measuring 300 feet long by 40 feet wide at the base along the west bank of the Tioga, all of which is located 0.5 mile south of the intersection of SR 2022 and SR 2025 along the eastern right-of-way of SR 2025 in Covington Township, Tioga County. This project does not propose to impact any wetlands.

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

**E02-1534. Frank Wagner**, 1391 Scrubgrass Road, Carnegie, PA 15106. To maintain the existing bridge in Scott Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 1.8 inches; W: 9.5 inches and Latitude: 40° 22' 50"—Longitude: 80° 05' 11"). The applicant proposes to operate and maintain the existing bridge across the channel of Scrubgrass Run (WWF) for the purpose of providing pedestrian access.

The bridge is located approximately 1,250 feet southeast from the intersection of Kane Boulevard and Scrubgrass Road.

**E11-319. Cross Roads Meadows, LLC**, c/o The Woda Group, 2000 West Henderson Road, Suite 350, Columbus, Ohio 43220. To construct a culvert in the Borough of Ebensburg, **Cambria County**, Pittsburgh ACOE District. (Ebensburg, PA Quadrangle N: 18.46 inches; W: 15.26 inches and Latitude: 40° 28' 36"—Longitude: 78° 44' 05"). The applicant proposes to place and maintain fill in 0.02 acre of wetlands (PFO) and to construct and maintain approximately 100' of 15" corrugated plastic culvert in a discontinuous watercourse, which has a drainage area less than 100 acres, in the watershed of a UNT to Howell's Run (CWF), for the purpose of construction of an 8 multi-unit residential buildings. The project is located 1/4 mile south of the intersection of old SR 160 and West High Street.

**E63-484 A. Cherry Valley Lake Development Company**, P. O. Box 273, Atlasburg, PA 15004. To construct an arch culvert in Mount Pleasant Township, **Washington County**, Pittsburgh ACOE District. (Midway, PA Quadrangle N: 15.3 inches; W: 11.4 inches and Latitude: 40° 19' 10"—Longitude: 80° 20' 01"). The applicant proposes to amend Permit No. E63-484 which authorized Cherry Valley Lake Development to construct and maintain an arch culvert having a span of 33.0 feet with an underclearance of 12.4 feet across the channel of Raccoon Creek (WWF) to provide access to the Cherry Valley Lake Residential Development located just downstream from the Cherry Valley Reservoir (D63-056). To include the construction and maintenance of a pipe arch culvert having a span of 8.6 feet with an underclearance of 5.9 feet in the channel of a UNT to Raccoon Creek (WWF) and to construct and maintain a pipe arch culvert having a span of 5.9 feet with an underclearance of 3.9 feet in a UNT to Raccoon Creek (WWF) to provide access to the Cherry Valley Phase 7 development located just southwest from the existing Portage Lane cul-de-sac and Portage Lane (Midway, PA Quadrangle N: 12.6 inches; W: 11.7 inches and Latitude: 40° 19' 10"—Longitude: 80° 20' 01") and will impact 195.0 linear feet of stream channel.

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

**E42-322. Bradford Township**, 136 Hemlock Street, Bradford, PA 16701. Rutherford Run Road Watercourse Reconstruction, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 10.8 inches; W: 2.3 inches).

The applicant proposes to conduct channel changes to a tributary of Rutherford Run with a drainage area of less than 100 acres approximately 400 feet SE of the intersection of High Street and Rutherford Run Road involving: 1) to block an existing culvert under Rutherford Run Road eliminating approximately 240 feet of the original watercourse; 2) to remove the existing culvert and to construct and maintain a 1.25-foot diameter CMP having a length of approximately 50 feet; and 3) to establish a new watercourse channel by means of diversion of the existing watercourse into approximately 800 feet of existing roadside ditch adjacent to High Street and Rutherford Run Road. The project proposes to directly impact approximately 290 feet of stream. The tributary to Rutherford Run is classified as a CWF.

**E43-331, Mercer County**, 503 Mercer County Courthouse, Mercer, PA 16137. County Bridge 1502 on McCartney Road over Pine Run, in Fairview Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41° 11' 12"; W: 80° 03' 52").

To remove the existing structure and install and maintain a precast box culvert having a waterway opening of 14 feet by 5 feet and a length of 40 feet across Pine Run on T-691. The project will impact .13 acre of wetland (PEM, PSS1, PFO1) during construction, with permanent impacts of .033 acre of wetland.

**E43-332, Mercer County**, 503 Mercer County Courthouse, Mercer, PA 16137. County Bridge 2811 on Riggs Road over Little Deer Creek, in Shenango Township, **Mercer County**, ACOE Pittsburgh District (Sharon West, PA Quadrangle N: 41° 08' 17"; W: 80° 30' 36").

To remove the existing structure and install and maintain a prestressed concrete adjacent box beam bridge with a waterway opening of 28 feet by 3.17 feet and a length 24.75 feet, across Little Deer Creek on T-301. The project will impact .089 acre of wetland (PEM, PSS1, PFO1) during construction, with permanent impacts of .029 acre of wetland.

## ENVIRONMENTAL ASSESSMENTS

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

**D21-061EA, D21-062EA, John Eby**, Lower Allen Township, 1993 Hummel Avenue, Camp, PA 17011, Lower Allen Township, **Cumberland County**, ACOE Baltimore District.

Project proposes to breach and remove Smith Dam and a unnamed dam across a tributary to Cedar Run (CWF) for the purpose of restoring the stream to a free flowing condition and providing unobstructed fish passage. The project will restore approximately 100 linear feet of stream channel. Smith Dam is located approximately 3,600 feet East of the intersection of Simpson Ferry Road (SR 2014) and US 15. The unnamed dam is located approximately 275 feet downstream from Smith Dam immediately upstream of the Norfolk Southern Bridge Crossing (Lemoyne, PA Quadrangle N: 18.9 inches; W: 6.3 inches) (Lemoyne, PA Quadrangle N: 18.7 inches; W: 6.3 inches).

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## ACTIONS

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

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

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

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

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

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

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

## I. NPDES Renewal Permit Actions

*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 ?
PA-0039861	Altadis USA, Inc. 1000 Tresckow Road McAdoo, PA 18237-2599.	Carbon County Banks Township	Catawissa Creek 5E	Y
PA-0063860	Lehighon Water Authority Box 29, Municipal Building Lehighon, PA 18235	Carbon County Franklin Township	Long Run	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0086673 (SEW)	Markelsburg Authority P. O. Box 24 James Creek, PA 16657-0024	Huntingdon County Marklesburg Borough	UNT James Creek 11-D	Y
PA0046302 (IW)	PA American Water 200 East Canal Street Hummelstown, PA 17036	Dauphin County South Hanover Township	Swatara Creek 7-D	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 ?
PA0043583 SP	Hartley Township Municipal Authority P. O. Box 175 Laurelton, PA 17835-0175	Union County Hartley Township	Laurel Run 6A	Y
PA0113123	Patrick J. Witkowski P. O. Box 322 Laporte, PA 18626	Sullivan County Laporte Township	Loyalsock Creek 10B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0047201	Tionesta Borough Municipal Authority P. O. Box 408 Tionesta, PA 16353-0408	Tionesta Borough Forest County	Allegheny River 16-F	Y

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

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

**NPDES Permit No. PA0087157**, Sewage, **Deborah Casey**, East Hanover Township Supervisors, 8848 Jonestown Road, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit cancellation.

**NPDES Permit No. PA0053007, Amendment No. 1**, Sewage, **Kevin and Ericka Ernst**, Valley View Mobile Home Park—Blandon, 35 Ridge Drive, Fleetwood, PA 19522. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Permit transfer.

**NPDES Permit No. PA0248126**, Sewage, **Gary and Susan Aungst**, 45 Evergreen Road, McVeytown, PA 17051. This proposed facility is located in Juniata Township, **Huntingdon County**.



Description of Proposed Action/Activity: Authorization to discharge to UNT Raystown Branch Juniata River in Watershed 11-D.

**NPDES Permit No. PA0085278**, Sewage, **Deerwood Community Homeowners Association**, 1137 South Deerwood Drive, Mercersburg, PA 17236. This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Licking Creek in Watershed 13-C.

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

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

**WQM Permit No. 4006401**, Sewerage, **Conyngham Borough Authority**, 90 Butler Avenue, Conyngham, PA 18219. This proposed facility is located in Conyngham Borough, **Luzerne County**.

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

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

**WQM Permit No. 2206402**, Sewerage, **Greg Hill, Conewago Municipal Authority**, 3279 Old Hershey Road, Elizabethtown, PA 17022. This proposed facility is located in Conewago Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of the construction of three pump stations (Ridge Road East, Ridge Road West and Old Hershey Road) with dual sumbersible pumps to serve the Ridge Road area of Conewago Township including the Conewago Elementary School.

**WQM Permit No. 3606403**, Sewerage, **Scot Fertich, Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/modification/operation of sewerage facilities consisting of the replacement of existing pumps, piping and the like with three 4,200 gpm dry well centrifugal pumps at the Eden Road Pump Station.

**WQM Permit No. 0692406, Amendment 06-1**, Sewerage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This proposed facility is located in Windsor Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/modifications of sewerage facilities consisting of approximately 1,475 lineal feet of 6-inch diameter force main, modifications to raw sewage pumps including impellers and motors and installation of wet well ventilation system at the Edenberg Pump Station and Force Main.

**WQM Permit No. WQG02360604**, Sewage, **Michael Kyle**, Lancaster Area Sewer Authority, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in East Hempfield Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval of the construction/operation of a sewer extension for the Arbors at Spring Valley Interceptor replacement.

**WQM Permit No. 2893404, Amendment 06-1**, Sewerage, **Deerwood Community Homeowner's Association**, 1137 South Deerwood Drive, Mercersburg, PA 17236. This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Approval of amendment for the construction of sewerage facilities consisting of an expansion of the existing sewage treatment facilities consisting of two new MLE (Modified Ludzack-Ettinger) process trains each with an anoxic tank, aeration tank and clarifier and a new ultraviolet system.

**WQM Permit No. 3106401**, Sewerage, **Gary and Susan Aungst**, 45 Evergreen Road, McVeytown, PA 17051. This proposed facility is located in Juniata Township, **Huntingdon County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a single family residence sewage treatment facility with one 1,000 gallon dual compartment septic tank, a gravity dosed peat filter, tablet chlorinator and chlorine contact tank to serve their single family residence.

**WQM Permit No. WQG01360601**, Sewerage, **John and Alta Sensenig**, 987 Valley View Road, New Holland, PA 17557. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval of the construction/operation of a small flow treatment facility to serve their single family residence.

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

**WQM Permit No. 1406402**, Sewerage (SIC 4952), **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499. This proposed facility will be located in Ferguson Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of a 15" diameter sewer interceptor, across the existing Pennsylvania State University's Circleville Farm property and the Imbt, et al. property, to serve potential development and to receive current wastewater flow now tributary to one of the Authority's existing pump stations.

**WQM Permit No. 1406405**, Sewerage 4952, **Potter Township, Centre County**, Country Club Estates WWTP, 124 Short Road, Spring Mills, PA 16875. This proposed facility will be located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is approved for the first stage of replacement of the existing Country Club Estates Wastewater Treatment Plant. The first stage will be the replacement of the existing control building with a new control building and the installation of a tertiary filter. The old control building will be taken offline and demolished as part of this project.

**WQM Permit No. 5905402**, Sewerage SIC 4952, **Department of Conservation and Natural Resources**, R. R. 6, Box 199, Wellsboro, PA 16901. This proposed facility will be located in Shippen Township, **Tioga County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of a new sanitary sewer collection system (with flow controls and surge storage), primary treatment (septic tanks), secondary treatment (recirculating sand filter) and onsite disposal (spray field) to replace the existing park latrines. In addition to the park facilities, the system will also provide service the Ranger station.

**WQM Permit No. WQG01590604**, Sewerage 4952, **Francis G. Shultz**, 206 Baird Ave., Mt. Ephraim, NJ 08059. This proposed facility is located in Richmond Township, **Tioga County**.

Description of Proposed Action/Activity: Applicant is granted a Water Quality Management General permit for the construction of a small flow treatment facility to serve a single residence.

**WQM Permit No. 0806401**, Sewage 4952, **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848. This proposed facility is located in Towanda Borough, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes biological nitrogen removal, phosphorus precipitation and thermophilic aerobic digester modifications to the existing sewage plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905018	Frank and Kate E. M. Tercha 1919 Tercha Rd. Foglesville, PA 18051	Lehigh	Weisenberg Township	Tributary to Shaffer Run HQ-CWF
PAI024504034	KAL—TAC, Inc. P. O. Box 378 Brodheads ville, PA 18322	Monroe	Price Township	Tributary to Brodhead Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805006	Carl Bankert 2121 Old Gatesburg Road State College, PA 16803	Franklin	Guilford Township	Falling Spring HQ-CWF

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

*Clearfield Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-8130.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406007	Department of Transportation District 2-0 Kevin Kline P. O. Box 342 Clearfield, PA 16830	Centre	Marion Townhsip	Nittany Creek (West) Lick Run (East) CWF/HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041705003	(ORD Sewer Authority) Osceola Mills, Rush and Decatur Sewer Authority	Clearfield	Osceola Mills Borough and Decatur Township Clearfield County  Rush Township Centre County	Moshannon Creek, Main Stem Roup Run to Mouth) TSF  UNT of Moshannon Creek CWF  Trout Run, Basin, Montola Dam to Mouth (Fish and Boat Commission designates Trout Run as wild stream from headwaters to 2.96 km upstream of mouth) HQ-CWF  Big Run, Basin CWF  Name of Municipal Storm Sewer Operator: Osceola Mills Borough, Clearfield County Receiving Waters: Moshannon Creek TSF

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

*Armstrong County Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050306001	Department of Transportation 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701-0429	Armstrong	Hovey Township	Allegheny River WWF

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052605005	Joseph E. Thurby 111 Ashley Avenue Uniontown, PA 15401	Fayette	Henry Clay Township	Noahs Glade HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062506001	SB3, LLC and Lake Erie Biofuels, LLC 1540 East Lake Road Erie, PA 16511	Erie	Erie City	Lake Erie WWF

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

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

### **List of NPDES and/or Other General Permit Types**

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

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

*General Permit Type—PAG-2*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Edwardsville Borough Luzerne County	PAG2004006007	WP Associates, LLC 940 Haverford Rd. Bryn Mawr, PA 19010 and Lowe's Home Centers, Inc. P. O. Box 111 North Wilkesboro, NC 28656	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Archbald Borough Lackawanna County	PAR10N133	Archbald Borough 400 Church St. Archbald, PA 18403	Tinklepaugh Creek CWF and Wildcat Creek CWF	Lackawanna County Conservation District (570) 281-9495
Mahoning Township Carbon County	PAG2001306004	Northland Development Corp. William Grant P. O. Box 287 Brodheads ville, PA 18322	Mahoning Creek CWF	Carbon County Conservation District (610) 377-4894
North Whitehall Township Lehigh County	PAG2003906008	Kornfeind Realty Co. 228 Old Post Rd. Coplay, PA 18037	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
City of Allentown Lehigh County	PAG2003906015	Pennrose Properties 1301 North St. Philadelphia, PA 19121	Lehigh River TSF	Lehigh County Conservation District (610) 391-9583
Upper Saucon Township Lehigh County	PAG2003906016	Richard Williamson 2265 Black River Rd. Bethlehem, PA 18015	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Taylor Borough Lackawanna County	PAG2003506008	Matthew Michalek 123 N. Main Ave. Scranton, PA 18504	Keyser Creek CWF	Lackawanna County Conservation District (570) 281-9495
Wilkes-Barre and Plains Townships Luzerne County	PAG2004006008	Earth Conservancy Attn: Michael Dziak 101 S. Main St. Ashley, PA 18706	Coal Brook CWF	Luzerne County Conservation District (570) 674-7991
West Lampeter Township Lancaster County	PAG2003605143	Lampeter United Methodist Church 1651 Book Road Lampeter, PA 17537	UNT Pequea Creek CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Drumore Township Lancaster County	PAG2003606004	Joan N. McComsey 30 N. Bausman Dr. Lancaster, PA 17603	Big Beaver Creek South Fork WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Conoy Township Lancaster County	PAG2003606020	Don Risser 166 Risser Road Bainbridge, PA 17502	UNT Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003606033	Brethren Village Scott Wissler 3001 Lititz Pike, Box 5093 Lancaster, PA 17606	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Caernarvon Township Lancaster County	PAG2003606038	John E. Esh 2398 Long View Dr. Narvon, PA 17555	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
West Hempfield Township Lancaster County	PAG2003606040	Lancaster Press, Inc. 3575 Hempland Road Lancaster, PA 17601	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Warwick Township Lancaster County	PAG2003606042	Warwick Township P. O. Box 308 Lititz, PA 17543	Moore's Run Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
West Hempfield Township Lancaster County	PAG2003606050	Amos Conley 570 Prospect Road Mount Joy, PA 17551	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Earl Township Lancaster County	PAG2003606052	Norman Hahn 1686 Weaverland Road East Earl, PA 17519	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Ephrata Borough Lancaster County	PAG2003606053	Red Rose Steel Partnership 460 Wenger Dr. Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003606057	Ben B. Stoltzfus 2603 Lincoln Highway Ronks, PA 17572	UNT Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Donegal Township Lancaster County	PAG2003606058	Donald Hess 832 Willow Road Lancaster, PA 17601	Donegal Creek TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003606059	RR Donnelley Lancaster West Facility 1375 Harrisburg Pike Lancaster, PA 17601	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Robeson Township Berks County	PAG2000606036	Rodney Trusty P. O. Box 184 Mohnton, PA 19540	Indian Corn Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
City of Reading Berks County	PAG2000606033	Dan Perlman Reading Truck Body, LLC 310 Hancock Blvd. Reading, PA 19611	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Swatara Township Dauphin County	PAG2002206013	Casa Bella Marketing, Inc. 591 N. 67th St. Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Conewago Township Dauphin County and South Londonderry Township Lebanon County	PAG2002206015	Charles J Braun, III R. D. 1, Box 103 Hershey, PA 17033	Hoffer Creek TSF and Conewago Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Halifax Township Dauphin County	PAG2002206002	Thomas B. Richey Cedar Halifax II, LLC 3307 Trindle Rd. Camp Hill, PA 17011	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
SR 333 and SR 4002 Milford Township Juniata County	PAG2003406001	Milford Township c/o Frank Peterson R. R. 3, Box 675 Mifflintown, PA 17059	UNT to Juniata River CWF UNT to Licking Creek CWF	Juniata County Conservation District R. R. 5, Box 35 Stoney Creek Road, Mifflintown, PA 17059 (717) 436-8953
Washington Township Franklin County	PAG2002805082	Northend Development 1625 East Main Street Waynesboro, PA 17268	UNT E. Br. Antietam CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Antrim Township Franklin County	PAG2002806033	Ben Thomas Antrim Township Supervisors 10655 Antrim Church Road Greencastle, PA 17225	UNT to Paddy Run WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Ayr Township Fulton County	PAG2002906003	John Glazier 19737 Great Cove Road McConnellsburg, PA 17233	Big Cove Creek (CWF)	Steven J Thomas 216 North 2nd Street McConnellsburg, PA 17233 (717) 485-3547, Ext. 109
North Annville Township Lebanon County	PAG2003805042	Duane Hess 431 W. Newport Road Lititz, PA 17543	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Union Township Lebanon County	PAG2003806006	Kenneth E. Boltz Department of Military and Veteran's Affairs Building 047B, FTIG Annville, PA 17003-5002	Qureg Run WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Richland Borough Lebanon County	PAG2003806010	Richard Stauffer Premier R & G Properties 341 Clay School Road Ephrata, PA 17522	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
City of York York County	PAG2006706004	York Hospital Robert Heidelberg 1001 S. George Street York, PA 17403	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2006705076	Logans Roadhouse Restaurant Logan's Roadhouse Inc. 3011 Armory Drive, Suite 300 Nashville, TN 37204	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006706038	Lands of Issac and Dorothy Ruppert Ward Land Co. Robert Holweck 118 Teila Drive Dallastown, PA 17313	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hanover Borough York County	PAG2006703053	Cherrytree Mummert Enterprises 8 Stuart Ave. Hanover, PA 17331	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Borough York County	PAG2006706015	A & Z Land Partnership Barry Hersey 2675 Joppa Road York, PA 17403	SB Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006706011	Concord Road Ext. Springettsbury Township 1501 Mt. Zion Road York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Carroll Township York County	PAG2006703141	Stonebridge Crossing Phase 2 Stonebridge Investments, LP 1 Market Way East York, PA 17401	Fishers Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
New Freedom Borough York County	PAG2006706034	Eden Properties, LLC 157 East Main Street New Freedom, PA 17349	SB Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Tulpehocken Township Berks County	PAG2000606037	Kenneth Zimmerman 5324 Four Point Road Bethel, PA 19507	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Villa's at Cattail McSherrystown, PA Conewago Township Adams County	PAG2000106004	John Chey Harvest Investment Group 220 Pine Hill Farms Lane Cockeysville, MD 21030	South Branch of the Conewago WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Deer Chase Subdivision Gettysburg, PA Mt. Joy and Germany Townships Adams County	PAG2000106003	Harry L. Ramage Beyland, Inc. 135 Tyler Run Road York, PA 17403	Alloway Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Preserve at Plum Run Knight Road Cumberland Township Adams County	PAG2000105033	Wayne D. and Susan C. Hill 10 White Oak Trail Gettysburg, PA 17325	Plum Run WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Troy Borough Bradford County	PAG2000806002	Troy Area School District Robert Grantier 310 Elmira Street Troy, PA 16947	W. Branch Sugar Creek TSF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 205
Madison Township Columbia County	PAG2001906004	PPL Generation, LLC Dennis J. Murphy 2 North Ninth St. Allentown, PA 18101	Chillisquaque Creek WWF	Columbia County Conservation District 702 Sawmill Road, Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Benton Borough Columbia County	PAG2001906008	Northern Columbia Community & Cultural Center Third Street Benton, PA 17814	Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road, Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Wellsboro Borough Tioga County	PAG2005906005	Foster C. West 90 Bodine Street Wellsboro, PA 16901	Sanders Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 101



*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

Richmond Township Tioga County	PAG2005906007	Ron D. Mosh 4459 Saurbrier Road Cameron, NY 14819-4459	Tioga River WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 101
Charleston Township Tioga County	PAG2005906008	Lewis Homes, Inc. 13117 Route 6 Wellsboro, PA 16901	Charleston Creek WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 101
Beaver County Independence Township	PAG2000406012	Dennis Pivik Allegheny County Airport Authority Landside Terminal 4th Floor, Mezzanine P. O. Box 12370 Pittsburgh, PA 15231-0370	Raredon Run (WWF)	Beaver County Conservation District (724) 378-1701
Beaver County Franklin Township	PAG2000406013 (Replaces PAR100283)	Municipal Authority of the Borough of Zelienville Thomas Surgalski, Chairperson 1857 SR 588 Zelienville, PA 16063-3901	UNT to Connequenessing Creek (WWF)	Beaver County Conservation District (724) 378-1701
Washington County Amwell Township	PAG2006306014	Christian Missionary Alliance Church-Reverend Clarence Croscutt 17 East Walnut Street Washington, PA 15031	UNT to Little Ten Mile Creek (WWF)	Washington County Conservation District (724) 228-6774
Washington County South Strabane Township	PAG2006306016	Tanger Factory Outlet Center, Inc. 3200 Northline Avenue Suite 360 Greensboro, NC 27408	Chartiers Creek (WWF)	Washington County Conservation District (724) 228-6774
Westmoreland County East Huntingdon Township	PAG2006505055	Westmoreland County Industrial Development Corp. 2 North Main Street, Suite 601 Greensburg, PA 15601	Belson Run (WWF)	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Rostraver Township	PAG2006505075	Rostraver Township Commissioners 201 Port Royal Road Belle Vernon, PA 15012	Speers Run (WWF)	Westmoreland County Conservation District (724) 837-5271
Butler County Clinton Township	PAG201006008	Spring Valley Park Township of Clinton 711 Saxonburg Blvd. Saxonburg, PA 16056	Thorn Creek CWF	Butler Conservation District (724) 284-5270
Butler County Lancaster Township	PAG201006009	Jubilee Farms James Clarke CB Development, LLC 307 West New Castle Street Zelienville, PA 16063	Little Connoquenessing Creek CWF	Butler Conservation District (724) 284-5270
Butler County Adams Township	PAG201006014	Charles J. Vrabel 13 Dewey Lane Gibsonia, PA 15044	Breakneck Creek CWF	Butler Conservation District (724) 284-5270

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Erie County Millcreek Township	PAG2002506012	Millcreek Township School District 3740 West 26th Street Erie, PA 16506	Millcreek WWF; MF	Erie Conservation District (814) 825-6403
Erie County City of Erie	PAG2002506017	Orion Development 4125 Freedom Way Weirton, WV 26062	Mill Creek WWF; MF	Erie Conservation District (814) 825-6403

*General Permit Type—PAG-3*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethlehem City Lehigh County	PAR202242	Howmet Aluminum Casting Inc. 2175 Avenue C Bethlehem, PA 18017	Lehigh River TSF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Richmond Township Tioga County	PAG045213	Francis G. Shultz 206 Baird Ave. Mt Ephraim, NJ 08059	Manns Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

<b>Permit No. 1506501, Public Water Supply.</b>	
Applicant	<b>Downingtown Municipal Water Authority</b> 100 Water Plant Way Downingtown, PA 19335
Borough	Downingtown
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	BCM Engineers 920 Germantown Pike Plymouth, PA 19462
Permit to Construct Issued	June 2, 2006

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

**Permit No. 3390024, Public Water Supply.**

Applicant **City of Allentown**  
City of Allentown and Upper  
Macungie Township  
**Lehigh County**

Responsible Official Joseph McMahon  
Mgr. of Ops.  
435 Hamilton Street  
Allentown, PA 18102-4912  
(610) 437-7641

Type of Facility Community Water System

Permit Issuance Date May 9, 2006

Description of Action PWS operations permit issued for incorporation of new disinfection facilities as approved under the minor amendment of March 16, 2004.

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

**Permit No. 3606507 MA, Minor Amendment, Public Water Supply.**

Applicant **Columbia Water Company**  
Municipality West Hempfield Township  
County **Lancaster**  
Type of Facility This project is for painting the interiors of the 500,000-gallon and 50,000-gallon Ironville storage tanks. All internal painting material is NSF approved.

Consulting Engineer David T. Lewis, P. E.  
Columbia Water Company  
220 Locust Street  
Columbia, PA 17512

Permit to Construct Issued: 5/26/2006

**Operations Permit** issued to **Pennsylvania-American Water**, 3060088, Amity Township, **Berks County** on 5/31/2006 for the operation of facilities approved under Construction Permit No. 0605514.

**Operations Permit** issued to **Pennsylvania-American Water**, 3060088, Amity Township, **Berks County** on 5/31/2006 for the operation of facilities approved under Construction Permit No. 0605515 MA.

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

**Permit No. 1489514-T1—Operation Public Water Supply.**

Applicant **Nittany Grove Mobile Home Park**  
Township or Borough Harris Township  
County **Centre**

Responsible Official Kirk Aguer  
Nittany Grove Mobile Home Park  
123 Aspen Drive  
Boalsburg, PA 16827

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date 5/30/06

Description of Action Transfer from Al-Mar Acres MHP to Nittany Grove MHP. Operation of Well No. 1.

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

Applicant **Municipal Authority of the Borough of Catawissa**  
Township or Borough Catawissa Borough  
County **Columbia**  
Responsible Official Cindy Bachman, Manager  
Municipal Authority of the Borough of Catawissa  
19 Schoolhouse Road  
P. O. Box 54  
Catawissa, PA 17820

Type of Facility Public Water Supply—Operation

Consulting Engineer Douglas Berg, P. E.  
Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Permit Issued Date June 1, 2006

Description of Action Operation for modification to existing facilities.

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

Applicant **Municipal Authority of the Borough of Catawissa**  
Township or Borough Catawissa Borough  
County **Columbia**  
Responsible Official Cindy Bachman, Manager  
Municipal Authority of the Borough of Catawissa  
19 Schoolhouse Road  
P. O. Box 54  
Catawissa, PA 17820

Type of Facility Public Water Supply—Operation

Consulting Engineer Douglas Berg, P. E.  
Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Permit Issued Date June 1, 2006

Description of Action Air Scour replacement, second soda ash injection point and DelPac 2020 addition.

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

**Applicant** **Municipal Authority of the Borough of Catawissa**  
**Township or Borough** Catawissa Borough  
**County** **Columbia**  
**Responsible Official** Cindy Bachman, Manager  
Municipal Authority of the Borough of Catawissa  
19 Schoolhouse Road  
P. O. Box 54  
Catawissa, PA 17820  
**Type of Facility** Public Water Supply—Operation  
**Consulting Engineer** Douglas Berg, P. E.  
Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603  
**Permit Issued Date** June 1, 2006  
**Description of Action** Operation of Well Nos. 7 and 8 transmission and reservoir outlet pipe replacements.

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

**Permit No. 1106502**, Public Water Supply.

**Applicant** **Spangler Municipal Authority**  
1202 Philadelphia Avenue  
Northern Cambria, PA 15714  
**Borough or Township** Northern Cambria Borough and Barr Township  
**County** **Cambria**  
**Type of Facility** Spangler greensand water treatment plant  
**Consulting Engineer** Stiffler, McGraw & Associates, Inc.  
19 N. Juniata Street  
P. O. Box 462  
Hollidaysburg, PA 16648  
**Permit to Construct Issued** May 22, 2006

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

**Operations Permit** issued to **Roxbury Realty d/b/a Holly Acres Mobile Home Park**, 7340 Holly Dale Drive, Erie, PA 16509, PWS ID 6250085, Summit Township, **Erie County**, on June 5, 2006, for the operation of iron and manganese treatment at the Holly Acres MHP, completed to specifications of Construction Permit No. 2505502, issued August 3, 2005.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Northampton	1401 Laubach Avenue Northampton, PA 18067	Northampton

*Plan Description:* The approved plan provides for upgrading the Washington Avenue Pumping Station. The approved project will require a Water Quality Management (WQM) Permit. The WQM Permit must be obtained in the name of the municipality or authority, as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greenfield Township	R. R. 1, Box 948 Claysburg, PA 16625	Blair

*Plan Description:* The approved plan provides for the replacement of the existing 10-inch Bedford Street Interceptor with a new 18-inch and 21-inch diameter pipe. The Plan also provides for elimination of Pump Station 3 and the temporary sanitary sewer overflow. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Susquehanna Township	1900 Linglestown Road Harrisburg, PA 17110	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Susquehanna Township, Dauphin County. The proposed project consists of replacing 3,000 feet of existing 8 inch sewer mains with new eight inch sewer mains and 1,500 feet of existing 6-inch service laterals with new 6-inch service laterals in drainage basin 22-B near 39th Street. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Peach Bottom Township	545 Broad Street Delta, PA 17314	York

*Plan Description:* The approved plan provides for the implementation of an onlot sewage disposal system management program, the completion of a preliminary hydrogeologic study for all new subdivision or new land development plans proposing onlot sewage disposal systems and a revision to the subdivision and land development ordinance regarding public sanitary sewer requirements. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

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

**Crebilly Farm**, Westtown Township, **Chester County**. Paul Hayden, Geo-Technology Associates, Inc. on behalf of David Robinson, Crebilly Farm Family Associates, 501 W. Street Road, West Chester, PA 19382 has submitted a Final Report concerning remediation of site

soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Tarod Roll Forming**, Bristol Township, **Bucks County**. Michael Gonshor, P. G. Roux Associates, Inc 1222 Forest Parkway, Suite, 190, West Deptford, NJ 08066 on behalf of Barry Buckley, Buckley, Brion, McGuire, Morris & Sommer, LLP, 610 N. High St., West Chester, PA 19380 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**2804 W. Township Line Road**, Upper Darby Township, **Delaware County**. Samuel Kucia, Env., Consulting, Inc. 500 E. Washington St., Suite 375 Norristown, PA 19401 on behalf of Bruce Greenfield, Agnew Associates, LLC, c/o Dr. Bruce Greenfield, 2800 Township Line Rd., Havertown, PA 19083 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Cumberland Technology Park Site**, Hampden Township, **Cumberland County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of John Harbilas, 33 North Second Street, Harrisburg, PA 17011, submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with VOCs. The report is intended to document remediation of the site to the Site-Specific and Statewide Health Standards.

**Bayliss Oldsmobile**, Muhlenberg Township, **Berks County**. Alliance Environmental Services, Inc. 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Kommakle, LP, 2526 Centre Avenue, Reading, PA 19605, submitted a Final Report concerning remediation of site soils and groundwater contaminated with TCE and petroleum hydrocarbons. The report is intended to document remediation of the site to the residential Statewide Health Standard.

**McCleary Oil Company**, Hamilton Township, **Franklin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of McCleary Oil Company, 19 West King Street, Chambersburg, PA 17201, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

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

**Centre Chemical Fire Site**, Bellefonte Borough, **Centre County**. Mountain Research, 825 25th St., Altoona, PA 16601 Centre Chemical, 238 South Potter St., Bellefonte, PA 16823 has submitted a Final Report concerning remediation of site soil contaminated with Trichloroethylene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Borough of Emporium Former Waste Disposal Area**, Emporium Borough, **Cameron County**. Malcolm Pirnie, Inc., 43 British American Blvd., Latham, NY 12100 on behalf of GTE Operations Support Incorporated, One Verizon Way, VC 34W414, Basking Ridge, NJ 07920-1097 and the Borough of Emporium, 421 North Broad St., Emporium, PA 15834 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Mifflinburg Government Center**, Mifflinburg Borough, **Union County**. Northridge Group, Inc., 1172 Ridge Rd., Northumberland, PA 17857 on behalf of Union County, Diana Robinson, Chief Clerk, 103 South Second St., Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. 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.*

**Dyna-Craft Industries, Inc.**, Borough of Murrysville, **Westmoreland County**. Joyce M. O'Connor, P. G., Cardinal Resources, Inc., 4326 Northern Pike, Suite 200, Monroeville, PA 15146 (on behalf of Dyna-Craft Industries, Inc., c/o Carsem Incorporated, 17700 Castleton, Suite 383, City of Industry, CA 91748) has submitted a Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with Trichloroethene that had been used as a degreaser. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Costco Wholesale Store**, West Homestead Borough, **Allegheny County**. Christopher Carlson, P. G., ATC Associates Inc., 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 (on behalf of Heidi Macomber, Costco Wholesale Corp, 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166) has submitted a Cleanup Plan concerning remediation of site soils contaminated with concentrations of thallium above Statewide Health Standard. Pathway elimination proposed by capping with a building footprint and parking lot. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**National Torch Tips (Former)**, O'Hara Township, **Allegheny County**. Michelle E. Flowers, React Environmental Services, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 (on behalf of Peter Sukernek, Howard Hanna Company, Koppers Building, Pittsburgh, PA 15219 and Jonathan Kamin, 50 Freeport Partners, 101 Freeport Road, Pittsburgh, PA 15215) has submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents TCE, PCE, CIS-Dichloroethylene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**AOC-6 Former Finishing Division A Area, Caparo Steel Company Site**, City of Farrell and City of Sharon, **Mercer County**. Paul Wojciak, Environmental Management Associates, LLC, 10925 Perry Highway, Suite 23, Wexford, PA 15090 on behalf of Richard A. Herman, Caparo/Duferco Farrell Corporation, 15 Roemer Boulevard, Farrell, PA 16121 has submitted a Final Report

concerning remediation of site soils contaminated with metals, VOCs and semi-VOCs. The report is intended to document remediation of the site to meet the Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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**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).**

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

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

The Department has received the following plans and reports:

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

**1452 Turkey Trot Rd., Warwick Township Bucks County.** Patrick Crawford, GES, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341 on behalf of Frank Fatiga, 1452 Turkey Trot Rd. Warminster, PA 18974 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 24, 2006.

**Georgia-Pacific Connelly Fac., Lower Merion Township, Montgomery County.** Jeffrey Walsh, Penn Env. & Remediation, Inc., on behalf of Richard Heany, Righter's Ferry Assoc., LP, 700 S. Henderson Road, Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation/Risk Investigation/Cleanup Plan concerning the remediation of the site soil and groundwater contaminated with petroleum hydrocarbon compounds and VOCs. The Remedial Investigation/Risk Investigation/Cleanup Plan demonstrated attainment of the Statewide Health Standard and was disapproved by the Department on May 26, 2006.

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

**DDSP SWMU 17, Fairview Township, York County.** Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Defense Distribution Depot Susquehanna, 2001 Mission Drive, New Cumberland, PA 17070, submitted a Final Report concerning remediation of site soils, surface water and groundwater contaminated with chlorinated solvents. The final report demonstrated attainment of the nonresidential Site-Specific and non-residential Statewide Health Standards and was approved by the Department on May 30, 2006.

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

**Bellefonte Armory Storage Building, Bellefonte Borough, Centre County.** Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Department of Military and Veterans Affairs, Environmental Section, Building 0-11, Fort Indiantown Gap, Annville, PA 17003 has submitted a Final Report concerning remediation of site soil contaminated with heating oil and kerosene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 19, 2006.

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

**Dyna-Craft Industries, Inc., Borough of Murrysville Westmoreland County.** Joyce M. O'Connor, P. G., Cardinal Resources, Inc., 4326 Northern Pike, Suite 200, Monroeville, PA 15146 on behalf of Dyna-Craft Industries, Inc., c/o Carsem Incorporated, 17700 Castleton, Suite 383, City of Industry, CA 91748 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with Trichloroethene that had been used as a degreaser. The Remedial Investigation Report was approved by the Department on April 4, 2006.

## AIR QUALITY

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

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

**40-302-158GP1: ADM Cocoa** (1001 North Brush College Road, Decatur, IL 62521) on June 1, 2006, to construct and operate a natural gas fired boiler in the Humboldt Industrial Park, North Park Road, Hazle Township, **Luzerne County.**

**54-310-039GP3: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) on June 1, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device in Wayne Township, **Schuylkill County.**

**35-310-043GP3: Digg-it Corp.** (946 Springbrook Avenue, Moosic, PA 18507) on June 1, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device in Stauffer Industrial Park, Taylor Borough, **Lackawanna County.**

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

**GP3-21-03070: Pennsy Supply, Inc.** (1 Clear Spring Road, Annville, PA 17003) on June 2, 2006, for Portable Nonmetallic Mineral Processing Plant under GP3 in Silver Spring Township, **Cumberland County.**

**GP3-21-03071: Pennsy Supply, Inc.** (1 Clear Spring Road, Annville, PA 17003) on June 2, 2006, for Portable Nonmetallic Mineral Processing Plant under GP3 in Silver Spring Township, **Cumberland County.**

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

**GP9-60-01: United States Penitentiary—Lewisburg** (2400 Robert F. Miller Drive, Lewisburg, PA 17837) on May 16, 2006, to construct two 1817 horsepower diesel-fired emergency generators under the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP 9) in Kelly Township, **Union County.**

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

**GP5-30-00165: The Mountain V Oil and Gas, Inc.** (P. O. Box 470, Bridgeport, WV 26330) on May 25, 2006, to operate the following equipment under the provisions of General Permit No. 5, "Natural Gas Production Facilities": One 415 bhp Caterpillar rich burn, natural gas-fired engine, model No. G379TA, equipped with a DCL International MINE-X catalytic converter, model No. DC49-x. This equipment will be at the Trendwell Station in Gilmore Township, **Greene County.**

**GP5-63-00925: The Mountain V Oil and Gas, Inc.** (P. O. Box 470, Bridgeport, WV 26330) on May 25, 2006, to operate the following equipment under the provisions of General Permit No. 5, "Natural Gas Production Facilities" at the Hackett Station in Fallowfield Township,

**Washington County:** One 178 bhp Waukesha rich burn, natural gas-fired engine, model No. F1197G, equipped with a DCL International MINE-X catalytic converter, Model No. DC47-x.

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

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

**48-309-124: Keystone Cement Co.** (Route 329, P. O. Box A, Bath, PA 18014) on May 22, 2006, to modify the cement manufacturing processes and associated air cleaning devices in East Allen Township, **Northampton County**.

**39-399-058: SVC Tire Truck Center, Inc.** (2255 Avenue A, Bethlehem, PA 18017) on May 30, 2006, to construct a truck tire retreading process and associated air cleaning device in Bethlehem, **Lehigh County**.

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

**21-05021E: Arnold Fuel Oil, Inc.** (P. O. Box 2621, Harrisburg, PA 17105-2621) on May 30, 2006, to modify the loading rack at the Mechanicsburg north terminal at 127 Texaco Road, Silver Spring Township, **Cumberland County**.

**22-05044A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104-1645) on May 30, 2006, to add one crusher, conveyor belt and fabric collector to the circuit at the Hummelstown crushing operation, South Hanover Township, **Dauphin County**.

**38-05027A: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474-1467) on May 24, 2006, to convert the existing rotary dryer burner to be capable of burning No. 2 fuel oil, No. 4 fuel oil and On-Specification Waste Derived Liquid Fuel in addition to natural gas. The facility will also be authorized to use Recycled Asphalt Pavement at the facility. The plant will continue to be controlled by a cyclone and a fabric filter baghouse in North Annville Township, **Lebanon County**.

**67-05004L: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-1000) on May 26, 2006, to implement auto-causticizing in Spring Grove Borough, **York County**.

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

**47-00001C: PPL Montour, LLC** (18 McMichaels Road, Washingtonville, PA 17884) on May 2, 2006, to construct a limestone processing and storage operation, a gypsum sludge handling, processing and storage operation and a wastewater treatment lime storage silo at their Montour Steam Electric Station in Derry Township, **Montour County**.

**41-305-010B: Keystone Filler and Manufacturing Co.** (214 Railroad Street, Muncy, PA 17756) on May 9, 2006, to construct a portable coal, shale and rottenstone crushing and screening operation in Muncy Creek Township, **Lycoming County**.

**47-399-016: Augusta Fiberglass Coatings, Inc.** (86 Lake Cynthia Road, Blackville, SC 20817) on May 10, 2006, to construct a temporary fiberglass stack liner manufacturing operation at the site of PPL Montour LLC's Montour Steam Electric Station in Derry Township, **Montour County**.

**14-00002G: Graymont—PA, Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on June 5, 2006, to construct a lime hydrator operation and installation of four associated fabric collectors at the Pleasant Gap Plant in Spring Township, **Centre County**.

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

**30-00072E: CONSOL Energy, Inc.** (1800 Washington Road, Pittsburgh, PA 15241) on May 31, 2006, to install an overland conveyor system at the Bailey Mine in Richhill Township, **Greene County** complex as described in their application to the Department received on February 1, 2006. The conveyor system is expected to increase particulate matter emissions by approximately 5.6 tons per year.

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

**25-037C: Joseph McCormick Construction, Co., Inc.** (1507 Wesleyville Avenue, Erie, PA 16510) on May 26, 2006, to modify a plan approval to burn alternative fuels and increase the percentage of RAP at their asphalt plant in Wesleyville Borough, **Erie County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-0025C: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on May 31, 2006, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

**46-0032B: SPS Technologies, Inc.** (Highland Avenue, Jenkintown, PA 19046) on May 30, 2006, to operate a vapor super heater in Abington Township, **Montgomery County**.

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

**17-305-050A: Penfield Collieries, LLC** (301 Market Street, Kittanning, PA 16201) on May 26, 2006, to construct a coal stockpiling and railcar loading operation until August 31, 2006, in Huston Township, **Clearfield County**. The plan approval has been extended.

**18-315-002A: First Quality Products, Inc.** (121 North Road, McElhattan, PA 17748) on June 2, 2006, to operate four absorbent products manufacturing lines on a temporary basis until September 30, 2006, in Wayne Township, **Clinton County**. The plan approval has been extended.

**08-00003A: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on June 5, 2006, to operate the trim surface coating operation and air cleaning devices (two cyclonic separators and two fabric collectors) identified in the respective plan approval



on a temporary basis until September 28, 2006, at the facility in Wysox Township, **Bradford County**. The plan approval has been extended.

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

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

**15-00008: Buckeye Terminals, LLC** (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) on June 6, 2006, to operate the facility renewal Title V Operating Permit in East Whiteland Township, **Chester County**.

**23-00004: Covanta Delaware Valley, LP** (10 Highland Avenue, Chester, PA 19013) on June 6, 2006, to operate the facility renewal Title V Operating Permit in City of Chester, **Delaware County**.

**23-00030: Swarthmore College** (500 College Avenue, Swarthmore, PA 19081) on June 6, 2006, to operate the facility renewal Title V Operating Permit in Swarthmore Borough, **Delaware County**.

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

**36-05026: R. R. Donnelley & Sons Co.** (1375 Harrisburg Pike, Lancaster, PA 18601-2699) on June 1, 2006, to operate printing presses controlled by a regenerative thermal oxidizer at their Lancaster West facility in the City of Lancaster, **Lancaster County**. This operating permit was administratively amended to incorporate plan approval 36-05027B. This is revision No. 1.

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

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

**15-00060: SECCRA Landfill** (P. O. Box 221, Kennett Square, PA 19348) on June 6, 2006, to operate the facility Natural Minor Operating Permit in London Grove Township, **Chester County**.

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

**41-00069: Fisher Mining Co.** (40 Chote Circle, Montoursville, PA 17754) on May 2, 2006, to operate a coal railcar loading operation in the City of Williamsport, **Lycoming County**.

**49-00056: The Quikrete Companies, Inc.** (R. R. 1, Box 312, Paxinos, PA 17860) on May 9, 2006, to operate a dry redi-mix concrete batching and packaging facility in Shamokin Township, **Northumberland County**.

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

**65-00061: Allegheny River Terminals, Inc.** (1 5th Street, New Kensington, PA 15068) on May 25, 2006, to operate at New Kensington Barge Terminal/Crushing Plant in New Kensington City, **Westmoreland County**. This is a State-only Operating Permit Renewal.

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

**S05-014: Amuneal Manufacturing Corp.** (4737 Darrah Street, Philadelphia, PA 19124) on May 30, 2006, to operate a sheet metal fabrication facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a batch vapor degreaser.

**N05-011: The Curtis Center** (Independence Square West, Suite L90, Philadelphia, PA 19106) on May 31, 2006, to operate a commercial office in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two boilers less than 15.0 mmBtu/hr each, a 600 kW emergency generator, and a 245 BHP emergency fire pump.

**S06-001: The Wistar Institute** (3601 Spruce Street, Philadelphia, PA 19104) on June 1, 2006 to operate a biomedical research facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 448 hp boilers and four emergency generators.

**S06-002: Federal Reserve Bank of Philadelphia** (100 North 6th Street, Philadelphia, PA 19106) on May 30, 2006, to operate a banking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes five 6.0 mmBtu/hr boilers and nine emergency generators.

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

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

**46-00175: Hatfield Township Municipal Authority** (3200 Advance Lane, Colmar, PA 18915-9766) on May 22, 2006, is a non-Title V, Synthetic Minor facility in Hatfield Township, **Montgomery County**. The permit was revised as a result of an appeal. Language clarifying the types of odors for which the Authority would have to monitor the site was added to the permit. Other revisions that were not included in the appeal but were addressed through this administrative amendment were the addition of four roof top heating units to the sources in the Administration Building and the removal of a hot water heater that is no longer located at the facility. The changes made to this permit do not result in additional emissions from this facility.

**15-00105: Buckeye Pipe Line Transportation, LLC** (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) on June 6, 2006, to amend sources to the facility Title V Operating Permit East Whiteland Township, **Chester County**.

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

**06-05102: Sunsweet Growers, Inc.** (105 S. But-tonwood Street, Fleetwood, PA 19522) on June 2, 2006, for their hot-filled bottle plant in the Fleetwood Borough, **Berks County**. This operating permit was administratively amended by derating Boiler 3 from 33.5 mmBtu/hr to 29.6 mmBtu/hr. This is revision No.1.

## 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

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

**32000104 and NPDES No. PA0235318. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, permit renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 57.3 acres. Receiving stream: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 30, 2006. Permit issued: May 26, 2006.

**56930108 and NPDES No. PA0212539. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine (coal refuse reprocessing) from Zubek, Inc., 173 House Coal Road, Berlin, PA 15530 located in Stonycreek Township, **Somerset County**, affecting 86.0 acres. Receiving streams: UNT to Schrock Run and Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 25, 2006. Permit issued June 1, 2006.

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

**33950106 and NPDES Permit No. PA0227081. Falls Creek Energy Co., Inc.** (R. R. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 148.4 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Mahoning Creek, UNT to Sawmill Run and UNT to Rose Run. Application received: April 4, 2006. Permit Issued: May 30, 2006.

### Noncoal Permits Actions

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

**16060303 and NPDES Permit No. PA0258130. Star Mining Corporation** (8100 Ohio River Boulevard, Emsworth, PA 15202). Commencement, operation and restoration of a sand and gravel operation in Perry

Township, **Clarion County** affecting 8.7 acres. Receiving streams: one UNT to the Allegheny River. Application received: March 29, 2006. Permit Issued: May 30, 2006.

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

**4773SM5 and NPDES Permit No. PA0115533. Hanson Aggregates** (2200 Springfield Pike, Connelville, PA 15425), renewal of NPDES Permit, Muncy Creek Township, **Lycoming County**. Receiving streams: UNT to Wolfe run and UNTs to Muncy Creek. NPDES renewal issued May 26, 2006.

**17052801. Leslie A. Munn** (15106 Bennetts Valley Highway, Penfield, PA 15849), commencement, operation and restoration of a small industrial minerals (sand, gravel) surface mine permit in Huston Township, **Clearfield County**. Receiving streams: Bennett's Branch, tributary to W. Branch Sinnemahoning. Application received May 23, 2005. Permit issued May 23, 2006.

**08010818. Cutrite Stone Management, Inc.** (P. O. Box 5850, Miller Place, NY 11764), transfer of an existing small industrial minerals (bluestone) permit from Brian M. Edsall. The site is located in Asylum Township, **Bradford County**. Receiving streams: Tributary to Durell Creek. Application received: March 1, 2006. Permit issued: May 23, 2006.

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

**58052806. Robert A. Coleman** (P. O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Great Bend Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received June 28, 2005. Permit issued June 5, 2006.

**58052807. Robert A. Coleman** (P. O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received August 16, 2005. Permit issued June 5, 2006.

**58050856. Neilton Dias** (503 Morgan Highway, Clarks Summit, PA 18411), commencement, operation and restoration of a quarry operation in Lathrop Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received November 16, 2005. Permit issued June 5, 2006.

**58050857. Randall J. Chapel** (R. R. 2 Box, 190D, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received November 18, 2005. Permit issued June 5, 2006.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**10064002. Terra Works** (521 South Main Street, Clarion, PA 16214). Blasting activity permit to conduct blasting in conjunction with excavation for fill material

related to railroad bridge construction in Donegal Township, **Butler County**. This blasting activity permit will expire on July 26, 2006. Application received: May 25, 2006. Application Issued: May 26, 2006.

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

**13064101. DC Guelich Explosives, Inc.** (R. R. 3 Box, 125A, Clearfield, PA 16830), construction blasting for Jack Frost National Clubhouse in Kidder Township, **Carbon County** with an expiration date of May 23, 2007. Permit issued May 30, 2006.

**36064154. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Lancaster County Athletic Fields in Mt. Joy Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued May 30, 2006.

**36064155. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for a basement at 385 Stone Hill Road in Conestoga Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued May 30, 2006.

**52064120. Silver Valley Drilling & Blasting, Inc.** (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Pocono Ranchlands in Lehman Township, **Pike County** with an expiration date of May 22, 2007. Permit issued May 30, 2006.

**21064140. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Cella Development in Penn Township, **Cumberland County** with an expiration date of May 31, 2007. Permit issued May 31, 2006.

**28064153. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting for Progress Village Development in Chambersburg Borough, **Franklin County** with an expiration date of April 30, 2007. Permit issued May 31, 2006.

**36064156. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a pool at 4 Holly Court in Warwick Township, **Lancaster County** with an expiration date of July 15, 2006. Permit issued May 31, 2006.

**21064138. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Upper Allen Business Park in Upper Allen Township, **Cumberland County** with an expiration date of May 30, 2007. Permit issued June 1, 2006.

**21064139. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a home on Buttonwood Court in South Middletown Township, **Cumberland County** with an expiration date of December 30, 2006. Permit issued June 1, 2006.

**21064141. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241), construction blasting for a pool in Monroe Township, **Cumberland County** with an expiration date of June 1, 2007. Permit June 2, 2006.

**21064142. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Shippensburg University in Shippensburg Borough, **Cumberland County** with an expiration date of September 15, 2006. Permit issued June 2, 2006.

**21064143. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Nicolas Manor in Dickinson Township, **Cumberland County** with an expiration date of October 15, 2006. Permit issued June 2, 2006.

**21064144. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Jefferson Court in South Middletown Township, **Cumberland County** with an expiration date of June 30, 2007. Permit issued June 2, 2006.

**35064108. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting at Montage Mountain in Moosic Borough, **Lackawanna County** with an expiration date of May 25, 2007. Permit issued June 2, 2006.

**39064107. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Whitfield Estates in Upper Macungie Township, **Lehigh County** with an expiration date of March 21, 2007. Permit issued June 2, 2006.

**45064141. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Twin Lake Estate in Smithfield Township, **Monroe County** with an expiration date of June 30, 2007. Permit issued June 2, 2006.

**45064142. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Highland Estates in Pocono Township, **Monroe County** with an expiration date of June 30, 2007. Permit issued June 2, 2006.

**52064121. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting for Hemlock Farms Development in Porter, Blooming Grove and Dingman Townships, **Pike County** with an expiration date of June 30, 2007. Permit issued June 2, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service,

(800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-983. Jeffrey M. Gray**, 5518 McLeon Station Road, Green Lane, PA 18054, Marlborough Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 12-foot wide, 24-foot span by 3.5-foot high open Bottom Box Bridge and appurtenances, as a driveway access from McLean Station Road across an unnamed tributary of Macoby Run (TSF) to and existing single family dwelling.

The project includes temporary cofferdams and conduits to facilitate bridge construction, will impact approximately 50 linear feet of stream and is located approximately 345 feet southwest of the intersections of McLean Station Road and Geryville Pike in Marlborough Township, Montgomery County (Perkiomenville, PA, Quadrangle N: 20.98 inches; W: 11.72 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E46-987. Lower Salford Township**, 379 Main Street, Harleysville, PA 19438, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain an 80-foot long by 8-foot wide by 4.31-foot high pedestrian bridge across the bank of the West Branch of Skippack Creek (TSF) as a part of a community bike and walking trail.

The bridge is located on the Seneko/Marczuk property near the intersection of Upper Mainland and Quarry Roads (Collegetown, PA, USGS Quadrangle, N: 20.5 inches; W: 1.0 inch).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E09-892. Department of Transportation, District 6-0**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Durham Township, **Bucks County**, ACOE Philadelphia District.

To remove two bridges along Lehnenberg Road (SR 406 Section 01B) situated in close proximity to each other at Station 18+05 and 19+67, respectively. Each existing bridge measures 21-foot long and 16-foot wide and each will be replaced with 75-foot long and 24-foot wide structures with similar vertical and horizontal alignment across Rodges Run (TSF). The bridges are located in the vicinity of the intersection of Lehnenberg Road and Mine Hill Road (Reiglesville, PA-NJ USGS Quadrangle N: 13.0 inches; W: 9.80 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-735. James DiGiuseppe**, 7743 Woodly Avenue, Van Nuys, CA 91406, East Coventry Township, **Chester County**, ACOE Philadelphia District.

To modify and maintain an existing nonjurisdictional dam and to construct and maintain an outfall structure within the 100-year floodplain of a UNT of Pigeon Creek (HQ-TSF). Work will include partially dewatering reservoir; raising the berm height by 2 feet to provide maximum depth of 9.22 feet; constructing a new 20-foot wide concrete rectangular weir at east side; and lowering the height of an existing 8-inch diameter riser pipe at north side for stormwater outfall. The proposed modification will provide stormwater management for an 8-lot residential subdivision.

This permit includes an environmental assessment approval to modify a non-jurisdictional dam as noted. This site is located about 1,600 feet northwest at the intersection of Ellis Woods and Kulp Roads (Phoenixville, PA, USGS Quadrangle N: 11.0 inches, W: 16.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-757. Joseph I. Bishop**, 1373 Nathan Hale Drive, Phoenixville, PA 19460, Spring City Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain an additional compartment of approximately 125 feet by 200 feet to be attached to an existing building. The additional construction and the existing building are located in the floodway of the Schuylkill River. The work also includes the construction of a parking lot to accommodate 75 cars.

The project site is located approximately 700 feet north of the intersections of Bridge and Main Streets in Spring City Borough, Chester County (Phoenixville, PA, Quadrangle N: 10.54 inches; W: 6.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E64-259. Wayne County Commissioners**, 925 Court Street, Honesdale, PA 18431-1996. Texas Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To place fill in 0.27 acre of PEM wetlands and 0.29 acre of open water for the purpose of constructing a county prison facility. The facility is partially located within the mapped floodplain of Indian Orchard Brook (HQ-CWF). The project includes utility line crossings of Indian Orchard Brook and adjacent wetlands (2-inch PVC sanitary sewer, 6-inch DIP water and aerial electric). The permittee is required to provide 0.27 acre of replacement wetlands. The project is located approximately 0.1 mile due east of the intersection of SR 6 (Texas Palmyra Highway) and SR 652 (Beach Lake Highway) (White Mills, PA Quadrangle N: 8.8 inches; W: 11.6 inches). (Subbasin 01B)

**E64-258. John E. Marshall**, 348 Bethel School Road, Honesdale, PA 18431. Texas Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimis area of PSS/PEM wetlands equal to 0.03 acre, within the drainage basin of the Lackawaxen River (HQ-CWF), for the purpose of providing a suitable building lot for a commercial business. The project is located on the west side of SR 6, just south of the Honesdale Borough/Texas Township boundary (White Mills, PA Quadrangle N: 10.2 inches; W: 15.9 inches). (Subbasin 01B)

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

**E21-374: Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055 in Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To remove an existing 27-foot long by 36-inch CMP and to construct and maintain the following:

1. 98 linear feet of 66-inch by 51-inch CMP with baffles depressed 1 foot below the existing streambed elevation in the channel of a UNT to Yellow Breeches Creek resulting in the elimination of 90 linear feet of stream channel at a point 700 feet south of the intersection of Bumble Bee Hollow Road and Old Hollow Road (Lemoyne, PA Quadrangle N: 8.25 inches, W: 5.7 inches; Latitude: 40° 10' 12", Longitude: 76° 59' 12").

2. Eight 15-inch RCP storm sewer outfalls to the channel or left or right floodways of a UNT to Yellow Breeches Creek (CWF) beginning at a point 295 feet north of the intersection of Bumble Bee Hollow Road and SR 2004 (Lemoyne, PA Quadrangle N: 7.3 inches, W: 15.2 inches; Latitude: 40° 09' 56", Longitude: 76° 59' 02") and continuing upstream to a point 190 feet south of the intersection of Bumble Bee Hollow Road and Old Hollow Road (Lemoyne, PA Quadrangle N: 8.4 inches, W: 15.75 inches; Latitude: 40° 10' 18", Longitude: 76° 59' 14").

3. 70 linear feet of channel and stream bank grading immediately downstream of the proposed culvert involving the removal of an existing dam and 105 linear feet of channel and stream bank grading immediately upstream of the proposed culvert (Lemoyne, PA Quadrangle N: 8.25 inches, W: 5.7 inches; Latitude: 40° 10' 12", Longitude: 76° 59' 12").

4. 50 linear feet of R-7 riprap bank protection on the left bank of a UNT to Yellow Breeches Creek immediately upstream of the proposed culvert (Lemoyne, PA Quadrangle N: 8.25 inches, W: 5.7 inches; Latitude: 40° 10' 12", Longitude: 76° 59' 12").

**E01-258: Reuben J. Ness**, 180 Brickyard Road, New Oxford, PA 17350 in Oxford Township, **Adams County**, ACOE Baltimore District.

To construct and maintain an access road through a palustrine emergent wetland associated to Pine Run (WWF) at a point west of Route 94 (McSherrystown, PA Quadrangle N: 20.2 inches; W: 3.7 inches; Latitude 39° 51' 40"; Longitude 77° 01' 35") in New Oxford Township, Adams County. The project will permanently impact 0.25 acre of palustrine emergent wetlands. The permittee is required to provide a minimum of 0.50 acre of replacement wetlands onsite adjacent to existing wetlands. The replacement ratio is 2:1 because the applicant started constructing the access road, impacting wetlands, prior to obtaining a permit.

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

**E49-291. City of Sunbury Municipal Authority**, 462 South Fourth Street, Sunbury, PA 17801 Outfall, in the City of Sunbury, **Northumberland County**, ACOE Baltimore District (Sunbury, PA Quadrangle N: 18.5 inches; W: 6.1 inches).

Construct, operate and maintain a 30-inch outfall to Shamokin Creek (WWF). All work associated with the excavation of the flood control levee shall conform to the United States Army Corps of Engineers' requirements as set forth in their approval letter dated May 17, 2006. This project is located at the end of South Fourth Street. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-584. Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425. To extend existing commercial sand and gravel dredging Permit No. E02-584, authorizing dredging in **Allegheny, Armstrong, Beaver and Westmoreland Counties**, Pittsburgh ACOE District (starting at East Brady, PA Quadrangle N: 20.9 inches; W: 15.7 inches and ending at East Liverpool North, OH-PA-WV Quadrangle N: 2.2 inches; W: 2.7 inches) and (starting at Latitude: 40° 51' 54"—Longitude: 79° 36' 49" and ending at Latitude: 40° 30' 44" and Longitude: 80° 31' 10"), until June 30, 2006. The site specific currently approved dredging locations are as follows:

<b>Allegheny River</b>				
<i>Pool</i>	<i>River Miles</i>	<i>Municipality</i>	<i>County</i>	<i>Comments/Restrictions (See Notes)</i>
Emsworth	None		Allegheny	
2	None		Allegheny	
3	15.1 to 15.3	Cheswick Borough	Allegheny	
	15.5 to 15.55	Springdale Borough	Allegheny	
	15.55 to 15.7L	Plum Borough	Allegheny	
	15.7 to 15.9	Springdale Township	Allegheny	See Note
	15.9 to 16.0	East Deer Township	Allegheny	
	16.1 to 16.3	City of New Kensington	Westmoreland	
	18.7 to 19.5	City of Arnold	Westmoreland	
	19.75 to 19.85	Brackenridge Borough	Allegheny	
	21.0 to 21.5L	Tarentum Borough	Allegheny	
	22.5 to 22.6	Harrison Township	Allegheny	
	22.6 to 22.7L	City of Lower Burrell	Westmoreland	
	22.9 to 23.1			
4	25.2 to 26.4	Harrison Township	Allegheny	
	26.4 to 26.5R	City of Lower Burrell	Westmoreland	
	26.5 to 26.6	Allegheny Township	Westmoreland	
	26.6 to 26.7R			
	26.7 to 26.8			
	26.8 to 27.0L			
	27.0 to 27.1			
	27.2 to 27.9R			
	28.3 to 28.5R			
5	30.7 to 31.6	Gilpin Township	Armstrong	
	31.7 to 32.2	South Buffalo Township	Armstrong	
	32.9 to 33.0R			See Note
	33.9 to 34.0L			See Note
	34.0 to 34.5			
	34.5 to 35.0			
6	None		Armstrong	
7	46.5 to 46.6	Kittanning Borough	Armstrong	
	46.6 to 46.7L	East Franklin Township	Armstrong	
	47.1 to 47.2	Rayburn Township	Armstrong	See Note
	47.2 to 47.3	Boggs Township	Armstrong	
	47.4 to 47.6R	Washington Township	Armstrong	See Note
	47.6 to 48.0			See Note
	48.0 to 48.2L			
	48.2 to 48.9			See Note
	49.1 to 49.3L			
	49.4 to 49.5R			
	49.5 to 49.6			
	49.6 to 49.7R			
	49.7 to 49.8			
	49.8 to 50.0L			
	50.0 to 50.1			
	50.1 to 50.2L			
	50.3 to 50.4R			
	51.4 to 51.6			
	51.6 to 51.7L			
	51.7 to 52.4			
8	52.8 to 53.3L	Boggs Township	Armstrong	
	53.3 to 54.0	Pine Township	Armstrong	
	54.45 to 54.5R	Washington Township	Armstrong	See Note
	54.5 to 54.7			
	58.2 to 58.6R			
9	None			

*Notes:*

At MP 15.7 to 15.9, no dredging closer than 300 feet from the river wall along the right descending bank.

At MP 32.9, the area authorized for dredging is 1,000 feet upstream of the most upstream point of Murphy's Island to 33.0R.

At MP 33.9 to 34.0, avoid the right descending bank at river mile 33.9 through 34.0.

At MP 47.1, avoid the right descending bank at river mile 47.1.

At MP 47.4, avoid the right descending bank at river mile 47.4.

At MP 47.7, avoid the left descending bank at river mile 47.7.

At MP 48.4, avoid the left descending bank at river mile 48.4.

At MP 54.5, permittee shall provide for daily turbidity testing during dredging and a Microscopic Particulate evaluation (MPE) 2 weeks after the cessation of dredging. The daily turbidity test results are to be submitted to Department of Environmental Protection, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 on a weekly basis. If the daily turbidity tests indicate an increase in turbidity, permittee may be required to perform additional MPEs during dredging.

*General Notes:*

"Avoid" as used in this description is defined as conducting no dredging in the rectangular area formed by the shore, near side of navigation channel and lines drawn 100 feet above a below the mile points specified in the comments/restrictions column interesting the shore and near side of the navigation channel.

"R" refers to Right Descending Bank and "L" refers to Left Descending Bank. These indicate the areas that can be dredged.

**Ohio River**

<i>Pool</i>	<i>River Miles</i>	<i>Municipality</i>	<i>County</i>	<i>Comments/Restrictions (See Notes)</i>
Emsworth	None		Allegheny	
Dashields	None		Allegheny	
Montgomery	17.0 to 18.35 20.6 to 21.6R 21.0 to 21.6L 21.6 to 21.7 21.7 to 21.8L 21.8 to 22.0 22.0 to 21.1L 22.1 to 22.3 22.6 to 22.7L 22.7 to 22.9 22.9 to 23.2L 23.2 to 23.3 23.3 to 23.5R 29.4 to 29.6 29.6 to 29.7R 29.7 to 29.8 29.8 to 30.1L 30.1 to 30.3 30.3 to 30.4L 30.4 to 31.4L	City of Aliquippa Borough of Ambridge Baden Borough Harmony Township Hopewell Township Conway Borough Economy Borough Center Township Monaca Borough Freedom Borough Industry Borough Potter Township	Beaver	See Note
New Cumberland	32.2 to 32.5 32.5 to 32.6L 32.6 to 33.0 33.0 to 33.1R 33.8 to 33.9 34.1 to 34.2 34.2 to 34.3R 35.5 to 36.0 36.5 to 37.4R 37.4 to 37.9R 38.0 to 38.5 38.6 to 38.7 38.7 to 38.95L 38.95 to 39.25 39.25 to 39.35L 39.35 to 39.5	Shippingport Borough Industry borough Raccoon Township Midland Borough Greene Township Ohioville Borough Georgetown Borough	Beaver	See Note

*Notes:*

At MP 21.0 to 21.1L, minimum 250 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 21.3 to 21.4L, minimum 250 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 21.4 to 21.6L, minimum 200 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 37.4 to 37.9R, Dredging is authorized for right descending bank main channel only.

*General Notes:*

“Avoid” as used in this description is defined as conducting no dredging in the rectangular area formed by the shore, near side of navigation channel and lines drawn 100 feet above a below the mile points specified in the comments/restrictions column interesting the shore and near side of the navigation channel.

“R” refers to Right Descending Bank and “L” refers to Left Descending Bank. These indicate the areas that can be dredged.

**E02-919. Tri-State River Products, Inc.,** P. O. Box 218, 334 Insurance Street, Beaver, PA 15009-0218. To extend existing commercial sand and gravel dredging Permit E02-919 authorizing dredging in **Allegheny, Armstrong, Beaver and Westmoreland Counties**, Pittsburgh ACOE District (starting at East Brady, PA Quadrangle N: 20.9 inches; W: 15.7 inches and ending at East Liverpool North, OH-PA-WV Quadrangle N: 2.2 inches; W: 2.7 inches) and (starting at Latitude: 40° 51' 54"—Longitude: 79° 36' 49" and ending at Latitude: 40° 30' 44" and Longitude: 80° 31' 10"), until June 30, 2006. The site specific currently approved dredging locations are as follows:

**Allegheny River**

<i>Pool</i>	<i>River Miles</i>	<i>Municipality</i>	<i>County</i>	<i>Comments/Restrictions (See Notes)</i>
Emsworth	None		Allegheny	
2	None		Allegheny	
3	15.1 to 15.3	Cheswick Borough	Allegheny	
	15.5 to 15.55	Springdale Borough	Allegheny	
	15.55 to 15.7L	Plum Borough	Allegheny	
	15.7 to 15.9	Springdale Township	Allegheny	See Note
	15.9 to 16.0	East Deer Township	Allegheny	
	16.1 to 16.3	City of New Kensington	Westmoreland	
	18.7 to 19.5	City of Arnold	Westmoreland	
	19.75 to 19.85	Brackenridge Borough	Allegheny	
	21.0 to 21.5L	Tarentum Borough	Allegheny	
	22.5 to 22.6	Harrison Township	Allegheny	
	22.6 to 22.7L	City of Lower Burrell	Westmoreland	
	22.9 to 23.1			
4	25.2 to 26.4	Harrison Township	Allegheny	
	26.4 to 26.5R	City of Lower Burrell	Westmoreland	
	26.5 to 26.6	Allegheny Township	Westmoreland	
	26.6 to 26.7R			
	26.7 to 26.8			
	26.8 to 27.0L			
	27.0 to 27.1			
	27.2 to 27.9R			
	28.3 to 28.5R			
5	30.7 to 31.6	Gilpin Township	Armstrong	
	31.7 to 32.2	South Buffalo Township	Armstrong	
	32.9 to 33.0R			See Note
	33.9 to 34.0L			See Note
	34.0 to 34.5			
	34.5 to 35.0			
6	None		Armstrong	



## Allegheny River

<i>Pool</i>	<i>River Miles</i>	<i>Municipality</i>	<i>County</i>	<i>Comments/Restrictions (See Notes)</i>
7	46.5 to 46.6	Kittanning Borough East Franklin Township Rayburn Township Boggs Township Washington Township	Armstrong	See Note See Note See Note See Note
	46.6 to 46.7L		Armstrong	
	47.1 to 47.2		Armstrong	
	47.2 to 47.3		Armstrong	
	47.4 to 47.6R		Armstrong	
	47.6 to 48.0			
	48.0 to 48.2L			
	48.2 to 48.9			
	49.1 to 49.3L			
	49.4 to 49.5R			
	49.5 to 49.6			
	49.6 to 49.7R			
	49.7 to 49.8			
	49.8 to 50.0L			
	50.0 to 50.1			
	50.1 to 50.2L			
50.3 to 50.4R				
51.4 to 51.6				
51.6 to 51.7L				
51.7 to 52.4				
8	52.8 to 53.3L	Boggs Township	Armstrong	See Note
	53.3 to 54.0	Pine Township	Armstrong	
	54.45 to 54.5R	Washington Township	Armstrong	
	54.5 to 54.7			
58.2 to 58.6R				
9	None			

*Notes:*

At MP 15.7 to 15.9, no dredging closer than 300 feet from the river wall along the right descending bank.

At MP 32.9, the area authorized for dredging is 1,000 feet upstream of the most upstream point of Murphy's Island to 33.0R.

At MP 33.9 to 34.0, avoid the right descending bank at river mile 33.9 through 34.0.

At MP 47.1, avoid the right descending bank at river mile 47.1.

At MP 47.4, avoid the right descending bank at river mile 47.4.

At MP 47.7, avoid the left descending bank at river mile 47.7.

At MP 48.4, avoid the left descending bank at river mile 48.4.

At MP 54.5, permittee shall provide for daily turbidity testing during dredging and a Microscopic Particulate evaluation (MPE) 2 weeks after the cessation of dredging. The daily turbidity test results are to be submitted to Department of Environmental Protection, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 on a weekly basis. If the daily turbidity tests indicate an increase in turbidity, permittee may be required to perform additional MPEs during dredging.

*General Notes:*

"Avoid" as used in this description is defined as conducting no dredging in the rectangular area formed by the shore, near side of navigation channel and lines drawn 100 feet above a below the mile points specified in the comments/restrictions column interesting the shore and near side of the navigation channel.

"R" refers to Right Descending Bank and "L" refers to Left Descending Bank. These indicate the areas that can be dredged.

## Ohio River

<i>Pool</i>	<i>River Miles</i>	<i>Municipality</i>	<i>County</i>	<i>Comments/Restrictions (See Notes)</i>
Emsworth	None		Allegheny	
Dashields	None		Allegheny	
Montgomery	17.0 to 18.35 20.6 to 21.6R 21.0 to 21.6L 21.6 to 21.7 21.7 to 21.8L 21.8 to 22.0 22.0 to 21.1L 22.1 to 22.3 22.6 to 22.7L 22.7 to 22.9 22.9 to 23.2L 23.2 to 23.3 23.3 to 23.5R 29.4 to 29.6 29.6 to 29.7R 29.7 to 29.8 29.8 to 30.1L 30.1 to 30.3 30.3 to 30.4L 30.4 to 31.4L	City of Aliquippa Borough of Ambridge Baden Borough Harmony Township Hopewell Township Conway Borough Economy Borough Center Township Monaca Borough Freedom Borough Industry Borough Potter Township	Beaver	See Note
New Cumberland	32.2 to 32.5 32.5 to 32.6L 32.6 to 33.0 33.0 to 33.1R 33.8 to 33.9 34.1 to 34.2 34.2 to 34.3R 35.5 to 36.0 36.5 to 37.4R 37.4 to 37.9R 38.0 to 38.5 38.6 to 38.7 38.7 to 38.95L 38.95 to 39.25 39.25 to 39.35L 39.35 to 39.5	Shippingport Borough Industry borough Raccoon Township Midland Borough Greene Township Ohioville Borough Georgetown Borough	Beaver	See Note

*Notes:*

At MP 21.0 to 21.1L, minimum 250 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 21.3 to 21.4L, minimum 250 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 21.4 to 21.6L, minimum 200 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 37.4 to 37.9R, Dredging is authorized for right descending bank main channel only.

*General Notes:*

“Avoid” as used in this description is defined as conducting no dredging in the rectangular area formed by the shore, near side of navigation channel and lines drawn 100 feet above a below the mile points specified in the comments/restrictions column interesting the shore and near side of the navigation channel.

“R” refers to Right Descending Bank and “L” refers to Left Descending Bank. These indicate the areas that can be dredged.

**E02-1326. Glacial Sand and Gravel Company**, P. O. Box 1022, Kittanning, PA 16201-1022. To extend existing commercial sand and gravel dredging Permit E02-1326 authorizing dredging in **Allegheny, Armstrong, Beaver and Westmoreland Counties**, Pittsburgh ACOE District (starting at East Brady, PA Quadrangle N: 20.9 inches; W: 15.7 inches and ending at East Liverpool North, OH-PA-WV Quadrangle N: 2.2 inches; W: 2.7 inches) and (starting at Latitude: 40° 51' 54"—Longitude: 79° 36' 49" and ending at Latitude: 40° 30' 44" and Longitude: 80° 31' 10"), until June 30, 2006. The site specific currently approved dredging locations are as follows:

<b>Allegheny River</b>				
<i>Pool</i>	<i>River Miles</i>	<i>Municipality</i>	<i>County</i>	<i>Comments/Restrictions (See Notes)</i>
Emsworth	None		Allegheny	
2	None		Allegheny	
3	15.1 to 15.3	Cheswick Borough	Allegheny	
	15.5 to 15.55	Springdale Borough	Allegheny	
	15.55 to 15.7L	Plum Borough	Allegheny	
	15.7 to 15.9	Springdale Township	Allegheny	See Note
	15.9 to 16.0	East Deer Township	Allegheny	
	16.1 to 16.3	City of New Kensington	Westmoreland	
	18.7 to 19.5	City of Arnold	Westmoreland	
	19.75 to 19.85	Brackenridge Borough	Allegheny	
	21.0 to 21.5L	Tarentum Borough	Allegheny	
	22.5 to 22.6	Harrison Township	Allegheny	
	22.6 to 22.7L	City of Lower Burrell	Westmoreland	
	22.9 to 23.1			
4	25.2 to 26.4	Harrison Township	Allegheny	
	26.4 to 26.5R	City of Lower Burrell	Westmoreland	
	26.5 to 26.6	Allegheny Township	Westmoreland	
	26.6 to 26.7R			
	26.7 to 26.8			
	26.8 to 27.0L			
	27.0 to 27.1			
	27.2 to 27.9R			
	28.3 to 28.5R			
5	30.7 to 31.6	Gilpin Township	Armstrong	
	31.7 to 32.2	South Buffalo Township	Armstrong	
	32.9 to 33.0R			See Note
	33.9 to 34.0L			See Note
	34.0 to 34.5			
	34.5 to 35.0			
6	None		Armstrong	
7	46.5 to 46.6	Kittanning Borough	Armstrong	
	46.6 to 46.7L	East Franklin Township	Armstrong	
	47.1 to 47.2	Rayburn Township	Armstrong	See Note
	47.2 to 47.3	Boggs Township	Armstrong	
	47.4 to 47.6R	Washington Township	Armstrong	See Note
	47.6 to 48.0			See Note
	48.0 to 48.2L			
	48.2 to 48.9			See Note
	49.1 to 49.3L			
	49.4 to 49.5R			
	49.5 to 49.6			
	49.6 to 49.7R			
	49.7 to 49.8			
	49.8 to 50.0L			
	50.0 to 50.1			
	50.1 to 50.2L			
	50.3 to 50.4R			
	51.4 to 51.6			
	51.6 to 51.7L			
	51.7 to 52.4			
8	52.8 to 53.3L	Boggs Township	Armstrong	
	53.3 to 54.0	Pine Township	Armstrong	
	54.45 to 54.5R	Washington Township	Armstrong	See Note
	54.5 to 54.7			
	58.2 to 58.6R			
9	None			

*Notes:*

At MP 15.7 to 15.9, no dredging closer than 300 feet from the river wall along the right descending bank.

At MP 32.9, the area authorized for dredging is 1,000 feet upstream of the most upstream point of Murphy's Island to 33.0R.

At MP 33.9 to 34.0, avoid the right descending bank at river mile 33.9 through 34.0.

At MP 47.1, avoid the right descending bank at river mile 47.1.

At MP 47.4, avoid the right descending bank at river mile 47.4.

At MP 47.7, avoid the left descending bank at river mile 47.7.

At MP 48.4, avoid the left descending bank at river mile 48.4.

At MP 54.5, permittee shall provide for daily turbidity testing during dredging and a Microscopic Particulate evaluation (MPE) 2 weeks after the cessation of dredging. The daily turbidity test results are to be submitted to Department of Environmental Protection, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 on a weekly basis. If the daily turbidity tests indicate an increase in turbidity, permittee may be required to perform additional MPEs during dredging.

*General Notes:*

"Avoid" as used in this description is defined as conducting no dredging in the rectangular area formed by the shore, near side of navigation channel and lines drawn 100 feet above a below the mile points specified in the comments/restrictions column interesting the shore and near side of the navigation channel.

"R" refers to Right Descending Bank and "L" refers to Left Descending Bank. These indicate the areas that can be dredged.

**Ohio River**

<i>Pool</i>	<i>River Miles</i>	<i>Municipality</i>	<i>County</i>	<i>Comments/Restrictions (See Notes)</i>
Emsworth	None		Allegheny	
Dashields	None		Allegheny	
Montgomery	17.0 to 18.35 20.6 to 21.6R 21.0 to 21.6L 21.6 to 21.7 21.7 to 21.8L 21.8 to 22.0 22.0 to 21.1L 22.1 to 22.3 22.6 to 22.7L 22.7 to 22.9 22.9 to 23.2L 23.2 to 23.3 23.3 to 23.5R 29.4 to 29.6 29.6 to 29.7R 29.7 to 29.8 29.8 to 30.1L 30.1 to 30.3 30.3 to 30.4L 30.4 to 31.4L	City of Aliquippa Borough of Ambridge Baden Borough Harmony Township Hopewell Township Conway Borough Economy Borough Center Township Monaca Borough Freedom Borough Industry Borough Potter Township	Beaver	See Note
New Cumberland	32.2 to 32.5 32.5 to 32.6L 32.6 to 33.0 33.0 to 33.1R 33.8 to 33.9 34.1 to 34.2 34.2 to 34.3R 35.5 to 36.0 36.5 to 37.4R 37.4 to 37.9R 38.0 to 38.5 38.6 to 38.7 38.7 to 38.95L 38.95 to 39.25 39.25 to 39.35L 39.35 to 39.5	Shippingport Borough Industry Borough Raccoon Township Midland Borough Greene Township Ohioville Borough Georgetown Borough	Beaver	See Note

*Notes:*

At MP 21.0 to 21.1L, minimum 250 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 21.3 to 21.4L, minimum 250 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 21.4 to 21.6L, minimum 200 feet setback from normal pool shoreline. The 150 feet setback from 6-foot contour still applies.

At MP 37.4 to 37.9R, Dredging is authorized for right descending bank main channel only.

*General Notes:*

“Avoid” as used in this description is defined as conducting no dredging in the rectangular area formed by the shore, near side of navigation channel and lines drawn 100 feet above a below the mile points specified in the comments/restrictions column interesting the shore and near side of the navigation channel.

“R” refers to Right Descending Bank and “L” refers to Left Descending Bank. These indicate the areas that can be dredged.

**E02-1467. Slade Landscaping and Garden Center**, P. O. Box 2095, Warrendale, PA 15086. To maintain an existing bridge and construct a sewer line in Marshal Township, **Allegheny County**, Pittsburgh ACOE District. (Mars, PA Quadrangle N: 5.52 inches; W: 11.62 inches and Latitude: 40° 38' 20"—Longitude: 80° 05' 01"). To widen, operate and maintain the existing bridge having a span of 23.0 feet with a minimum underclearance of 10.5 feet across the channel of Brush Creek (WWF) to provide access to the Slade Landscaping and Garden Center. The project is located on the south side of Northgate Drive, approximately 1,700 feet west from the intersection of Northgate Drive and Mt. Pleasant Road and will impact 32.0 feet of stream. This permit also authorizes the construction and maintenance of a 6-inch diameter sewer line through a wetland adjacent to said stream, a 15-inch diameter outfall structure and the operation and maintenance of the existing concrete block wall and shed along the left bank of said stream.

**E02-1512. Echo Richland Associates, LP**, 701 Alpha Drive, Pittsburgh, PA 15238. To construct a culvert in Richland Township, **Allegheny County**, Pittsburgh ACOE District. (Valencia, PA Quadrangle N: 2.93 inches; W: 9.21 inches and Latitude: 40° 38' 28"—Longitude: 79° 56' 29"). To construct and maintain an approximately 90-foot long culvert having a span of 12.0 feet with an underclearance of 6.25 feet, in the channel of West Branch Deer Creek (CWF), located on Grandview Crossing Drive, to place and maintain fill in 0.08 acre of wetlands and to place and maintain fill in a total of approximately 730 linear feet of stream channel (490 feet of UNT 2 and 240 feet of UNT 2A) for the purpose of constructing the Grandview Crossing Shopping Plaza. The project is located on the west side of SR 8, just west from the intersection of SR 8 and Grandview Drive, and will impact 0.08 acre of wetlands and 820 linear feet of stream channel. To compensate for the unavoidable environmental impacts, the permittee will construct, onsite, 0.10 acre of PEM/PSS wetland and revegetate the riparian corridor along approximately 980 feet of West Branch Deer Creek, just below the project area.

**E26-333. Brownsville Township Supervisors**, 103 Barnett Avenue, Brownsville, PA 15417. To construct a box culvert in Brownsville and Redstone Townships, **Fayette County**, Pittsburgh ACOE District. (Fayette City, PA Quadrangle N: 4.1 inches; W: 15.6 inches and Latitude: 40° 01' 21"—Longitude: 79° 51' 41"). To remove the existing structure and to construct and maintain a 55-ft long box culvert, having a waterway opening of 15-foot wide by 7-foot high (invert depressed 1-foot with baffles) in a UNT to Redstone Creek (WWF) to carry T-665 (Lynn/Braznell Road) over this watercourse.

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

**E10-396, Jerome Oliver**, Delwood Road Butler, PA 16001. Safe and Sound Self-Storage in Butler Township, **Butler County**. ACOE Pittsburgh District (Mt. Chestnut, PA Quadrangle N: 0.75 inches; W: 1.80 inches).

The applicant proposes to: 1) fill 0.009 acre of PEM wetlands for the construction of a self-storage facility adjacent to SR 422 approximately 0.5 miles east of the intersection of SR 422 and Route 8; 2) enclose approximately 57 feet of stream channel of a UNT to Connoquenessing Creek and fill approximately 0.02 acre of PEM wetlands for construction of a minor road crossing; and 3) extend the SR 422 culvert enclosing 165 feet of stream channel of a UNT to Connoquenessing Creek with a drainage area of less than 100 acres. UNTs to Connoquenessing Creek are classified as WWF. The project proposes to directly affect 0.029 acre of PEM wetlands and 222 feet of stream channel.

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
06-25-002	Lake Erie Biofuels, LLC 1540 East Lake Road Erie, PA 16511 Attn: Brad Davis	Erie	Erie City	Nine ASTs storing regulated substances	224,477 gallons total

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**SPECIAL NOTICES**


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**Certification to Perform Radon-Related Activities in this Commonwealth**

In the month of May 2006 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Beattie	851 Bangor Road Nazareth, PA 18064	Testing
James Bistline	61 Sunset Drive Carlisle, PA 17013	Testing
Patrick Borkowski	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Anthony Burghezi	811 Green Valley Drive Philadelphia, PA 19128	Testing
Edward Cummins	429 Schuylkill Road Phoenixville, PA 19460	Testing
Kevin Deppe	P. O. Box 987 Cherryville, PA 18035	Testing
Enviroquest, Inc.	1738 North Third Street Harrisburg, PA 17102	Mitigation
Paul Fletcher Alpha Energy Labs	2501 Mayes Road Suite 100 Carrollton, TX 75006	Laboratory
Sharon Gardner	125 N. Railroad Street Hughesville, PA 17737	Testing
Adam Ginocchi	407 Jenny Lane New Castle, PA 16101	Testing
Vilas Godbole	6314 Hilltop Drive Brookhaven, PA 19015	Mitigation
Nick Hindley	214 Ninth Street Honesdale, PA 18431	Testing
House-Check	P. O. Box 731 Valley Forge, PA 19482	Testing
Leonard Kelsey Radon Specialists, Inc.	134 Broad Street Suite 3 Stroudsburg, PA 18360	Mitigation
Robert Kerecz	451 North Sixth Street Allentown, PA 18102	Testing
Stephen Lybrand	1227 Tyler Avenue Phoenixville, PA 19460	Testing
Michael Maberry	1110 Indian Drive Auburn, PA 17922	
Frank Marsico	504 Woodcrest Drive Mechanicsburg, PA 17050	Testing
Surekha Paunikar Alpha Environmental, Inc.	2048 Carmel Drive Jamison, PA 18929	Testing
Edward Schluth	242 Newtown Road Warminster, PA 18974	Testing
Jon Shaffer	1115 Cornell Street Pittsburgh, PA 15212	Mitigation
Cesare Sportelli	750 Washington Street Easton, PA 18042	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Gregory Stewart G.J. Stewart	5 Franklin Street Pittsburgh, PA 15209	Mitigation
Bradford Whitely	516 Broad Street Montoursville, PA 17754	Testing
Robert Wills	877 Williams Place Warminster, PA 18924	Testing

### Drinking Water State Revolving Fund

#### Special notice under the Federal Safe Drinking Water Act

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

#### *Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Easton Suburban Water Authority	3700 Hartley Avenue Easton, PA 18045	Northampton

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Easton Suburban Water Authority proposes the construction of a new booster pumping station, new water storage tank and installation of distribution/transmission main piping throughout the system. This project is known as the 15th Street Service Level Improvement Project, Pennvest Project No. ME 80145. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 06-1077. Filed for public inspection June 16, 2006, 9:00 a.m.]

#### Availability of Draft Integrated Water Quality Monitoring and Assessment Report

The Department of Environmental Protection (Department) is making available for public comment its draft 2006 Integrated Water Quality Monitoring and Assessment Report (Integrated Report) and the Assessment and Listing Methodology (methodology) used to create the Integrated Report. The Integrated Report and methodology include both a narrative description of the Commonwealth's water quality management programs (formerly the 305(b) Report) and various lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act. The report is comprised of four sections and also includes a five-part list that collectively summarizes the designated use attainment status of Commonwealth surface waters.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to identify waters which would still be impaired, even after the appropriate technology has been applied to point sources and required best management practices are in place for

nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are placed on List 5 of the Integrated Waterbody List.

For each waterbody in Category 5, the state or the United States Environmental Protection Agency (EPA) must develop Total Maximum Daily Load (TMDL) allocations. A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and nonpoint pollutant loads without violating water quality standards. TMDLs also describe the conditions necessary to improve water quality. TMDLs are used to set limits in NPDES water quality permits and identify where best management practices for nonpoint sources are necessary to improve and protect water quality. When a TMDL is approved for a waterbody, that waterbody listing is moved to List 4a.

Waterbody assessment and compilation of the Integrated Report is an ongoing process. The Department will continue to verify the quality of data used in this process and, as needed, will publish supplements to the Integrated Report for public review and comment.

The waterbody listings included in this draft 2006 Integrated Report were developed using the methodology published as part of this notice. This methodology describes field data collection procedures, data analysis methods and data management protocols used to obtain and evaluate water quality information from a variety of sources, including the Department's Statewide Surface Water Assessment Program and existing and readily available data submitted by external groups and agencies.

The draft 2006 Integrated Report and methodology are available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (select "DEP Programs" and then choose "Water Quality Standards"). Due to the large number of pages, the Integrated Report will not be available in hardcopy.

Persons wishing to comment on the draft Integrated Report may do so in writing to the Bureau of Water Standards and Facility Regulation or by e-mail no later than August 16, 2006. Comments should be mailed or e-mailed to Mary Houghton, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637, [mhoughton@state.pa.us](mailto:mhoughton@state.pa.us). Comments received by facsimile will not be accepted.

The Department will consider all public comments regarding the validity of the data and the appropriateness of both the narrative and listings contained in the draft Report and incorporate appropriate revisions before submitting the final Report to the EPA for approval.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Mary Houghton directly at (717) 787-9637 or

through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1078. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance:*

DEP ID: 563-2112-101. Title: Aboveground Storage Tanks on Coal Mine Permit Areas. Description: This technical guidance document describes the permitting and monitoring requirements for aboveground storage tanks on coal mine sites. It applies to all coal mining and reclamation activities approved under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), including Government Financed Construction Contracts. The guidance does not apply to storage tanks on noncoal mining sites. The guidance is issued under the authority of the Surface Mining Conservation and Reclamation Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104). Notice providing a 30-day public comment period on the draft of this guidance document was published at 36 Pa.B. 880 (February 18, 2006). The draft version of the document was advertised in the *Pennsylvania Bulletin* under the title of "Aboveground Storage Tanks on Coal Mining Permits." The Pennsylvania Coal Association provided comments on the draft, which were addressed by the Department in a Comment and Response Document. Contact: Questions regarding the technical guidance document should be directed to William Allen, Jr., Department of Environmental Protection, P. O. Box 8461, 5th Floor, Rachel Carson

State Office Building, Harrisburg, PA 17105-8461, [wallen@state.pa.us](mailto:wallen@state.pa.us), (717) 787-5103. Effective Date: July 1, 2006.

DEP ID: 563-2504-201. Title: Blanket Bond Program for Coal Surface Mine Sites. Description: This document provides guidelines and procedures concerning the Department's voluntary Blanket Bond Program for coal surface mine sites. A Blanket Bond is a new type of bond form prepared and furnished by the Department. Blanket Bonds meet the requirements of the Conventional Bonding System and allow for all of the coal surface mining permits for a permittee to be covered by one bond. The document is issued under the authority of the Surface Mining Conservation and Reclamation Act, The Clean Streams Law and the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66). Notice providing a 30-day public comment period on the draft of this guidance document was published at 36 Pa.B. 1294 (March 18, 2006). The draft version of the document was advertised in the *Pennsylvania Bulletin* under the title of "Blanket Bonds." The Pennsylvania Coal Association provided comments on the draft, which were addressed by the Department in a Comment and Response Document. Contact: Questions regarding the technical guidance document should be directed to William Allen, Jr., Department of Environmental Protection, P. O. Box 8461, 5th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, [wallen@state.pa.us](mailto:wallen@state.pa.us), (717) 787-5103. Effective Date: July 1, 2006.

#### *Draft Technical Guidance—Substantive Revision:*

DEP ID: 394-2000-002 Title: Pennsylvania's Nonpoint Source Management Program Update. Description: The Pennsylvania Nonpoint Source (NPS) Management Program Update outlines the Commonwealth's plan to address nonpoint source pollution through 2012 based on having adequate resources including necessary personnel. This update enhances the Commonwealth's Nonpoint Source Management Program approved by the Environmental Protection Agency in 1999 in compliance with section 319(b) of the Federal Water Pollution Control Act (Clean Water Act), as amended by Pub. L. No. 100-4 on February 4, 1987. This plan also establishes the overall strategy the Commonwealth will use to implement the watershed protection aspects of the Commonwealth's Growing Greener Program. This NPS Program Update expands and enhances the Commonwealth's 1999 NPS Management Program and includes a variety of regulatory, nonregulatory, financial and technical assistance programs needed to improve and maintain surface and groundwater quality. Written Comments: The Department is seeking public comments on the substantive revisions to technical guidance No. 394-2000-002. Interested persons may submit written comments by August 1, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Fran Koch, Department of Environmental Protection, Bureau of Watershed Management, P. O. Box 8555, 10th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8555, or by e-mail to [fkoch@state.pa.us](mailto:fkoch@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to Fran Koch, (717) 783-2289, [fkoch@state.pa.us](mailto:fkoch@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.



*Notice to Rescind Technical Guidance:*

DEP ID: 363-4000-001. Title: Compliance Assistance and Enforcement Manual. Description: This guidance document was prepared to standardize the procedures and documents used by the Department for compliance assistance and enforcement under the provisions of the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), the Flood Plain Management Act (32 P. S. §§ 679.101—679.601) and 25 Pa. Code Chapters 105 and 106 (relating to dam safety and waterway management; and floodplain management). Many of the measures identified in the document are now included in other Departmental compliance and enforcement policies, making the availability of this technical guidance document no longer useful to the public. Contact: Questions concerning the rescission of technical guidance document No. 363-4000-001 should be directed to Kenneth Murin, Department of Environmental Protection, Bureau of Watershed Management, P. O. Box 8555, 10th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8555, (717) 787-6827, kmurin@state.pa.us. Effective Date: June 17, 2006.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1079. Filed for public inspection June 16, 2006, 9:00 a.m.]

### General Permit No. WMGR038; Notice of Renewal and Public Comment Period

Under the authority of 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 the Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash, the Department of Environmental Protection (Department) seeks comments on the proposed renewal of and revisions to General Permit No. WMGR038. The current general permit will expire on August 24, 2006.

General Permit No. WMGR038 authorizes processing and beneficial use of waste tires for tire derived fuel and tire derived material. The processing is limited to collection, sorting, storage, recapping, cleaning, shredding, chipping, grinding, crumbing and baling. The approved beneficial use of whole waste tires, tire chips, baled tires, tires shreds and crumb rubber is limited to use in recapping, as fuel in boilers or other combustion units, in civil engineering practices and as an ingredient in commercial products.

The Department is proposing to modify the current requirement in the general permit to allow the height fence to be lowered from 10 feet to 6 feet. The general permit is proposed for renewal for 10 years.

The following current operators have submitted renewal applications for the general permit:

- Southeast Region  
Carbon Services of Philadelphia, Inc.  
52 Fairview Drive,  
Leighton, PA 18235  
Permit No.: WMGR038SE002

- Southcentral Region  
Penn Turf, Inc.  
R. R. 4 Box 624,  
Hollidaysburg, PA 16648  
Permit No.: WMGR038SC001

Public comments on the proposed renewal of and revisions to General Permit No. WMGR038 must be submitted by July 17, 2006, and may include recommended revisions to the general permit and approval or denial of the renewal applications indicated previously. When finalized, notice of the renewal of General Permit No. WMGR038 and the subsequent issuance of renewals thereof will be published in future editions of the *Pennsylvania Bulletin*.

The revised General Permit No. WMGR038 can be obtained by contacting the Department of Environmental Protection, Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381, rhassinger@state.pa.us. The revised General Permit is also accessible on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation, Participate," then choose "Proposals Open for Comment").

Comments concerning General Permit No. WMGR038, including its renewal and issuance thereof, should be directed by July 17, 2006, to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Following the specified comment period, the Department will review submitted comments, prepare a written comments and response document (CRD) and prepare a final documents package for this general permit. An availability of the final general permit documents, including the CRD, will be announced in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1080. Filed for public inspection June 16, 2006, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators Meeting Change

The August 29, 2006, conference call meeting of the State Board for Certification of Water and Wastewater Systems Operators (Board) has been rescheduled. This meeting will take place September 19 and 20, 2006, in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting will begin at 10 a.m. on Tuesday, September 19, and resume at 8:30 a.m. on Wednesday, September 20. Staff from the Association of Boards of Certification will be attending the first day of the meeting to discuss the certification exam process for water and wastewater operators. The Board will meet the second day to approve certification licenses for water and wastewater operators.

Questions concerning the meeting should be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us. The agenda for the September 19 and 20, 2006, meeting will be available through the Public Participation Center

on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact 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.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1081. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Stormwater Manual Oversight Committee Meeting Cancellation

The Stormwater Manual Oversight Committee (Committee) meeting scheduled for June 27, 2006, is cancelled. The next meeting of the Committee is scheduled for 10 a.m. on July 25, 2006, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting materials for the July 25, 2006, meeting will be available on the Department of Environmental Protection's (Department) Public Participation website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (select "Public Participation Center," then "DEP Advisory Committee Agendas, Minutes and Handouts," then "Stormwater Manual Oversight Committee").

Questions concerning the cancellation of the June 27, 2006, meeting or the July 25, 2006, meeting should be directed to Dennis Stum, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 772-5963, [dstum@state.pa.us](mailto:dstum@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5963 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1082. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee meeting scheduled for July 12, 2006, has been cancelled. The next meeting is scheduled for September 13, 2006, at 9:30 a.m., Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the July 12, 2006, meeting or the September 13, 2006, meeting may be directed to Phil Consonery, Bureau of Water Supply and Facilities Regulation, (717) 772-2184, [pconsonery@state.pa.us](mailto:pconsonery@state.pa.us). The agenda and meeting materials for the September 13, 2006, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5668 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1083. Filed for public inspection June 16, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Apple Hill Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Apple Hill 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](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1084. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of Guthrie Clinic, Ltd. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Guthrie Clinic, Ltd. has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-1085. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of Kindred Hospital Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital Philadelphia has requested an exception to the requirements of 28 Pa. Code §§ 107.1—107.5, 107.11, 107.12, 107.12(a), 107.51—107.54, 146.1 and 146.2.

The facility is also requesting an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.A4 and 7.7.C9 (relating to handwashing; and medical air in 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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-1086. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of Kindred Hospital Pittsburgh—North Shore for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital Pittsburgh—North Shore has requested an exception to the requirements of 28 Pa. Code §§ 107.1—107.5, 107.11, 107.12, 107.12(a) and 107.51—107.54.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-1087. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of Lancaster Gastroenterology Procedure Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster Gastroenterology Procedure Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-1088. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of Magee-Women's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee-Women's Hospital has requested an exception to the requirements of § 139.12c (relating to neonatal care units) and 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.3.A6.b (relating to outside windows for NICU beds).

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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-1089. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of Mercy Jeannette Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Jeannette Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.B1, 7.2.B11 and 7.2.B12 (relating to administrative centers/nurse station; clean workroom; and soiled 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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-1090. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of St. Luke's Hospital—Allentown Campus 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—Allentown Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.A2 and 7.10.H9 (relating to soiled workroom; and OR space requirements).

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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-1091. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of St. Luke's Hospital—Bethlehem Campus 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—Bethlehem Campus has

requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4 (relating to handwashing stations).

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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1092. Filed for public inspection June 16, 2006, 9:00 a.m.]

### **Application of Select Specialty Hospital—Danville for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Danville has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1093. Filed for public inspection June 16, 2006, 9:00 a.m.]

### **Application of The Surgery Center at Brinton Lake for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center at Brinton Lake 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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1094. Filed for public inspection June 16, 2006, 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 § 51.23 (relating to definitions PET scanning services).

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 notice is being published without a comment period.

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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1095. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administration of drugs).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/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.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1096. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Metabolic Screening Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P. S. §§ 621—625), will hold a public meeting on Wednesday, July 12, 2006, from 10 a.m. to 3:30 p.m. at Dixon University Center, Conference Room C, 2986 North Second Street, Harrisburg, PA.

For additional information, contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Disease Prevention and Identification, at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984. R.S.V.P. by July 5, 2006, to Louise Banks at (717) 783-8143.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Newborn Screening Program

at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1097. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Cross Keys Village—The Brethren Home Community  
P. O. Box 128  
2990 Carlisle Pike  
New Oxford, PA 17350  
FAC ID 022502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Messiah Village  
100 Mount Allen Drive  
Mechanicsburg, PA, 17055  
FAC ID 910802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1098. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of the maximum allowable prices. Effective July 1, 2006, through July 31, 2006, the maximum allowable prices the Department of Health will pay for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.03
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$1.87
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.73
8 oz. Kosher Infant Cereal	\$2.00
1 doz. Grade A Eggs	\$1.78
1 lb. Fresh Carrots	\$1.14
14 to 16 oz. Canned Carrots	\$1.14
1 lb. Cheese	\$6.25
1 lb. Kosher Cheese	\$8.32
1 lb. Dry Beans or Peas	\$1.63
1 oz. Adult WIC Cereal	\$0.39
8 oz. Gerber Infant Cereal	\$2.00
15 to 18 oz. Peanut Butter	\$2.50
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.51
6 oz. Cans Juice	\$1.56
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.09
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.32
16 oz. Alimentum Advance Powder Formula	\$26.82
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.89
13 oz. Isomil Advance Concentrate Formula	\$4.70
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.80
12.9 oz. Isomil Advance Powder Formula	\$14.42
12.9 oz. Isomil 2 Advance Powder Formula	\$12.98
13 oz. Isomil with Iron Concentrate Formula	\$4.36
12.9 oz. Isomil with Iron Powder Formula	\$13.29
32 oz. Isomil DF Ready-to-Feed Formula	\$6.07
13 oz. Nutramigen Lipil Concentrate Formula	\$7.40
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.33
16 oz. Nutramigen Lipil Powder Formula	\$25.69
8 oz. Pediasure Ready-to-Feed Formula	\$2.13
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.23
13 oz. Similac Advance Concentrate Formula	\$4.38
32 oz. Similac Advance Ready-to-Feed Formula	\$6.20
12.9 oz. Similac Advance Powder Formula	\$13.66
12.9 oz. Similac 2 Advance Powder Formula	\$12.30
13 oz. Similac with Iron Concentrate Formula	\$4.07
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.39
12.9 oz. Similac with Iron Powder Formula	\$12.95
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.81
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.92
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.74
12.8 oz. Similac Neosure Advance Powder Formula	\$15.65

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, Room

604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289 or for a speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1099. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of the maximum allowable prices. Effective August 1, 2006, through September 30, 2006, the maximum allowable prices the Department of Health will pay for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.03
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$1.87
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.73
8 oz. Kosher Infant Cereal	\$2.00
1 doz. Grade A Eggs	\$1.78
1 lb. Fresh Carrots	\$1.14
14 to 16 oz. Canned Carrots	\$1.14
1 lb. Cheese	\$6.25
1 lb. Kosher Cheese	\$8.32
1 lb. Dry Beans or Peas	\$1.63
1 oz. Adult WIC Cereal	\$0.39
8 oz. Gerber Infant Cereal	\$2.00
15 to 18 oz. Peanut Butter	\$2.50
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.51
6 oz. Cans Juice	\$1.56
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.09
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.70
16 oz. Alimentum Advance Powder Formula	\$27.89
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.89
13 oz. Isomil Advance Concentrate Formula	\$4.90
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.02
12.9 oz. Isomil Advance Powder Formula	\$15.00
12.9 oz. Isomil 2 Advance Powder Formula	\$13.50
13 oz. Isomil with Iron Concentrate Formula	\$4.54
12.9 oz. Isomil with Iron Powder Formula	\$13.82
32 oz. Isomil DF Ready-to-Feed Formula	\$6.31
13 oz. Nutramigen Lipil Concentrate Formula	\$7.40
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.33
16 oz. Nutramigen Lipil Powder Formula	\$25.69
8 oz. Pediasure Ready-to-Feed Formula	\$2.17
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.27
13 oz. Similac Advance Concentrate Formula	\$4.55
32 oz. Similac Advance Ready-to-Feed Formula	\$6.45
12.9 oz. Similac Advance Powder Formula	\$14.21
12.9 oz. Similac 2 Advance Powder Formula	\$12.79

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac with Iron Concentrate Formula	\$4.23
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.62
12.9 oz. Similac with Iron Powder Formula	\$13.46
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.00
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.16
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.33
12.8 oz. Similac Neosure Advance Powder Formula	\$16.27

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289 or for a speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1100. Filed for public inspection June 16, 2006, 9:00 a.m.]

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices for Above-50-Percent-Vendors**

According to the Child Nutrition and WIC Reauthorization Act of 2004, and the USDA-FNS regulations published November 29, 2005, State WIC agencies are required to demonstrate that established “competitive price criteria and allowable reimbursement levels do not result in average payments per voucher to [above-50-percent-vendors] that are higher than average payments per voucher to comparable vendors other than [above-50-percent-vendors].” See, 42 U.S.C.A. § 1786(h)(11)(E).

Effective July 1, 2006, through July 31, 2006, the maximum allowable prices the Department of Health will pay Above-50-Percent-Vendors for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.40
12 oz. Evaporated Milk	\$0.78
16 oz. Dry Milk	\$3.60
1 qt. Lactose Reduced Milk	\$1.29
1/2 gal. Kosher Milk	\$1.82
4 oz. Kosher Infant Juice	\$0.54
8 oz. Kosher Infant Cereal	\$1.60
1 doz. Grade A Eggs	\$1.23

<i>Description</i>	<i>Maximum Allowable Price</i>
1 lb. Fresh Carrots	\$0.79
14 to 16 oz. Canned Carrots	\$0.79
1 lb. Cheese	\$4.31
1 lb. Kosher Cheese	\$5.86
1 lb. Dry Beans or Peas	\$1.01
1 oz. Adult WIC Cereal	\$0.27
8 oz. Gerber Infant Cereal	\$1.46
15 to 18 oz. Peanut Butter	\$1.74
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$1.80
6 oz. Cans Juice	\$1.67
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.75
4 oz. Gerber Infant Juice	\$0.54
32 oz. Alimentum Advance Ready-to-Feed Formula	\$7.96
16 oz. Alimentum Advance Powder Formula	\$23.51
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.36
13 oz. Isomil Advance Concentrate Formula	\$4.26
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.07
12.9 oz. Isomil Advance Powder Formula	\$12.86
12.9 oz. Isomil 2 Advance Powder Formula	\$12.45
13 oz. Isomil with Iron Concentrate Formula	\$4.14
12.9 oz. Isomil with Iron Powder Formula	\$12.57
32 oz. Isomil DF Ready-to-Feed Formula	\$6.07
13 oz. Nutramigen Lipil Concentrate Formula	\$6.30
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$7.92
16 oz. Nutramigen Lipil Powder Formula	\$22.92
8 oz. Pediasure Ready-to-Feed Formula	\$1.91
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.90
13 oz. Similac Advance Concentrate Formula	\$3.97
32 oz. Similac Advance Ready-to-Feed Formula	\$5.34
12.9 oz. Similac Advance Powder Formula	\$12.05
12.9 oz. Similac 2 Advance Powder Formula	\$12.00
13 oz. Similac with Iron Concentrate Formula	\$3.58
32 oz. Similac with Iron Ready-to-Feed Formula	\$4.83
12.9 oz. Similac with Iron Powder Formula	\$11.34
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.23
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.22
12.9 oz. Similac Lactose Free Advance Powder Formula	\$12.83
12.8 oz. Similac Neosure Advance Powder Formula	\$14.21

A store must permit purchase of WIC allowable foods that exceed the Maximum Allowable Price for Above-50-Percent-Vendors to WIC participants using WIC checks; however, any WIC check that exceeds the Maximum Allowable Price for Above-50-Percent-Vendors will be rejected by the bank.

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120,(717) 783-1289 or for a speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1101. Filed for public inspection June 16, 2006, 9:00 a.m.]



**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices for Above-50-Percent-Vendors**

According to the Child Nutrition and WIC Reauthorization Act of 2004, and the USDA-FNS regulations published November 29, 2005, State WIC agencies are required to demonstrate that established "competitive price criteria and allowable reimbursement levels . . . do not result in average payments per voucher to [above-50-percent-vendors] that are higher than average payments per voucher to comparable vendors other than [above-50-percent-vendors]." See, 42 U.S.C.A. § 1786(h)(11)(E).

Effective August 1, 2006, through September 30, 2006, the maximum allowable prices the Department of Health will pay Above-50-Percent-Vendors for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$1.40
12 oz. Evaporated Milk	\$0.78
16 oz. Dry Milk	\$3.60
1 qt. Lactose Reduced Milk	\$1.29
1/2 gal. Kosher Milk	\$1.82
4 oz. Kosher Infant Juice	\$0.54
8 oz. Kosher Infant Cereal	\$1.60
1 doz. Grade A Eggs	\$1.23
1 lb. Fresh Carrots	\$0.79
14 to 16 oz. Canned Carrots	\$0.79
1 lb. Cheese	\$4.31
1 lb. Kosher Cheese	\$5.86
1 lb. Dry Beans or Peas	\$1.01
1 oz. Adult WIC Cereal	\$0.27
8 oz. Gerber Infant Cereal	\$1.46
15 to 18 oz. Peanut Butter	\$1.74
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$1.80
6 oz. Cans Juice	\$1.67
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.75
4 oz. Gerber Infant Juice	\$0.54
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.29
16 oz. Alimentum Advance Powder Formula	\$24.44
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.36
13 oz. Isomil Advance Concentrate Formula	\$4.44
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.26
12.9 oz. Isomil Advance Powder Formula	\$13.38
12.9 oz. Isomil 2 Advance Powder Formula	\$12.95
13 oz. Isomil with Iron Concentrate Formula	\$4.31
12.9 oz. Isomil with Iron Powder Formula	\$13.07
32 oz. Isomil DF Ready-to-Feed Formula	\$6.31
13 oz. Nutramigen Lipil Concentrate Formula	\$6.30
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$7.92
16 oz. Nutramigen Lipil Powder Formula	\$22.92
8 oz. PediaSure Ready-to-Feed Formula	\$1.94
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$1.94
13 oz. Similac Advance Concentrate Formula	\$4.12
32 oz. Similac Advance Ready-to-Feed Formula	\$5.56
12.9 oz. Similac Advance Powder Formula	\$12.53
12.9 oz. Similac 2 Advance Powder Formula	\$12.47

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac with Iron Concentrate Formula	\$3.72
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.03
12.9 oz. Similac with Iron Powder Formula	\$11.79
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.40
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.43
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.34
12.8 oz. Similac Neosure Advance Powder Formula	\$14.77

A store must permit purchase of WIC allowable foods that exceed the Maximum Allowable Price for Above-50-Percent-Vendors to WIC participants using WIC checks; however, any WIC check that exceeds the Maximum Allowable Price for Above-50-Percent-Vendors will be rejected by the bank.

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289 or for a speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1102. Filed for public inspection June 16, 2006, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them or their firm, or any firms, corporations or partnerships in which these contractors, or either one of them or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
R. B. McClure Enterprises, Inc. and Ricardo B. McClure, Individually	425R South Cameron Street Harrisburg, PA 17109	5/24/2006

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 06-1103. Filed for public inspection June 16, 2006, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Medical Assistance Program Fee Schedule Procedure Code Changes

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule effective for dates of services on or after July 17, 2006.

### *Fee Schedule Revisions*

Local procedure code W0988 (anesthesia for electroconvulsive therapy) is being end-dated. The regulation at 55 Pa. Code § 1150.52 (relating to anesthesia services) provides that payment for anesthesia services will only be made to an enrolled practitioner qualified to administer anesthesia. National procedure codes for anesthesia services are already on the MA Program Fee Schedule and billable by an enrolled practitioner qualified to administer anesthesia.

Local procedure code W9400 (administration of chemotherapy for malignant disease, oral) is being end-dated and not replaced with a National procedure code because there have been no claims submitted using this procedure code since January 1, 2004. In addition, the regulation at 55 Pa. Code § 1221.51(1) (relating to general payment policy) provides that the fee for a clinic visit includes the administration of drugs and biologicals.

Local procedure code X1070 (removal of sutures by another physician) is being end-dated and not replaced with a National procedure code because the regulation at 55 Pa. Code § 1150.51(h)(5) precludes a separate payment for the removal of sutures. The fee for surgical services includes the removal of sutures. See 55 Pa. Code § 1150.54(a)(4)(iii) and (b)(1)(ii) (relating to surgical services).

Local procedure code X5741 (gynecological examination—asymptomatic patient) is being end-dated and not replaced with a National procedure code because the regulation at 55 Pa. Code § 1150.56(b)(1) provides that the practitioner may bill outpatient medical care as an office visit, skilled nursing or intermediate care facility visit or a home visit.

The Department is end-dating the following local procedure codes and not replacing them with National procedures because there have been no claims submitted using these procedure codes since July 1, 2004.

### *Local Procedure Code*

W9562  
W9595  
X1174  
X2934  
X2946  
X3162  
X4693  
X5810  
X5811  
X5890  
X5898  
X6483  
Y7373  
Y7374  
Y7375  
Y7418  
Y7608  
Y7690  
Y7696

The Department is end-dating the following National procedure codes for medical rehabilitation units of general hospitals and rehabilitation hospitals. The regulation at 55 Pa. Code § 1163.455(2) (relating to noncompensable services and items) precludes the Department from making payments to medical rehabilitation units of general hospitals and rehabilitation hospitals for inpatient services related to diagnostic tests and procedures that can be performed on an outpatient basis and diagnostic tests and procedures which are not related to the diagnoses that require that particular inpatient stay.

### *Procedure Code*

57421  
57454  
57455  
57456  
57460  
57461  
58300

The Department is end-dating the following local procedure codes for acute care general hospitals, acute care general hospital based medical clinics, medical rehabilitation units of general hospitals and rehabilitation hospitals and replacing them with existing National procedure codes already on the MA Program Fee Schedule and the fees corresponding with the National procedure codes. Some of the fees for the existing National procedure codes may be higher and some may be lower than the fees for the corresponding local procedure codes.

<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>
W0644	W0663	W0664	W0665	W0666
W0667	W0668	W6013	W6014	W9049
W9051	W9064	W9254	W9416	W9564
W9591	W9592	W9593	W9630	W9633
W9640	W9715	W9871	W9872	X1101
X1102	X1166	X1167	X1172	X1175
X1177	X1720	X3643	X5741	X5746
Y7030	Y7100	Y7101	Y7200	Y7202
Y7211	Y7308	Y7310	Y7311	Y7312
Y7322	Y7323	Y7324	Y7325	Y7360
Y7419	Y7600	Z0832	Z2100	Z2101
Z2102	Z2103	Z2105	Z2106	Z8020

<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>	<i>Local Procedure Code</i>
Z8227	Z8294	Z8309	Z8374	Z8391
Z8503	Z8555	Z8556	Z8557	Z8604
Z8627	Z8631	Z8636	Z8637	Z8704
Z8708	Z8712	Z8713		

The Department is end-dating local procedure codes for emergency room support services, W9045, W9046, W9047 and W9048, for acute care general hospitals and acute care general hospital-based medical clinics. These codes are being replaced with five National procedure codes and associated modifiers. The crosswalk of the local codes to the National codes, which follows, and the fees assigned to the National codes, was developed using the historical MA utilization pattern of physicians performing services in the emergency room and the relative value units of severity for emergency room services used by the Centers for Medicare and Medicaid Services. The Department consulted with the Hospital and Healthsystem Association of Pennsylvania and other interested parties representing the hospital industry across this Commonwealth in developing this crosswalk and associated fees.

In addition, the Department is adding a new informational modifier associated with National procedure codes 99281 and 99282 to the MA Program Fee Schedule. Informational modifier Q6 is to be used to identify nonemergency visits to the emergency room.

<i>Local Procedure Code</i>	<i>Local Procedure Code MA Fee</i>	<i>National Procedure Code</i>	<i>National Procedure Code MA Fee</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>
W9045	\$35.00	99281	\$ 21.00	U5	Q6
W9045	\$35.00	99281	\$ 21.00	U5	
W9045	\$35.00	99282	\$ 35.00	U5	Q6
W9045	\$35.00	99282	\$ 35.00	U5	
W9045	\$35.00	99283	\$ 79.00	U5	
W9045	\$35.00	99284	\$123.00	U5	
W9045	\$35.00	99285	\$193.00	U5	
W9046	\$30.00	99281	\$ 16.00	U4	Q6
W9046	\$30.00	99281	\$ 16.00	U4	
W9046	\$30.00	99282	\$ 30.00	U4	Q6
W9046	\$30.00	99282	\$ 30.00	U4	
W9046	\$30.00	99283	\$ 74.00	U4	
W9046	\$30.00	99284	\$118.00	U4	
W9046	\$30.00	99285	\$188.00	U4	
W9047	\$105.00	99281	\$ 21.00	U5	Q6
W9047	\$105.00	99281	\$ 21.00	U5	
W9047	\$105.00	99282	\$ 35.00	U5	Q6
W9047	\$105.00	99282	\$ 35.00	U5	
W9047	\$105.00	99283	\$ 79.00	U5	
W9047	\$105.00	99284	\$123.00	U5	
W9047	\$105.00	99285	\$193.00	U5	
W9048	\$100.00	99281	\$ 16.00	U4	Q6
W9048	\$100.00	99281	\$ 16.00	U4	
W9048	\$100.00	99282	\$ 30.00	U4	Q6
W9048	\$100.00	99282	\$ 30.00	U4	
W9048	\$100.00	99283	\$ 74.00	U4	
W9048	\$100.00	99284	\$118.00	U4	
W9048	\$100.00	99285	\$188.00	U4	

The Department is end-dating local procedure codes W9045, W9046, W9047 and W9048 and not replacing them with National procedure codes for medical rehabilitation units of general hospitals and rehabilitation hospitals because these providers are not enrolled in the MA Program to provide emergency room services.

MA Bulletins will be issued to acute care general hospitals, acute care general hospital-based medical clinics, medical rehabilitation units of general hospitals and rehabilitation hospitals setting forth the National procedure codes and corresponding fees that are replacing the end-dated local procedure codes. In addition, an MA Bulletin will be issued to all providers regarding the local procedure codes set forth in this notice that are being end-dated and not replaced with National procedure codes.

Services rendered on or after July 17, 2006, must be billed using the National procedure code and modifier, if appropriate.

#### *Fiscal Impact*

The conversion from local to National procedure codes, including the rates assigned to the National codes for emergency room services provided by acute care general hospitals and acute care general hospital-based medical clinics, is anticipated to have no fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30

days will be reviewed and considered for any subsequent revisions of the MA Program Fee Schedule.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-479. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 06-1104. Filed for public inspection June 16, 2006, 9:00 a.m.]

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## ENVIRONMENTAL HEARING BOARD

**Cathy Lodge, Karen Dysert, Carl and Nancy Eger and Cathy Donne v. DEP and Robinson Power Company, LLC, Permittee; EHB Doc. No. 2006-142-K**

Cathy Lodge, Karen Dysert, Carl and Nancy Eger and Cathy Donne have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Robinson Power Company, LLC for a facility in Robinson Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 06-1105. Filed for public inspection June 16, 2006, 9:00 a.m.]

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## FISH AND BOAT COMMISSION

**Extension of Periods during which Boats are Limited to Slow, No Wake Speed; Allegheny, Monongahela and Ohio Rivers (City of Pittsburgh)**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58

Pa. Code § 103.3(d) (relating to restriction for special areas), has taken action to extend the periods during which boats are limited to slow, no wake speed on the Allegheny, Monongahela and Ohio Rivers (Three Rivers) in the City of Pittsburgh. Currently, under 58 Pa. Code § 111.2(c) (relating to Allegheny County), boats are limited to slow, no wake speed from the Fort Pitt Bridge over the Monongahela River and the Fort Wayne (Norfolk Southern) Bridge over the Allegheny River to the West End Bridge over the Ohio River during certain periods, including the period from 3 p.m. on the day preceding July 4 until midnight of the holiday. The Executive Director has taken action to limit boats to slow, no wake speed in this area from 3 p.m. on June 30, 2006, to 7 a.m. on July 5, 2006. The Executive Director also has taken action to limit boats to slow, no wake speed in this area from 3 p.m. on July 7, 2006, to 7 a.m. on July 12, 2006.

The Executive Director has taken this action for the safety and welfare of the boaters in the Three Rivers Area. The restrictions established under the authority of § 103.3(c) shall be fully effective and enforceable in accordance with the law.

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

[Pa.B. Doc. No. 06-1106. Filed for public inspection June 16, 2006, 9:00 a.m.]

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## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, June 1, 2006, and announced the following:

#### *Regulations Approved*

Department of Agriculture #2-143: CHEMSWEEP Pesticide Disposal Program (amends 7 Pa. Code Chapter 128b)

State Board of Education #6-297: Higher Education General Provisions (amends 22 Pa. Code Chapter 31)

State Board of Education #6-296: Academic Standards and Assessment for Career Education and Work (amends 22 Pa. Code Chapter 4)

State Board of Education #6-293: Certification of Professional Personnel (amends 22 Pa. Code Chapter 49)

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### Approval Order

Public Meeting held  
June 1, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

*Department of Agriculture—CHEMSWEEP Pesticide Disposal Program; Regulation No. 2-143*

On July 6, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code Chapter 128b. The

proposed regulation was published in the July 16, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 24, 2006.

This regulation amends and expands the existing CHEMSWEEP Pesticide Disposal Program to include the disposal of canceled, unused or suspended pesticides held by all citizens of the Commonwealth.

We have determined this regulation is consistent with the statutory authority of the Department (3 P. S. § 111.27(b)(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting held  
June 1, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

*State Board of Education—Higher Education General Provisions; Regulation No. 6-297*

On October 27, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 31. The proposed regulation was published in the November 12, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 1, 2006.

The regulation updates and clarifies existing regulations relating to general provisions for postsecondary institutions. The existing Chapter 31 was originally promulgated in 1969 and was last amended in 1992.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. § 26-2603-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting held  
June 1, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

*State Board of Education—Academic Standards and Assessment for Career Education and Work; Regulation No. 6-296*

On September 26, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education. This rulemaking amends 22 Pa. Code Chapter 4. The proposed regulation was published in the November 5, 2005 *Penn-*

*sylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 21, 2006.

This regulation amends Chapter 4 to incorporate academic standards in the area of Career Education and Work.

We have determined this regulation is consistent with the statutory authority of the State Board of Education (24 P. S. § 26-2603-B(k)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting held  
June 1, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

*State Board of Education—Certification of Professional Personnel; Regulation No. 6-293*

On October 18, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education. This rulemaking amends 22 Pa. Code Chapter 49. The proposed regulation was published in the October 29, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 21, 2006.

This regulation is an update of current Board regulations for the certification of professional personnel in public schools and institutions that provide teacher education programs. These amendments reflect recent statutory changes and Department of Education policies and practices.

We have determined this regulation is consistent with the statutory authority of the State Board of Education (24 P. S. § 26-2603-B(k)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
Chairperson

[Pa.B. Doc. No. 06-1107. Filed for public inspection June 16, 2006, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Aetna Health Inc.; Individual Advantage HMO Plans; Rate Filing

On June 5, 2006, Aetna Health submitted a filing for the individual advantage plans, requesting an aggregate rate increase of 24.2%. Rate increases will vary by plan as well as age/gender. The filing will affect approximately

40,655 members and generate additional revenue of \$20 million annually. An effective date of October 1, 2006, is requested.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1108. Filed for public inspection June 16, 2006, 9:00 a.m.]

### **Allstate Insurance Company; Private Passenger Automobile Rate and Rule Revisions; Rate Filing**

On May 23, 2006, the Insurance Department (Department) received from Allstate Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall negligible rate level change to be effective September 18, 2006.

Unless formal administrative action is taken prior to July 22, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1109. Filed for public inspection June 16, 2006, 9:00 a.m.]

### **Allstate Property and Casualty Insurance Company; Private Passenger Automobile Rate and Rule Revisions; Rate Filing**

On May 23, 2006, the Insurance Department (Department) received from Allstate Property and Casualty Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall negligible rate level change to be effective September 18, 2006.

Unless formal administrative action is taken prior to July 22, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1110. Filed for public inspection June 16, 2006, 9:00 a.m.]

### **Application and Request for Approval to Redomesticate**

Bristol West Insurance Company, a domestic stock casualty insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from this Commonwealth to Ohio. The initial filing was made under 15 Pa.C.S. §§ 1977 and 1980 (relating to articles of dissolution; and dissolution by domestication), the GAA Amendments Act (15 P. S. §§ 21205—21207) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication are invited to submit a written statement to the Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1111. Filed for public inspection June 16, 2006, 9:00 a.m.]

### **Application for Approval to Acquire Control**

Auto Club Partners, Inc. has filed an application to acquire control of AAA Mid-Atlantic Insurance Company and Keystone Insurance Company, Pennsylvania domiciled stock casualty insurance companies. The filing was made under the Insurance Holding Companies Act (40

P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1112. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application for Approval to Redomesticate

Commercial Insurance Company of Newark, NJ, a stock casualty insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of South Carolina to this Commonwealth. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1113. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application for Approval to Redomesticate

The Continental Insurance Company, a stock property insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of South Carolina to this Commonwealth. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the

statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1114. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application for Approval to Redomesticate

Continental Reinsurance Corporation, a stock casualty insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of South Carolina to this Commonwealth. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1115. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application for Approval to Redomesticate

The Fidelity and Casualty Company of New York, a stock casualty insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of South Carolina to this Commonwealth. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1116. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application for Approval to Redomesticate

Firemen's Insurance Company of Newark, NJ, a stock property insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of South Carolina to this Commonwealth. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1117. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Application for Approval to Redomesticate

Kansas City Fire and Marine Insurance Company, a stock property insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the State of South Carolina to this Commonwealth. The filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication) and section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1118. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Howard Arian, M. D.; Prehearing

#### Appeal of Howard Arian, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-026

On or before June 8, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 26, 2006,

determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 29, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 15, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 22, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1119. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Robert J. Bulgarelli, D. O.; Prehearing

#### Appeal of Robert J. Bulgarelli, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-044

On or before July 5, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 14, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 26, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 21, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 12, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 19, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1120. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Cardiovascular Associates of Southwest Pennsylvania; Prehearing

#### Appeal of Cardiovascular Associates of Southwest Pennsylvania under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-042

On or before June 13, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 20, 2006,



determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 27, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 16, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 20, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1121. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Delaware Valley Imaging, Ltd.; Prehearing

#### **Appeal of Delaware Valley Imaging, Ltd. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-047**

On or before July 5, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 24, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 26, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 21, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 12, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 19, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1122. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Erie Insurance Exchange; Private Passenger Automobile Rate and Rule Revisions; Rate Filing

On June 2, 2006, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.0% increase amounting to \$0.042 million annually, to be effective October 1, 2006.

Unless formal administrative action is taken prior to August 1, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1123. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Claro Floro, M. D.; Prehearing

#### **Appeal of Claro Floro, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-025**

On or before June 8, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 4, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 29, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 15, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 22, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1124. Filed for public inspection June 16, 2006, 9:00 a.m.]

### The Foot & Ankle Institute of Western Pennsylvania; Prehearing

#### **Appeal of The Foot & Ankle Institute of Western Pennsylvania under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-043**

A prehearing telephone conference initiated by this office is scheduled for June 28, 2006. Each party shall

provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 16, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 20, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1125. Filed for public inspection June 16, 2006, 9:00 a.m.]

initiated by this office is scheduled for July 26, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 21, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 12, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 19, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1127. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Glemser Brothers; Hearing

#### **Appeal of Glemser Brothers under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-281(F); Doc. No. UT06-05-019**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A preliminary prehearing telephone conference shall be held on June 6, 2006. A prehearing telephone conference shall be held on June 28, 2006. A hearing shall occur on July 11, 2006, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before June 16, 2006. Answers to petitions to intervene, if any, shall be filed on or before June 23, 2006.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1126. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Highland Park Care Center; Prehearing

#### **Appeal of Highland Park Care Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-045**

On or before July 5, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 14, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference

### Brian B. Kimmel, D. O.; Prehearing

#### **Appeal of Brian B. Kimmel, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-034**

On or before June 14, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 14, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 7, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 29, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 21, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 28, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1128. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Dusan Z. Kocovic, M. D.; Prehearing

#### **Appeal of Dusan Z. Kocovic, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-041**

On or before June 13, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 21, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 27, 2006. Each party shall provide a telephone number to be used

for the telephone conference to the Hearings Administrator on or before June 23, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 16, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 20, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1129. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Lee Konecke, M. D.; Prehearing

**Appeal of Lee Konecke, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-040**

On or before June 13, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 15, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 27, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 16, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 20, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1130. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Frank C. McGeehin, III, M. D.; Prehearing

**Appeal of Frank C. McGeehin, III, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-039**

On or before June 14, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 13, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 5, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or

before June 29, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before June 21, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 28, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1131. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Jessie Martin, M. D.; Prehearing

**Appeal of Jessie Martin, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-033**

On or before June 14, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 14, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 5, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 29, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 21, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 28, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1132. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Anthony J. Noble; Hearing

**Anthony J. Noble; License Denial; Doc. No. AG06-05-032**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for June 28, 2006. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 23, 2006. A hearing shall occur on July 18, 2006, in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 16, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 21, 2006.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1133. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Barbara Plucknett, M. D.; Prehearing

**Appeal of Barbara Plucknett, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-046**

On or before July 5, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 26, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 26, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 21, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 12, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 19, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1134. Filed for public inspection June 16, 2006, 9:00 a.m.]

### PMSLIC; Prehearing

**Appeal of PMSLIC under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-048**

On or before June 13, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 4, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 29, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator

on or before June 23, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 16, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 20, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1135. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured 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 insured's automobile policies. The hearing will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Herman Piuma, Jr.; file no. 04-303-71868; Shelby Casualty Insurance Co.; Doc. No. PI04-11-019; August 17, 2006, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1136. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Ernest Smith; file no. 06-130-17737; Auto Insurance Company of Hartford, CT; Doc. No. P06-05-031; July 19, 2006, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1137. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Ronks Service, LLC; Hearing

#### Appeal of Ronks Service, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2004-276(M); Doc. No. UT06-04-030

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing shall occur on July 24, 2006, at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, at the previously listed address on or before July 10, 2006. Answers to petitions to intervene, if any, shall be filed on or before July 17, 2006.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1138. Filed for public inspection June 16, 2006, 9:00 a.m.]

### Mario P. Sacchetti, D. O.; Prehearing

#### Appeal of Mario P. Sacchetti, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-021

On or before June 6, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for June 27, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 22, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 13, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 20, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1139. Filed for public inspection June 16, 2006, 9:00 a.m.]

**Antonio E. Sotomayor, M. D.; Prehearing****Appeal of Antonio E. Sotomayor, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-023**

On or before June 20, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 10, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 11, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 6, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 27, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 5, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1140. Filed for public inspection June 16, 2006, 9:00 a.m.]

**Joseph P. Zaepfel, M. D.; Prehearing****Appeal of Joseph P. Zaepfel, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-024**

On or before June 20, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 13, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 11, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 6, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 27, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 5, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1142. Filed for public inspection June 16, 2006, 9:00 a.m.]

**Travelers Personal Insurance Company; Private Passenger Auto Insurance Rate Revision; Rate Filing**

On May 23, 2006, the Insurance Department (Department) received from Travelers Personal Insurance Company a filing for a proposed rate level change for private passenger auto insurance.

The company requests an overall 4.2% increase amounting to \$4.749 million annually, to be effective July 18, 2006, for new business and renewal business.

Unless formal administrative action is taken prior to July 22, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1141. Filed for public inspection June 16, 2006, 9:00 a.m.]

**LEGISLATIVE  
REFERENCE BUREAU****Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Executive Board*

Resolution #CB-06-116, Dated May 10, 2006. Authorizes the interest arbitration award between the Commonwealth and the Pennsylvania State Corrections Officers Association. The award provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2005, through June 30, 2008.

*Governor's Office*

Management Directive No. 220.11—Preservation of Commonwealth Deeds, Amended May 3, 2006.

Management Directive No. 240.7—Submission of Changes to the Commonwealth Telephone Directory, Amended April 6, 2006.

Management Directive No. 245.19—Enterprise Technology Security Council, Dated May 3, 2006.

Management Directive No. 305.22—Commonwealth Business License Information Exchange Program, Dated April 13, 2006.

Management Directive No. 530.1—Agency Employee Services Coordinators, Amended May 16, 2006.

Management Directive No. 570.1—State Employees' Retirement System, Duties of Departments and Agencies, Amended May 8, 2006.

Management Directive No. 570.5—Employer Contributions Required on the Purchase of Previously Uncredited State Service, Amended May 9, 2006.

Management Directive No. 570.8—Reinstatement of Dismissed or Furloughed Employees into the State Employees' Retirement System, Amended April 3, 2006.

Management Directive No. 615.12—Motor Vehicle Authorization List, Amended May 1, 2006.

Administrative Circular No. 06-07—Closing Instruction No. 3, Prior Fiscal Year Appropriations Subject to Act 146 Waivers; Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated April 21, 2006.

Administrative Circular No. 06-08—Address Change—Office of Administration, Administrative Services—Executive Offices, Dated May 8, 2006.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-1143. Filed for public inspection June 16, 2006, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new sites:

Chester County, Wine & Spirits Shoppe #1527, Lancaster Avenue, Devon.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space along Route 30 within a 1/2-mile radius of the intersection of Route 30 and Waterloo Road, Devon.

*Proposals due:* July 7, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

Chester County, Wine & Spirits Shoppe #1528, Route 30, Paoli.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space along Route 30 within a 1/2-mile radius of the intersection of Routes 30 and 252, Paoli.

*Proposals due:* July 7, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2319, Baltimore Avenue, Middletown.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of Routes 1 and 352, Middletown.

*Proposals due:* July 7, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 06-1144. Filed for public inspection June 16, 2006, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Half Pint Plastic Containers; Diesel Fuel

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 July 12, 2006, at 10:30 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: (1) the cost of half pint plastic containers in each milk marketing area; and (2) the implementation of area-specific adjustments to wholesale and retail prices based on the cost of diesel fuel used to deliver milk products.

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 1 p.m. on June 22, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on June 22, 2006, 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.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on June 23, 2006, each party 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 party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as

an expert shall be so identified, along with the witness's area or areas of proposed expertise. 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 July 7, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal 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.

Parties that wish to offer in evidence documents on file with the Board, public documents, 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 June 30, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 06-1145. Filed for public inspection June 16, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Creation of Fuel Cost Recovery Surcharge; S. P.  
28209**

Public Meeting held  
June 1, 2006

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

### **Order**

*By the Commission:*

This matter comes before the Commission on a letter filed May 15, 2006 by the Pennsylvania Taxicab and Paratransit Association (PTPA) on behalf of its members, in which PTPA petitioned for the implementation of a new fuel cost recovery surcharge. PTPA expressed the concern of its members that the industry will experience negative economic stress upon expiration of the current fuel cost recovery surcharge at Special Provision 28208 on June 12, 2006.

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28208, adopted June 10, 2004, authorized call or demand, paratransit and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset unanticipated fuel expenditures. At its Public Meeting of June 2, 2005 the Commission approved an extension of the temporary fuel surcharge until June 12, 2006. The Commission also required the Bureau of Transportation and Safety to investigate the merits of the fuel surcharge on a quarterly basis.

In its letter, PTPA conveys its members' desire that the Commission continue to provide relief in the form of a surcharge; however, it has recommended a surcharge utilizing a method different to that of the current surcharge. PTPA suggests that the Commission, on the third Friday of every month, determine the average cost of gasoline in Pennsylvania and post that cost on the Commission's website. After the average cost has been determined, the carriers would refer to a chart of surcharge values corresponding with the cost. With PTPA's letter were four charts recommended for use by the Commission. The charts allow for carriers to charge by mileage or by trip and differentiate between trips of less than 10 miles and greater than 10 miles for taxis, and trips less than 15 miles and greater than 15 miles for paratransit and airport transfer.

PTPA's request was reviewed and evaluated by the Staff of the Bureau of Transportation and Safety (BTS) at which time it was determined that the explanation of the methodology used for calculating the values in the charts was minimal and that the explanation of the reason for greater compensation for trips over 15 miles was insufficient. Furthermore, BTS was concerned that all taxicabs utilizing meters would not be able to adjust the meters in increments of less than one cent for the purpose of basing the surcharge on mileage.

In a telephone call on May 17, 2006, Jerry Campolongo, PTPA's president, was informed of the need for additional information. On May 22, 2006, the Commission received a letter dated May 19, 2006 in which the concerns about meters were addressed and an explanation of calculations for the proposed surcharge was provided; however, the subsequent information did not address the concerns of BTS regarding differences between trips over and under 15 miles.

Neither in the initial letter nor in the letter which followed, has PTPA presented substantial evidence for the need of a change in the methodology used to determine a surcharge. However, this will not prevent the Commission from considering the merits of the request.

The Commission recognizes that the cost of gasoline continues to fluctuate dramatically, and that providers of transportation services frequently experience financial difficulties when large increases occur in a relatively short time span. Data supplied by the Energy Information Administration of the Department of Energy indicates that several factors continue to contribute to the instability of gasoline prices. These factors weigh heavily in favor of continuing to grant relief in the form of a surcharge.

Rather than continue the current surcharge at Special Provision 28208, the Commission believes there is some merit in PTPA's suggestions. On the third Friday of each month, the Commission will determine the average cost of unleaded regular gasoline in Pennsylvania which will be



posted on the Fuel Surcharge page of its website located at [www.puc.state.pa.us/transport/motor/fuel\\_surcharge.aspx](http://www.puc.state.pa.us/transport/motor/fuel_surcharge.aspx). In addition to the posted price, there will be a chart identical to the one below.

Carriers implementing the fuel surcharge will refer to the chart and locate the appropriate surcharge amount corresponding to the average cost of gasoline which has been posted. For example, if the posted average price of gasoline is \$2.85, one would look at the chart and find the ninth line of the chart where the price range is \$2.80 to \$2.89. One would then go across to the appropriate column for the surcharge, which in this case would be \$.65 for taxicabs and \$1.50 for paratransit or airport transfer.

By establishing gasoline prices which will "trigger" a change in the surcharge, there would no longer be a necessity for us to review the surcharge on a quarterly or monthly basis, as was the case following Hurricane Katrina.

Determination of the amounts to be charged is based on the cost of gasoline per trip. The constants used for calculations are those used in the current surcharge: The average trip length of 6.8 miles for call or demand carriers and 13.61 miles for paratransit and airport transfer carriers; the average miles per gallon per vehicle of 15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers; and \$1.35 per gallon of unleaded regular gasoline (the average cost in 2002 according to Energy Information Administration of the Department of Energy). The cost per trip is calculated by multiplying the price of gasoline by the ratio of miles per trip to miles per gallon. The cost per trip at \$1.35 per gallon would serve as the base line. The results are tabulated in the chart below.

#### Passenger Carrier Fuel Surcharge Chart

Fuel (\$/Gal)	Taxicabs*	Paratransit/ Airport Transfer*
\$2.00—\$2.09	\$.25	\$.70
\$2.10—\$2.19	\$.30	\$.80
\$2.20—\$2.29	\$.35	\$.90
\$2.30—\$2.39	\$.40	\$1.00
\$2.40—\$2.49	\$.45	\$1.10
\$2.50—\$2.59	\$.50	\$1.20
\$2.60—\$2.69	\$.55	\$1.30
\$2.70—\$2.79	\$.60	\$1.40
\$2.80—\$2.89	\$.65	\$1.50
\$2.90—\$2.99	\$.70	\$1.60
\$3.00—\$3.09	\$.75	\$1.70
\$3.10—\$3.19	\$.80	\$1.80
\$3.20—\$3.29	\$.85	\$1.95
\$3.30—\$3.39	\$.90	\$2.05
\$3.40—\$3.49	\$.95	\$2.15
\$3.50—\$3.59	\$1.00	\$2.25
\$3.60—\$3.69	\$1.05	\$2.35
\$3.70—\$3.79	\$1.10	\$2.45
\$3.80—\$3.89	\$1.15	\$2.55
\$3.90—\$3.99	\$1.20	\$2.65
\$4.00—\$4.09	\$1.25	\$2.75

\*The amount is per paying passenger per trip.

Effective Friday, June 23, 2006, the average price of unleaded regular gasoline will be posted on our website and carriers collecting the surcharge will use the amount corresponding to the above chart effective July 1, 2006. In order to provide relief without interruption, the current surcharge will be extended until midnight of June 30, 2006.

Based on our review, it appears that an extension of the Fuel Cost Recovery is an appropriate way to address the high costs of gasoline prices at the present time. However, the industry should not continue to rely on this measure as a means of relief. Therefore, members of the industry will have the responsibility of taking appropriate measures. Carriers are also advised that should circumstances require an extension of this surcharge, the base price of \$1.35 currently being used will be eliminated and a higher base price established which will accurately reflect historic prices.

After due consideration, we have determined that fuel costs will not decrease. Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for a Fuel Cost Recovery Surcharge to permit the recovery of fuel expenditures; *Therefore,*

*It Is Ordered That:*

1. Call or demand, paratransit, and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission may establish and charge a fuel surcharge under Special Permission No. 28209.

2. Effective Friday, June 23, 2006, and on the third Friday of every month, the Commission shall post on its website at [www.puc.state.pa.us/transport/motor/fuel\\_surcharge.aspx](http://www.puc.state.pa.us/transport/motor/fuel_surcharge.aspx) the average cost of unleaded regular gasoline upon which the surcharge will be determined.

3. The surcharge shall become effective on July 1, 2006, and shall terminate on June 30, 2007, unless changed, cancelled or extended by the Commission.

4. Call or demand, paratransit, and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall notify the public by placing the notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28209. The surcharge is effective on July 1, 2006, and shall terminate on June 30, 2007. The current surcharge is **(insert current charge here)** per trip for each paying passenger."

5. The Fuel Cost Recovery Surcharge established at Special Permission No. 28208 be continued until midnight, June 30, 2006, at which time it will expire.

6. Call or demand carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission may continue to charge \$.60 per trip for each paying passenger until midnight, June 30, 2006.

7. Paratransit carriers and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission may continue to charge \$1.35 per trip for each paying passenger until midnight, June 30, 2006.

8. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1146. Filed for public inspection June 16, 2006, 9:00 a.m.]

**Insuring Consistent Application of 52 Pa. Code § 56.12(7) Equal Monthly Billing; Doc. No. M-00051925**

Public Meeting held  
June 1, 2006

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

**Final Interpretive Order**

*By the Commission:*

On December 8, 2005, the Commission entered an order setting forth a proposed interpretive rule regarding 52 Pa. Code § 56.12(7) pertaining to the establishment and availability of equal monthly billing or budget billing for utility customers. Section 56.12(7) provides as follows: 52 Pa. Code § 56.12(7) provides:

*“Equal monthly billing.* A gas, electric and steam heating utility shall provide its residential ratepayers with an optional billing procedure which averages estimated utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The utility shall review accounts at least three times during the optional billing period.”

Based on the Commission's proposed interpretation, when a customer enrolls in a budget billing program, the utility must use that customer's consumption from the previous 10, 11, or 12 month period when determining the customer's budget billing payment, or base the budget amount on a valid estimate of the potential use for a 10, 11, or 12 month period when the customer has no prior history. As such, equal monthly billing or budget billing programs based on a usage period that averages less than 10 months would be invalid. In that order, the Commission also noted that utilities are permitted to review customer accounts a minimum of three times during the budget billing period and make necessary adjustments.

The goal of budget billing is to allow new customers, and existing customers not previously enrolled in a budget billing program, to obtain the maximum benefits from the program, while benefiting utilities by reducing their exposure to uncollectible expenses. To accomplish this aim, there can be no restriction on customers' ability to avail themselves of budget billing procedures based upon a 10, 11, or 12 month past usage period.

Finally, the Commission set forth other elements of an acceptable budget billing program:

- Budget billing must be available to all utility customers with residential end use irrespective of the rate the account is billed.<sup>1</sup>
- Based on well-established case history, budget billing must be the method by which customers in arrears pay current bills while liquidating the past due amounts owed the utility.<sup>2</sup>
- Budget accounts are to be routinely monitored and adjusted consistent with the Commission's regulations to prevent over or under collections to the extent possible.

<sup>1</sup> See 52 Pa. Code § 56.1 (relating to definition of *residential service*).

<sup>2</sup> *Mary Frayne v. PECO Energy Company*, C-20029005 (Order entered September 10, 2003).

- Any tariff provision that is inconsistent with the Commission's interpretation of its regulation is deemed null and void.<sup>3</sup>

The Commission has solicited comments pursuant to Section 703(g) of the Public Utility Code, 66 Pa.C.S. § 703(g), from all interested parties in response to the proposed interpretive rule on whether the interpretive rule is clear or whether a policy statement is warranted. The Commission served the December 8, 2005 order on all jurisdictional electric, gas, water, and steam heating companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Energy Association of Pennsylvania, and the Public Utility Law Project.<sup>4</sup>

The order was published in the Pa. Bulletin on December 24, 2005 at 39 Pa.B. 6970. The comment period ended January 3, 2006. Comments were filed by PPL Electric Utilities Corporation, PPL Gas Utilities Corporation, Columbia Gas of Pennsylvania, Inc., the Office of Consumer Advocate, the Office of Trial Staff and the Energy Association of Pennsylvania. The comments and our disposition of them will be discussed below.

**PPL Electric and Gas Utilities**

PPL Electric Utilities Corporation and PPL Gas Utilities Corporation filed joint comments. The companies will be referred to herein as PPL. PPL believes that the Commission's interpretive rule in this order is clear and does not require the development of a policy statement for the following reasons. In accordance with the Commission's regulations, PPL customers can enroll in the companies' budget billing plan during any month of the year. PPL promotes this payment option several times yearly through bill inserts and routinely during payment agreement negotiations. PPL Electric customers can enroll in budget billing using the website or PPL's interactive voice response system. PPL Gas customers must call to enroll in the program. PPL imposes no budget billing restrictions regarding the residential rate class. PPL also offers budget billing to commercial customers as well.

PPL Electric states that it offers a 12 month budget billing plan and conducts quarterly reviews of customer payment amounts during the year. PPL Gas offers a 12 month budget billing plan and conducts reviews in October, January and April. The primary purpose of these reviews is to adjust the monthly budget amount, if appropriate, in order to avoid ending the budget year with a large balance owed to either companies or a large credit owed to the customer. If the customer owes more than \$4, the customer has the option of paying the full amount upfront or paying it in 4 equal installments over the next 4 billing periods. If the customer has a budget billing credit, PPL Electric applies the credit to the customer account.

If a PPL Gas customer owes a balance, PPL divides the amount of the balance owed by 12 months and adds that amount to the new budget billing amount for the next year. If a gas customer has a credit balance, PPL divides the amount of the balance by 12 months and lowers the budget billing amount accordingly.

<sup>3</sup> See 52 Pa. Code § 56.223 (relating to inconsistent tariff provisions).

<sup>4</sup> Our regulation requires electric, natural gas steam heating utilities to offer budget billing. Water utilities may also offer budget billing.

It is the opinion of PPL that utilities must offer residential customers an optional billing procedure that averages utility service costs over a period of 10, 11, or 12 months. Based upon PPL's application of Section 56.12(7), PPL is of the opinion that the Commission's interpretative rule in this order is clear and does not require the development of a policy statement.

### **Columbia Gas of Pennsylvania**

In its comments, Columbia states that it supports the comments filed by the Energy Association of Pennsylvania, which will be discussed later, and agrees that no policy statement is necessary concerning this issue. Columbia questions the need for the interpretative order itself, in light of the fact that the regulation is nearly thirty years old and no interpretive order or policy statement has been required to this point.

Columbia further states that it implemented Section 56.12(7) shortly after it was promulgated with the involvement and support of the Commission's Bureau of Consumer Services (BCS). To the extent a different interpretation is now being pursued, Columbia suggests that it could be addressed as the initial interpretation had been done, through discussions with BCS, rather than through an interpretative order or policy statement.

Columbia submits that "the plain language of the regulation does not prohibit utilities from basing equal monthly billing on a usage period that averages less than 10 months or greater than 12 months. Instead, the explicit language of the regulation requires utilities to provide an optional billing program which averages estimated utility service costs over a 10, 11, or 12 month period. In other words, as long as a utility provides customers with an optional billing program that averages estimated service costs over a 10, 11, or 12 month period, the utility may also base budgets on periods of less than 10 months or greater than 12 months for those customers who do not take advantage of the optional billing procedure required by regulation." Columbia also avers that "the plain language of the regulation requires utilities to take an action, it does not prohibit one; there is no prohibitory language in the regulation that would prevent a utility from offering budgets calculated on time periods other than 10, 11, or 12 months, as long as it also offers a budget billing program that meets the requirements of the regulation." Columbia comments at p. 2, 3.

In addition, Columbia submits that "nothing in the language of the regulation requires budget-billing programs to be available on demand (i.e., "rolling" enrollment throughout the year)." Rather, Columbia believes that both the language of the regulation as well as its experience with BCS in implementing this regulation over the last 20 years, suggest that the ultimate goal of the regulation is to levelize the seasonal fluctuations in service charges to ease the burden of paying high seasonal bills, and it submits, rolling enrollment will not always achieve this goal. Columbia notes that it uses a "budget season concept." Customers are notified annually through a billing insert that they can enroll in the budget program in August. Their budget year continues through the next July at which time it is reconciled and the customer is automatically enrolled in the program for the following year by paying the projected budget amount. Columbia believes that its budget billing season is precisely in line with the regulation.

Columbia advises that its program is designed so that the annual true-up occurs in summer, when gas bills are at their lowest. This design feature of the program

prevents the true-up from occurring in the winter months, when customers' consumption and bills are already at their highest.

Columbia notes that its Customer Information System was designed and implemented in the 1980s with input from BCS. Columbia states that during the creation of its new billing system, BCS did not ask Columbia to program its system to provide for enrollment anytime during the year. Columbia asserts that during meetings with BCS personnel, BCS agreed with Columbia's representatives that it would be in the customer's best interest not to establish a customer on a rolling 10, 11, or 12 month budget billing program during the winter period that could require the budget true-up during the winter months, particularly with the relatively high gas costs that were in effect at that time. Columbia opines that creating a scenario such as this would cause seasonal fluctuations in utility bills and potential payment problems for customers, which is exactly what the regulation attempted to eliminate. Columbia submits that its traditional budget-season concept eliminates this problem.

Columbia also suggests that the 10, 11 or 12 month language of the regulation was likely intended to address the reality that rolling enrollment was not contemplated by the regulation, not in the best interest of customers, nor even possible with the available technology of the late 1970s and early 1980s. If rolling enrollment were contemplated, or in the best interest of customers or even possible, there would be no reason for the regulation to permit 10, 11 or 12 month budget periods because this—by definition—would not "eliminate, to the extent possible, seasonal fluctuation in utility bills." Columbia states, "If rolling enrollment were desirable or possible, the regulation would have been written to require all budgets to fully consider all 12 months so as to entirely eliminate seasonal fluctuation, rather than permit budgets based on 10 months which could unnecessarily increase a customer's monthly payments."

Furthermore, Columbia suggests that the inclusion of the 10 month and 11 month language supports the notion that the regulation contemplated a budget season of one to three months, with an annual true-up during the summer months so as to protect customers from seasonal fluctuation to the fullest extent possible.

In addition to Columbia's budget billing program required under the regulation, Columbia will begin offering an Extended Budget Payment Plan to its customers for this winter only due to the unprecedented increase in gas prices. This plan will allow the customer to enroll in a budget-billing program, which will spread the payment of their gas bills over a longer period of up to 18 months. The true-up for the Extended Budget Promotion will be in July 2007.

Columbia states that if the Commission now believes that it is in the customer's best interest to permit them to enroll in the basic budget-billing program at any time of the year, and to have a true-up during the winter months, Columbia will change its system to accommodate that process. However, Columbia notes that this differs from the philosophy existing when Columbia's budget-billing program was designed, and some customers will likely complain about the change in which they would have to true-up their budget during the winter months instead of during the summer months when bills are lower.

With regard to other issues raised as elements of an acceptable budget billing program, Columbia generally agrees with the interpretation; however, Columbia sees no

need for an interpretive order or for a policy statement. Specifically, Columbia agrees that budget billing: (1) should be available to all utility customers with resident end-use respective of the rate the account is billed; (2) must be the method by which customers in arrears pay current bills while liquidating the past due amounts owed the utility; and (3) accounts are to be routinely monitored and adjusted consistent with the Commission's regulations, however, Columbia adds that a true-up is also necessary.

In conclusion, it is Columbia's opinion that utilities should have the flexibility to offer various types of payment plan options to its customers, which include budget billing, as long as they provide a program that gives customers the option of spreading their consumption over 10, 11, or 12 months. Columbia also believes that traditional "budget-season" type programs are the most appropriate means of implementing the intent of the regulations because they consider the impact of the true-up on the customer and guarantee that the true-up will occur in periods where the customer's bill is expected to be low. Nevertheless, if the Commission desires to move away from "budget-season" type programs and permit true-ups to occur during the months of high bills, Columbia is prepared to modify its information system to accommodate the Commission's new interpretation.

#### **Office of Consumer Advocate**

In its comments, the Office of Consumer Advocate (OCA) states that it supports budget billing as a critical tool for enabling customers of all energy and water utilities to manage their utility expenses responsibly and especially important in aiding payment-troubled customers to keep up with current bills while paying down past due amounts through payment arrangements. Additionally, OCA supports the Commission's December 8th interpretation, in which the Commission declared that there can be no restriction on customer's ability to avail themselves of budget billing; OCA also supports the declaration that budget billing based on usage periods of less than 10 months is invalid; as well as the four elements deemed part of an acceptable budget billing program listed on pages 2 and 3 of the order. However, the OCA has identified several areas in which it submits that additional guidance from the Commission would be beneficial to consumers.

Because of the effectiveness of budget billing, OCA would support even greater outreach and encouragement of low-income or payment troubled customers to use budget billing. OCA suggests that every contact, whether it be in negotiating a payment arrangement, providing a reminder of an overdue bill, or otherwise, be used as an opportunity to encourage customers to take advantage of budget billing. OCA submits that it would be appropriate for utilities, if they do not already do so, to encourage all new applicants for service to consider utilizing budget billing. OCA is of the opinion that this is particularly important for natural gas customers. Use of budget billing is one way customers can cope with the price volatility that exists in the market for natural gas and the impact it has on their individual bills.

OCA's experience with the use of budget billing in the natural gas industry leads it to conclude that it would be in the public interest for the Commission to provide further guidance on the use of § 56.12(7) by natural gas utilities in particular.

OCA's first concern stems from the introduction of quarterly adjustments for Purchased Gas Cost (PGC) rates. The persistent volatility in natural gas costs has meant an almost certain quarterly adjustment in PGC rates. In particularly volatile periods, these quarterly adjustments to PGC rates can be quite large. OCA states that because, under the Commission's rule, budget bills are adjusted only three times per year, there is the potential for a sizable change in the budget bill amount when more than one PGC increase is reflected in a given budget bill adjustment. To eliminate this possibility, the OCA encourages the Commission to offer additional guidance directed to natural gas utilities, recommending that they move to quarterly budget billing adjustments that are tied to the quarterly changes in their PGC rates. Because there is the possibility of four PGC changes in one year and only three budget billing adjustments, at least one of the budget billing adjustments may reflect two intervening PGC changes. In such cases, if the intervening changes are increases, it is very possible at the next budget billing adjustment, the customer could see a sharp increase in the amount billed.

OCA submits that if one of the objectives of budget billing is to establish some degree of predictability for the customer as to the amount he or she will owe for utility service, the current situation with natural gas prices plays havoc with achieving that objective. Indeed, under current conditions, that objective may be difficult to reach. Perhaps a more realistic goal would be to smooth the increases, so that no single adjustment produces rate shock. It is for this reason that OCA proposes quarterly budget billing adjustments for natural gas utilities that are linked to quarterly adjustments in PGC rates.

OCA avers that the language of § 56.12(7) lends itself to this possibility. It states that, "The utility shall review accounts at least three times during the optional billing period." OCA notes that nothing prevents a utility from performing more than three reviews. Where doing so would aid in smoothing potentially steep mid-term increases in budget billing amounts, and likely promote better payment performance on the part of customers, it seems it would be in the public interest for the Commission to urge natural gas utilities to utilize § 56.12(7) in this way.

The Commission's December 8th order emphasizes that § 56.12(7) allows budget billing to be based on a 10, 11, or 12 month cycle. OCA submits that because of the high natural gas costs that have significantly inflated the amount of monthly budget bills, twelve months should be the standard budget billing period utilized by natural gas companies. Spreading the costs over any shorter period will only make already high bills even higher. Therefore, natural gas utilities should be encouraged to use the 12 month period. To the extent that they offer shorter options to customers, the companies should clearly explain to customers the potential for increased bills if such an option is chosen.

Another concern of OCA is its understanding that not all utility budget billing plans allow for the rollover of year-end debit balances into the following year's budget billing obligation. For instance, some programs require customers to pay the entire under collection in a lump sum at the end of the billing cycle. In cases where rollover is permitted, companies vary as to the number of months they allow for amortization of the balance. OCA's view is that permitting rollover should be the standard practice for all utilities and that the amortization period should extend through the full twelve months of the

following budget year. OCA submits that at the end of the billing cycle, if a balance is owed, the balance should become part of the next 12-month budget bill, unless the customer affirmatively chooses to pay the balance due in a lump sum. Allowing such treatment offers yet another way to smooth customers' bills. OCA urges the Commission to encourage all energy and water utilities to design their budget billing programs to permit rollover of year-end customer balances into the following year's budget calculation and to permit amortization of that balance over the entire 12 month period.

Lastly, OCA is concerned with the compression of mid-term adjustments. For instance, as gas companies, and presumably other utilities, conduct their mid-term reviews and adjustments of budget bills, they attempt to target a zero balance for the end of the budget billing period. In doing so, they force any corrections to be made over ever-shorter periods of time. For example, if the first review occurs four months into the budget year, any projected shortfall would be spread over the remaining eight months. If the second review occurs seven months into the year any shortfall would be spread over just the five remaining months of the year. Where the shortfall is sizeable as it might be when there has been a sharp rise in natural gas costs since a previous adjustment, compressing recovery into such a short time period can itself produce large increases in the budget amount. Instead of attempting to recoup these amounts over the remainder of the budget year, the OCA recommends that mid-term adjustments be calculated to permit recovery of any shortfall over the succeeding twelve months. The result would be that budget bills would be put on a "rolling" 12 month basis. One byproduct of such a process would be that annual true-ups would be foregone since each adjustment in effect "trues up" and rolls the correction into the next 12 month period.

In the interest of helping unexpectedly large (and potentially unaffordable) increases in budget bills from compressing corrections into short periods, the OCA recommends that companies consider utilizing a rolling 12 month budget billing program. The OCA urges the Commission to consider each of these recommendations in developing a final interpretive rule or policy statement on budget billing.

#### **Office of Trial Staff**

In its comments, OTS stated that it supports the Commission's interpretation of its Equal Monthly Billing regulations, specifically, as it relates to the application of § 56.12(7). It would seem that the establishment of an equal monthly billing program based upon consumption history of less than 10 months could potentially create an artificially high average bill going forward and that the most equitable process in establishing budget billing would be to use a longer consumption history.

Furthermore, OTS supports the Commission's clarification of other elements of an acceptable budget billing program. OTS states that the requirement that budget accounts be routinely monitored and adjusted consistent with the Commission's regulations to prevent over or under collections is of particular concern, especially in this era of gas price volatility which could result in customers being responsible for a higher than usual true-up billing at the end of the budget billing cycle. OTS submits that it should be clarified in the context of an interpretive rule whether adjustments to budget ac-

counts should be made based solely upon a change in costs of purchased gas or whether they could, or should, also include an adjustment to recover any over/under recovery that has occurred to that point in the budgeting.

OTS also suggests, that with respect to true-ups, clarification is needed regarding the appropriateness of allowing a utility to spread a large true-up amount (a true-up amount more than 100% of the current budget billing amount) over the remaining term of the budget billing plan, or whether the true-up amount should be spread over the course of several months following the end of the budget billing plan. OTS submits, that in this context, it would be acceptable for the Commission to establish a guideline as to what constitutes a "large" true-up amount and the process by which the utilities should seek to recover that true-up amount.

#### **Energy Association of Pennsylvania**

In its comments, EAP states that it represents 12 major electric and natural gas energy distribution companies in Pennsylvania. EAP states that all of its members provide budget billing programs which have been sanctioned by BCS. Moreover, in keeping with the Governor's Stay Warm PA initiative this year, EAP's members have been and will continue to promote their individual budget billing programs.

Inasmuch as budget billing programs have been mandated by PUC regulations for over 25 years, EAP does not see the need for a policy statement on this issue. EAP believes that the current regulation is sufficient. However, with respect to certain of its natural gas distribution company members, existing budget billing programs provide for a customer to enroll early in the fall so as to ensure that the annual reconciliation or "true-up" occurs during the summer months when gas prices have been historically low. Accordingly, in order for these companies to maintain a summer reconciliation for all customers, if a customer opted for budget billing in a time-frame other than the annual enrollment period, the initial budget amount could be set for a period of less than 10 months. Once the customers go through his first reconciliation, the budget would be paid over a 12 month period allowing for summer reconciliation. EAP avers that this program design, which was discussed with BCS, was employed in order to protect customers from seasonal fluctuations, to the fullest extent possible by setting the reconciliation period during the summer for all participants.

Other natural gas distribution company members' existing budget programs provide for customers to enroll at any time throughout the year and also provide for an annual summer "true-up", but do not "true-up" new budget customers in their first year of participation in the program. This program design may allow for an initial budget period longer than 12 months.

EAP states that the interpretive rule set forth in the December 8, 2005 order does not explicitly acknowledge the "summer reconciliation" policies by some of the natural gas distribution companies and may require that all utilities allow for a reconciliation on the anniversary date of enrollment, regardless of the time of year in which enrollment occurs. Natural gas distribution companies do not believe that this is mandated by the interpretive rule, inasmuch as it does not benefit their customers to have a winter reconciliation.

Accordingly, EAP respectfully requests that the PUC acknowledge as reasonable and appropriate summer true-up policies. It would not be reasonable or good for customers if the PUC were to disallow summer true-ups,

and/or to require a full 10, 11, or 12-month initial budget billing period, thereby eliminating any consistent reconciliation period and creating reconciliation periods that would fall throughout the year. In addition, such a ruling would impose significant additional costs on the industry because certain PA natural gas distribution companies would be required to undertake extensive modifications to their billing systems in order to comply.

If, however, the PUC were to order reconciliation on the anniversary date of enrollment, EAP, on behalf of those affected members, respectfully requests that the PUC provide a reasonable amount of time (six months from the issuance of a final Commission Order) to allow the affected companies the opportunity to make the necessary programming modifications, test their system, and finally, implement a design which provides for reconciliation throughout the year based on enrollment date.

### Disposition

The initial determination the Commission must make is whether a policy statement or further interpretive rule regarding § 52.12(7) is necessary. An interpretive rule does not establish a binding standard of conduct, and need not be promulgated in accordance with the Commonwealth Documents Law. *Lowing v. Public School Employees' Retirement Board*, 776 A.2d 306, 309 (2001). "For an interpretive rule to be viable, however, it must genuinely track the meaning of the underlying statute, rather than establish an extrinsic substantive standard." *Id.* Similarly, a policy statement does not have the force of law, and is merely interpretive in nature. *Shenango Township Board of Supervisors v. Pa. PUC*, 686 A.2d 910, 914 (1996). "The value of a policy statement is only persuasive, so long as it represents an accurate interpretation of the relevant statute or other authorities from which it is derived." *Id.* at 914. The only legal requirements to adopting a policy statement are that the order be published in the *Pennsylvania Bulletin* and codified in the *Pennsylvania Code*. 45 Pa.C.S. §§ 702, 221. EAP, PPL and Columbia Gas take the position that an interpretive rule or policy statement is unnecessary. Based on our review of the practices and issues raised with respect to budget billing, we find that issuance of this Final Interpretive Rule will provide beneficial and necessary guidance to utilities and ratepayers alike.

As reported by the various responding utilities, several different budget billing programs are being offered to customers. All commentators agree that budget billing is the most effective way to levelize monthly utility bills and aid payment troubled customers. Also, all agree that it is in the best interest of consumers and utilities that consumers be able to afford their utility bills. As such, we must be mindful of the effect that large utility bills will have on payment troubled and low income customers.

### Rolling Enrollment

Based upon the comments, we reiterate the statements made in our December 8th order. We hereby clarify that all residential customers should be allowed to enroll in a budget billing program on a rolling basis, that is, enrollment should be permitted at any time during the year. This will allow customers to obtain the maximum benefits from the program, while benefiting utilities by reducing their exposure to uncollectible expenses. Utilizing a rolling basis program will allow customers who find themselves unable to make large monthly utility bill payments the opportunity to budget their finances so that consistent monthly payments can be made.

Therefore, the permitted parameters of an acceptable budget billing program are as follows. Every utility budget billing program should allow the enrollment of new customers, and existing customers not previously enrolled in a budget billing program on a rolling basis. To accomplish this aim, there can be no time restriction on customers' ability to avail themselves of budget billing procedures based upon a 10, 11, or 12 month past usage period.

### Past Usage Period to Estimate Budget Billing Amount

In addition, it is acceptable for an initial budget period to exceed 10, 11 or 12 months, but basing equal monthly billing on a usage period that averages less than 10 months violates the Commission's regulations and is therefore invalid. This interpretation, which is consistent with the regulation, means that when a customer enrolls in a budget billing program, the utility must use that customer's consumption from the previous 10, 11, or 12 month period when determining the customer's monthly budget billing payment for the year. If a new customer with no prior history applies for enrollment in a budget billing program, the monthly budget amount for the year must be based on a valid estimate of potential use for a 10, 11, or 12 month period. 52 Pa. Code § 56.12(7).

### Periodic Review of Budget Billing Amount

Pursuant to current regulations, utilities are permitted to review customer accounts a minimum of three times during the budget billing period and make adjustments as necessary to the monthly budget billing amount. The word "minimum" leaves room for more frequent review periods if necessary. In keeping with the spirit and intent of this regulation, as recommended in OCA's comments, we encourage natural gas companies to review and adjust budget bills quarterly in order to coincide with their PGC adjustments. Quarterly adjustments to budget bills will help customers cope with the price volatility that exists in the natural gas industry.

### Budget Billing Year-End True-ups

OTS recommended that we issue a clarification on annual true-ups and define what is considered a large true up. A true-up occurs when the company calculates its charges and the customer's usage at the end of the annual budget billing period to determine if the customer has underpaid or overpaid for services. Ordinarily, the customer should be given 3-6 months to pay off that amount. If the annual true-up is 100% or more of the monthly billing amount, the customer should be allowed to roll that amount into the next budget billing period for payment over 12 months. We expect utilities to exercise good judgment in dealing with these situations.<sup>5</sup> If, however, an overpayment has occurred, the customer should be given a choice to either receive a lump sum payment refund or have the overpayment spread over the next budget year to possibly decrease the monthly budget billing amount.

### Winter True-ups

Columbia and EAP have both stated that winter true-ups for heating customers are undesirable. We agree. The true-up period should occur in the spring and summer months so as to not inflate the budget amount when bills

<sup>5</sup> Given that utilities are obligated to review and adjust the monthly budget billing amount at least three times during the year, the frequency of annual true-ups of 100% or more should be relatively low.

are already at their highest during the winter heating season. For instance, if the customer enrolls in the budget billing program in the winter, the true-up should occur after the next heating season in the spring and summer.

#### Customer Outreach

In regard to customer outreach, we agree with the OCA and strongly encourage utilities to use every contact with a low income or payment troubled customer as an opportunity to encourage them to take advantage of budget billing. Contacts include, but are not limited to, negotiating a payment arrangement and providing a reminder of an overdue bill.

Therefore, based on our review of the comments and our interpretation of § 56.12(7), these elements are essential to an acceptable budget billing program:

- Budget billing must be available, on a rolling enrollment basis, to all utility customers with residential end use irrespective of the rate the account is billed.<sup>6</sup>
- Based on well-established case history, budget billing must be the method by which customers in arrears pay current bills while liquidating the past due amounts owed the utility.<sup>7</sup>
- Budget accounts are to be routinely monitored and adjusted at least three times per year, consistent with the Commission's regulations to prevent over or under collections to the extent possible.
- Natural gas utilities should adjust budget bills at least four times per year, in conjunction with their Purchased Gas Cost (PGC) rate adjustments.
- The budget billing payment period must be a minimum of 12 months, with no annual true-ups occurring during the winter heating season.
- If the true-up amount is less than 100% of the budget amount, customers should be given 3-6 months to pay off that amount.
- If the true-up amount is 100% or more of the budget amount, customers should be given 12 months to pay off that amount.
- Any tariff provision that is inconsistent with the Commission's interpretation of its regulation is deemed null and void.<sup>8</sup>

As requested by EAP, we will allow affected natural gas, electric and steam heating companies six months from the entry date of this Order to make the necessary programming modifications, test their system, and finally, implement a design which complies with this order. By allowing rolling enrollment in budget billing programs and mandating adjustments to the budget billing amount at least three times per year, we reduce the likelihood of having large true-ups at the end of the budget year. Given the utilities' obligation to review budget billing amounts 3-4 times per year, large true-ups should be the exception. By doing this we are providing a way for companies to smooth customer bills and decrease their exposure to uncollectible expenses. We strongly encourage utilities that do not presently have these elements in place to work with BCS to ensure that their new system contains the elements that comply with the letter and intent of this Final Interpretive Order. The Commission will incorporate this Final Interpretive Order in the next Chapter 56 rulemaking.

<sup>6</sup> See 52 Pa. Code § 56.1 (relating to definition of *residential service*).

<sup>7</sup> *Mary Frayne v. PECO Energy Company*, C-20029005 (Order entered September 10, 2003).

<sup>8</sup> See 52 Pa. Code § 56.223 (relating to inconsistent tariff provisions).

Therefore,

*It Is Ordered That:*

1. A copy of this Final Interpretive Order be published in the *Pennsylvania Bulletin*.
2. A copy of this Final Interpretive Order be served on all jurisdictional electric, gas, water, and steam heating companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Energy Association of Pennsylvania and the Public Utility Law Project.
3. Companies with computer systems unable to comply with this order are given six months from the entry date of this Final Interpretive Order to comply.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1147. Filed for public inspection June 16, 2006, 9:00 a.m.]

#### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance 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 July 10, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-00122852. D & Y Corporation** (128 Huntingwood Drive, Lancaster, Lancaster County, PA 17602), a corporation of the Commonwealth—persons, in paratransit service, between points in the Counties of Chester, Lancaster and Montgomery.

#### **Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.***

**A-00122529. F.4. Founders Crossing, Inc.** (100 S. Juliana Street, Bedford, Bedford County, PA 15522)—a corporation of the Commonwealth, for the additional right to transport, as a common carrier, by motor vehicle, persons on scheduled route service between the Borough of Bedford and the Township of Bedford, both in Bedford County, over the following route: Beginning at Pennsylvania Hotel on Business Route 30 (Pitt Street); in Bedford Borough; thence south on Richard Street (Old Route 220 South) to its intersection with Penn Street; thence left onto Penn Street (East Route 30) to the UMPC (Hospital); thence returning by way of Business Route 30 West to the Borough of Bedford to its intersection with Cumberland Road; thence on Cumberland Road to its intersection with Blanche Street, thence by way of Blanche Street to its intersection with Lenora Street; thence by way of Lenora

Street to its intersection with West Penn Street; thence by way of West Penn Street to its intersection with Business Route 30 East; thence by way of Business Route 30 East to the UMPC (Hospital), thence returning on Business Route 30 West to its intersection with Donohue Manor Road; thence by way of Donohue Manor Road to its intersection with Watson and Juliana Streets; thence by way of Juliana Street to its intersection with Barclay Drive; thence by way of Barclay Drive to Echo Vale Drive, thence on Echo Vale Drive to its intersection with Fyan Street; thence on Fyan Street to its intersection with Green Lane; thence by way of Green Lane to its intersection with Spring Road; thence by way of Spring Road to its intersection with Richard Street (Business Route 220); thence by way of Route 220 to the Bedford Springs Hotel in Bedford Township; thence returning by way of Route 220 North to past the Pennsylvania Turnpike entrance to the Bedford County Industrial Park/Bedford County Airport; thence south on Business Route 220 to the Borough of Bedford to its intersection with Route 30 West; thence on Route 30 to Shawnee State Park; thence returning to the point of origin by way of Route 30 East.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1148. Filed for public inspection June 16, 2006, 9:00 a.m.]

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### Telecommunications

**A-310752F7005. North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC.** Joint petition of North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC, by its counsel, filed on May 22, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and MCImetro Access Transmission Services, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1149. Filed for public inspection June 16, 2006, 9:00 a.m.]

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### Telecommunications

**A-311407F7001. Verizon North, Inc. and Eureka Telecom, Inc.** Joint petition of Verizon North, Inc. and Eureka Telecom, Inc. for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and Eureka Telecom, Inc., by its counsel, filed on May 24, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Eureka Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1150. Filed for public inspection June 16, 2006, 9:00 a.m.]

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### Telecommunications

**A-311407F7000. Verizon Pennsylvania, Inc. and Eureka Telecom, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Eureka Telecom, Inc. for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Eureka Telecom, Inc., by its counsel, filed on May 24, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Eureka Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1151. Filed for public inspection June 16, 2006, 9:00 a.m.]

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## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v. Juan Serrano; Doc. No. 0588-56-06**

On April 5, 2006, Juan Serrano, license No. RS292590, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated March 21, 2006, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.



Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Real Estate Commission (Commission) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of the petition for review. The Commission contact for receiving service of appeals is the previously named Commission counsel.

JOSEPH TARANTINO, Jr.  
*Chairperson*

[Pa.B. Doc. No. 06-1152. Filed for public inspection June 16, 2006, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### 2005 Common Level Ratio

The State Tax Equalization Board (Board) has established a common level ratio for each county in this Commonwealth for the calendar year 2005. The ratios were mandated by the act of December 13, 1982 (P. L. 1158, No. 267).

The law requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 2005 common level ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2005.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the common level ratio for each county for 2005.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2005 of 100% will utilize valid sales from 1% to 200%.

The common level ratios for 2005 are listed as follows:

### 2005 Common Level Ratios

<i>County</i>	<i>Ratio</i>
ADAMS	25.1
*ALLEGHENY	91.1
ARMSTRONG	37.0
BEAVER	30.2
*BEDFORD	18.3
*BERKS	75.0
BLAIR	8.2
BRADFORD	38.0

<i>County</i>	<i>Ratio</i>
*BUCKS	9.9
BUTLER	9.8
*CAMBRIA	27.8
CAMERON	32.5
CARBON	36.5
CENTRE	30.9
*CHESTER	54.9
CLARION	18.6
CLEARFIELD	18.3
CLINTON	23.6
COLUMBIA	28.8
CRAWFORD	33.1
*CUMBERLAND	87.8
*DAUPHIN	75.3
*DELAWARE	64.7
ELK	18.3
*ERIE	84.8
*FAYETTE	87.5
FOREST	20.7
*FRANKLIN	10.7
*FULTON	38.3
*GREENE	82.6
HUNTINGDON	13.4
INDIANA	16.1
*JEFFERSON	54.0
*JUNIATA	16.1
*LACKAWANNA	16.8
*LANCASTER	82.1
*LAWRENCE	87.7
*LEBANON	14.7
LEHIGH	31.7
LUZERNE	5.8
*LYCOMING	91.2
*MCKEAN	91.5
*MERCER	27.2
MIFFLIN	45.8
MONROE	14.1
*MONTGOMERY	53.4
*MONTOUR	10.1
NORTHAMPTON	31.5
*NORTHUMBERLAND	27.5
*PERRY	75.0
PHILADELPHIA	28.6
PIKE	18.3
*POTTER	36.8
SCHUYLKILL	40.4
SNYDER	15.2
SOMERSET	36.9
*SULLIVAN	65.9
SUSQUEHANNA	35.2
*TIOGA	79.9
UNION	14.6
*VENANGO	95.7
WARREN	34.1
WASHINGTON	13.7
*WAYNE	81.3
*WESTMORELAND	19.6
WYOMING	21.8
*YORK	72.2

\*Counties with a Predetermined Assessment Ratio of 100%

JAMES A. ZURICK, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 06-1153. Filed for public inspection June 16, 2006, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services	③ Contract Information
Location:	Harrisburg, Pa.	④ Department
Duration:	12/1/93-12/30/93	⑤ Location
Contact:	Procurement Division 787-0000	⑥ Duration

⑦ (For Commodities: Contact: Vendor Services Section  
717-787-2199 or 717-787-4705)

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

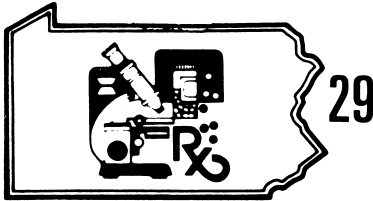
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://www.patreaury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

## SERVICES



### Medical Services

**CN00021180** Objective: To provide non-emergency ambulance service for routine medically necessary trips and transportation service for non-medically necessary trips to the hospital or physician office visits for residents of South Mountain Restoration Center.

**Department:** Public Welfare  
**Location:** DPW, South Mt. Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Five-Year Contract  
**Contact:** Jennifer Karper, Financial Mgr., 717-749-4012

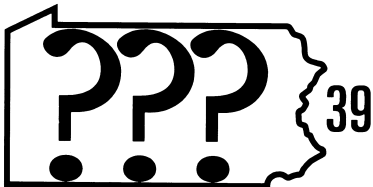
**CN00021178** 1,500 ea 3D Ivan Targets for Caswell Target Lifters (PA National Guard Range, Ft. Indiantown Gap), bid opening date: 8 June 06, 2:00 p.m., for bid package please contact Regine Hensel, fax 717-861-2932, e-mail: [rhensel@state.pa.us](mailto:rhensel@state.pa.us), telephone 717-861-8455.

**Department:** Military Affairs  
**Location:** Ft. Indiantown Gap, Annville PA  
**Duration:** June/July 2006  
**Contact:** Regine Hensel, 717-861-8455

**CN00021073-Nursing Uniforms** Nursing Uniforms for the Hollidaysburg Veterans Home. Employees must be able to go to a shop that is within a 10 mile radius to try on uniforms and then order, if needed, their sizes. This will be a 12 month supply starting 01 July 2006, and ending 30 June 2007. There are approximately 250 nursing employees that receive 3 uniforms per year. The bid opening is tentatively scheduled to be held 06/12/06. Vendor must be registered with the Commonwealth. In order to do so, please visit [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). If you would like a bid packet, please either e-mail or fax your request, along with your Vendor Registration Number, to the information below.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, P.O. Box 319, Rt. 220 and Meadows Intersection, Hollidaysburg, PA 16648-0319  
**Duration:** 01 July 2006 through 30 June 2007  
**Contact:** Becky J. Clapper, fax: 814/696-5395

[Pa.B. Doc. No. 06-1154. Filed for public inspection June 16, 2006, 9:00 a.m.]



### Miscellaneous

**4500326183** 180 - 551301 Mycoplasma Gallisepticum Plate Antigen, Plate agglutination test antigen unit 10 ml., 160 - 551401 Mycoplasma Synovia Plate antigen 10 ml Plate Agglutination test antigen. Antigen must be of the longest shelf life available. Vendor will ship only when requested and then only the amount that the agency requests for each shipment. Shipments to begin after July 1, 2006 and ending June 30, 2007. These supplies are for the Pennsylvania Veterinary Laboratory.

**Department:** Agriculture  
**Location:** Pennsylvania Veterinary Laboratory, 2305 N. Cameron Street, Harrisburg, PA 17110  
**Duration:** July 1, 2006 - June 30, 2007  
**Contact:** Lew Newpher, 717-787-8808

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*

